

committee agenda



**Webcast
Meeting**



**Epping Forest
District Council**

District Development Control Committee Tuesday, 2nd December, 2008

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 7.30 pm

Democratic Services Officer: Simon Hill, The Office of the Chief Executive
Tel: 01992 564249 Email: shill@eppingforestdc.gov.uk

Members:

Councillors B Sandler (Chairman), M Colling (Vice-Chairman), K Chana, Mrs A Cooper, R Frankel, Mrs R Gadsby, A Green, Mrs A Haigh, J Hart, J Markham, R Morgan, P Turpin, H Ulkun, J Wyatt and Mrs L Wagland

A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP SPOKESPERSONS OF THE-COMMITTEE, AT 6.30 P.M. IN COMMITTEE ROOM 1 PRIOR TO THE MEETING

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 together with a plan showing the location of the meeting.

3. MINUTES (Pages 7 - 12)

To confirm the minutes of the last meeting of the Committee held on 7 October 2008. (attached)

4. APOLOGIES FOR ABSENCE

5. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

6. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

7. 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.

8. PLANNING APPLICATION EPF/1840/08 - 13 WINDSOR WOOD, WALTHAM ABBEY - FELLING OF PRESERVED SYCAMORE PROTECTED BY TPO/EPF/10/90/G3. (Pages 13 - 18)

(Director of Planning and Economic Development) to consider the attached report.

9. PLANNING APPLICATION EPF/1771/08 - UNIT 1, HIGHBRIDGE RETAIL PARK, HIGHBRIDGE STREET, WALTHAM ABBEY, ESSEX, EN9 1BY - VARIATION OF CONDITION 5 ATTACHED TO PLANNING PERMISSION EPF/808/93 (Pages 19 - 28)

(Director of Planning and Economic Development) to consider the attached report.

10. PLANNING APPLICATION EPF/1305/08 – 1 CARTERSFIELD ROAD, WALTHAM ABBEY, ESSEX, EN9 – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF NEW 'LIDL' FOODSTORE AND CONSTRUCTION OF FIVE START-UP INDUSTRIAL UNITS (REVISED APPLICATION) (Pages 29 - 44)

(Director of Planning and Economic Development) to consider the attached report.

11. **PLANNING APPLICATION EPF/2358/07 – 92 CROOKED MILE, WALTHAM ABBEY - PROPOSED SECTION 106 AGREEMENT AND PARKING CONDITION (Pages 45 - 62)**

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

12. **PLANNING APPLICATION EPF/1909/08 – 162 FOREST ROAD, LOUGHTON – ROOF EXTENSION AND RAISING OF FIRST FLOOR FLANK WALL (Pages 63 - 68)**

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

13. **PLANNING APPLICATION EPF/1765/08 – OAK LODGE, WOOLMONGER’S LANE, HIGH ONGAR – SINGLE STOREY SIDE EXTENSION. (Pages 69 - 76)**

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

14. **PLANNING APPLICATION EPF/1478/08 – THE MEADOW, PEDLARS END, MORETON – DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF REPLACEMENT TWO STOREY FOUR BEDROOM DWELLING. (Pages 77 - 88)**

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

15. **EXCLUSION OF PUBLIC AND PRESS**

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.

- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

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

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

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.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

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. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

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'

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 7 October 2008
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 7.57 pm
High Street, Epping

Members Present: B Sandler (Chairman), M Colling (Vice-Chairman), K Chana, R Frankel, A Green, Mrs A Haigh, J Hart, J Markham, R Morgan, P Turpin, J Wyatt and Mrs L Wagland

Other Councillors:

Apologies: Mrs A Cooper and Mrs R Gadsby

Officers Present: S G Hill (Senior Democratic Services Officer), N Richardson (Principal Planning Officer) and P Tredgett (Information Assistant)

19. 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.

20. MINUTES

Resolved:

That the minutes of the meeting of the Committee held on 5 August 2008 be taken as read and signed by the Chairman as a correct record.

21. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The committee noted that no substitutes had been appointed for the meeting.

22. DECLARATIONS OF INTEREST

Pursuant to the Councils Code of Member Conduct, All members of the Committee declared a personal interest in agenda items 8 (Thatched House, Epping) and 10 (Scatterbushes Cottage, Fernhall Lane, Waltham Abbey) by virtue of the applicants being District Councillors. All members of the Committee stayed in the meeting and took part in the debate on those items.

23. ANY OTHER BUSINESS

It was noted that there was no further business, other than that on the agenda, for consideration at the meeting.

24. PLANNING APPLICATION EPF/1340/08 – THE THATCHED HOUSE HOTEL, 236 HIGH STREET EPPING, ESSEX, CM16 4AP – ERECTION OF NEW RECEPTION AREA, RENEWAL OF PLANNING CONSENT EPF/1892/05

The Committee considered a planning application seeking the renewal of planning consent EPF/1892/05 for the erection of a detached single storey reception area for the Thatched House Hotel previously granted permission in 2005. No changes had been made to proposal in the renewal application. No objections had been made to the proposal by ECC Heritage Officers.

The Committee heard from an objector to the application.

The Committee, having decided that no material changes had been made to the application, granted the application subject to listed conditions.

Resolved:

That planning application EPF/1340/08 be granted subject to the following 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) 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.

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing tree is potentially maintained by the provision of an adequate replacement tree.

(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.

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

(4) The fascia sign shall be painted timber and have a moulded frame; the lettering shall be painted by a signwriter, subject to the approval of the design.

Reason: In order to protect the character of the Listed Building.

(5) Additional drawings that show details of proposed new windows, doors, eaves, verges and cills by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.

Reason: In order to protect the character of the Listed Building.

25. PLANNING APPLICATION EPF/1319/0/8 – THEYDON CROFT, THEYDON ROAD, THEYDON BOIS – DEMOLITION OF EXISTING SINGLE STOREY EXTENSION AND ERECTION OF PART TWO AND PART SINGLE STOREY SIDE AND REAR EXTENSION WITH PART ATTIC (REVISED APPLICATION).

The committee considered an application referred by the Area Plans Sub Committee East with a recommendation for approval contrary to officer recommendation to refuse the application on Metropolitan Greenbelt Policy grounds.

The subcommittee had put forward the argument that given the scale of nearby development including some significant extensions in the vicinity, the proposal was not disproportionate, improved the symmetry of the building and therefore should be granted.

The Committee heard from the applicant in support of his application. A further representation from a neighbour in support of the application was noted.

The Committee concurred with the views of the subcommittee and agreed that the application should be granted in these individual circumstances. They asked that it be granted subject to conditions suggested by officer but also to include conditions covering the retention of the tree screening on the site and restrictions on working hours.

Resolved:

That planning application EPF/1319/08 be granted subject to the following 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 requirements of Section 91 of the Town & Country Planning Act 1990 as amended.

(2) Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

Reason:- To safeguard the visual amenities of the locality.

(3) All construction/ demolition works and ancillary operations (which include deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place

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.

Reason:- In the interests of the amenities of noise sensitive properties.

(4) Prior to first occupation of the building hereby approved the proposed window openings at first and second floor in the north facing side wall shall be fitted with obscured glass and have fixed frames to a height of 1.7m above the floor of the rooms in which the windows are to be installed, and shall be permanently retained in that condition.

Reason:- To prevent the overlooking of neighbouring properties.

(5) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the existing hedge or hedges which are to be retained, the minimum heights at which they will be maintained and appropriate trees within the hedge or hedges which shall be retained and allowed to grow on. The hedges shall thereafter be maintained in accordance with the approved details.

Reason:- To ensure the maintenance of screening to the site and to protect the character of the area.

26. PLANNING APPLICATION EPF/1433/08 – SCATTERBUSHES COTTAGE, FERNHALL LANE, WALTHAM ABBEY, ESSEX, EN9 3TJ – ERECTION OF A DETACHED GARAGE/GARDEN STORE

The Committee considered an application submitted by Councillor Webster for the erection of a garage/garden store containing two parking bays and storage space for garden equipment. The Committee noted that the building would be located within the front garden of the site, in the site of the original dwelling. The Committee granted the application.

Resolved:

That the planning application EPF/1433/08 be granted subject to the following 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) Within 1 month of first occupation of the building hereby approved, the existing garage shall be demolished and all resulting materials removed from the site.

Reason: To ensure a satisfactory appearance of the development and prevent an additional outbuilding being created in the Green Belt.

CHAIRMAN

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Report to District Development Control Committee

Date of meeting: 2 December 2008



**Epping Forest
District Council**

**Subject: Planning Application EPF/1840/08 – 13 Windsor Wood, Waltham
Abbey, Essex, EN9 3TJ – Felling of preserved sycamore protected
by TPO/EPF/10/90/G3.**

**Officer contact for further information: S. Solon
Committee Secretary: S Hill Ext 4249**

Recommendation:

**That the committee considers the officer recommendation to refuse
planning application EPF/1840/08.**

**Reason:- Insufficient justification has been provided in the application
to necessitate the felling of the preserved tree, which is contrary to
Landscape Policy LL9 of the Adopted Local Plan.**

Report

1. This item was deferred for consideration by District Development Control Committee as the applicant was not able to exercise their right address the Area Planning Subcommittee in October. The Committee are therefore asked to reconsider the application by way of complete rehearing.

Description of Proposal:

2. T1.Sycamore. Fell and replace.

Description of Site:

3. The tree stands close to the rear boundary fence of this terraced property, which forms part of a staggered residential development following the arc of Monkswood Avenue as it becomes The Cobbins. The property has added a conservatory to the rear elevation, which extends for approximately 11 feet into the 13 metre long, south facing garden.

4. At approximately 15 metres in height, with a crown spread of about 6 metres, this mature and vigorous tree forms a part of a line of eight similar sized, closely planted sycamores standing at the bottom of numbers 10,11 and 12 Windsor Wood. Three trees continue the line on open ground beyond the western boundary of number 10 to complete this dominant group, which constitutes a central landscape feature when approaching the site from the north or south along Broomstick Hall Lane. The raised ground level on which they stand, relative to this road, further increases their collective prominence and screening importance in softening views of the modern residential dwellings.

Relevant History:

TRE/EPF/1096/97 granted permission to lightly crown reduce the side growth of the trees standing at 11 and 12 and crown thin by 15%.

TRE/EPF/1193/03 granted permission to reduce the crown by 2 metres in height and 50% in spread metres.

Policies Applied:

Epping Forest District Local Plan and Alterations: LL9 Felling of preserved trees

Issues and Considerations:

5. The main reasons put forward with this application are the following:
 - Nuisance of debris from the tree.
 - Unreasonable loss of enjoyment of house and garden and safety issues.
 - Potential risk of structural damage.

6. The main planning considerations are:
 - Visual amenity of the tree
 - Life expectancy of tree
 - Suitability of tree in current position.
 - Planning issues.

Nuisance of tree debris

7. The applicant lists the amount of leaf matter, bird liming and honeydew sap, which combine to block the gutters of both the conservatory and the main house roofs. Moss has established itself due to shade conditions on the main roof and this also blocks gutters, when it is washed off the tiles.

8. The lawn, garden furniture and newly constructed patio suffer the worst effects of sap and bird liming, which are a source of hygiene concerns.

Loss of reasonable enjoyment

9. At present, the tree reduces light into the living room of the main house. The applicant states that lights must be kept on throughout the day. The effect is worsened because the house is set back and shielded by the neighbouring flank wall of number 12, which prevents westerly light into the house.

10. It is claimed that the garden is virtually unusable due to the debris problems described above and because the small garden is largely shaded for most of the day. This is true, to an extent, but the garden enjoys morning light due to the loss of a neighbouring tree. The contained crown spread reduces the direct canopy cover over the garden and drop zone and leaf fall comes from neighbouring trees.

11. Perceived risks of the tree falling and crushing the house have been submitted as a major source of fear, since the tree sways in the wind. There are no obvious physical defects visible on the tree, which indicate that the risk of tree failure must be considered low and carry little weight in the argument to remove it.

Potential risk of structural damage

12. It is not possible to accurately predict the potential for root induced subsidence damage to the house without the submission of technical information. The lightweight conservatory and patio area, both at closer range to the tree, will be at greater potential risk due to the likelihood of shallow foundations being used in their construction, though this observation is unsubstantiated.

13. No weight can therefore be given to this concern without supporting evidence.

Visual amenity.

14. This healthy and vigorous tree stands as the eastern most member of a mature line of trees, which are clearly visible from Broomstick Hall Lane. Its collective amenity value is high and its loss would be clearly noticed.

Life expectancy

15. The tree has undergone a comprehensive crown reduction in 2003, which has been tolerated well and therefore it is foreseeable that its life expectancy remains long ie in excess of 20 years.

Suitability of tree in current position

16. A tree of this size would normally need a considerable amount of space to be allowed to grow to its natural size. There have been repeated requests for reduction works to most the trees within the gardens of this residential development. Now the conservatory extension has been built the relationship between the house and the tree has become more incompatible at approximately 6 metres from the stem base.

Planning issues

17. Although, as noted, the garden is small and shady, it is not inherently unsuitable to have trees within it. It was noted that the neighbouring property at 14 Windsor Wood has lost a preserved tree and no record of its authorised removal can be found. There are signs of other tree removals on other parts of the site. However, that is not a reason for allowing another preserved tree to be removed.

18. A signed petition from 19 neighbouring residents has been submitted with this application, giving support for the removal of this tree. This indicates the strength of feeling in opposition to the trees. It is therefore predictable that, should permission be granted for the removal of the tree, a precedent will be set for future applications to remove other trees of this important group.

19. A suggestion to adopt a collective pruning regime was discounted due to differing personal circumstances and willingness to contribute to such a scheme.

Conclusion:

20. The tree has considerable public value as part of this prominent group, which greatly softens the view into this densely developed site. From this standpoint the tree must be retained to perform its function as a public amenity. It is a healthy tree, despite its harsh pruning history. Planning policy demands that tree removal is both

justifiable and necessary. Therefore, there is no justification to remove the tree on grounds of its poor health or structure.

21. The case balances the several arguments for its removal based on the straitened living conditions the applicants and their immediate neighbours are living in, as detailed above. The option to prune the tree again rather than fell it would not excessively diminish the tree's stature and appearance and should be considered as an alternative course of action. Better still, a reduction of the whole group would largely resolve the issues raised.

22. To summarise, members must consider whether the compromise entered at the outset of the approved scheme in allowing big trees to be retained so close to such small houses has been outweighed by the mounting negative attitude towards them from residents, who suffer individually and collectively from their effects.

23. It is recommended to refuse permission to this application on the grounds that the reasons given do not justify the need to remove it. The proposal therefore runs contrary to Local Plan Landscape Policy LL9.

24. A condition requiring the replacement of this tree and a condition requiring prior notice of the works to remove it must be attached to the decision notice in the event of members agreeing to allow the felling.

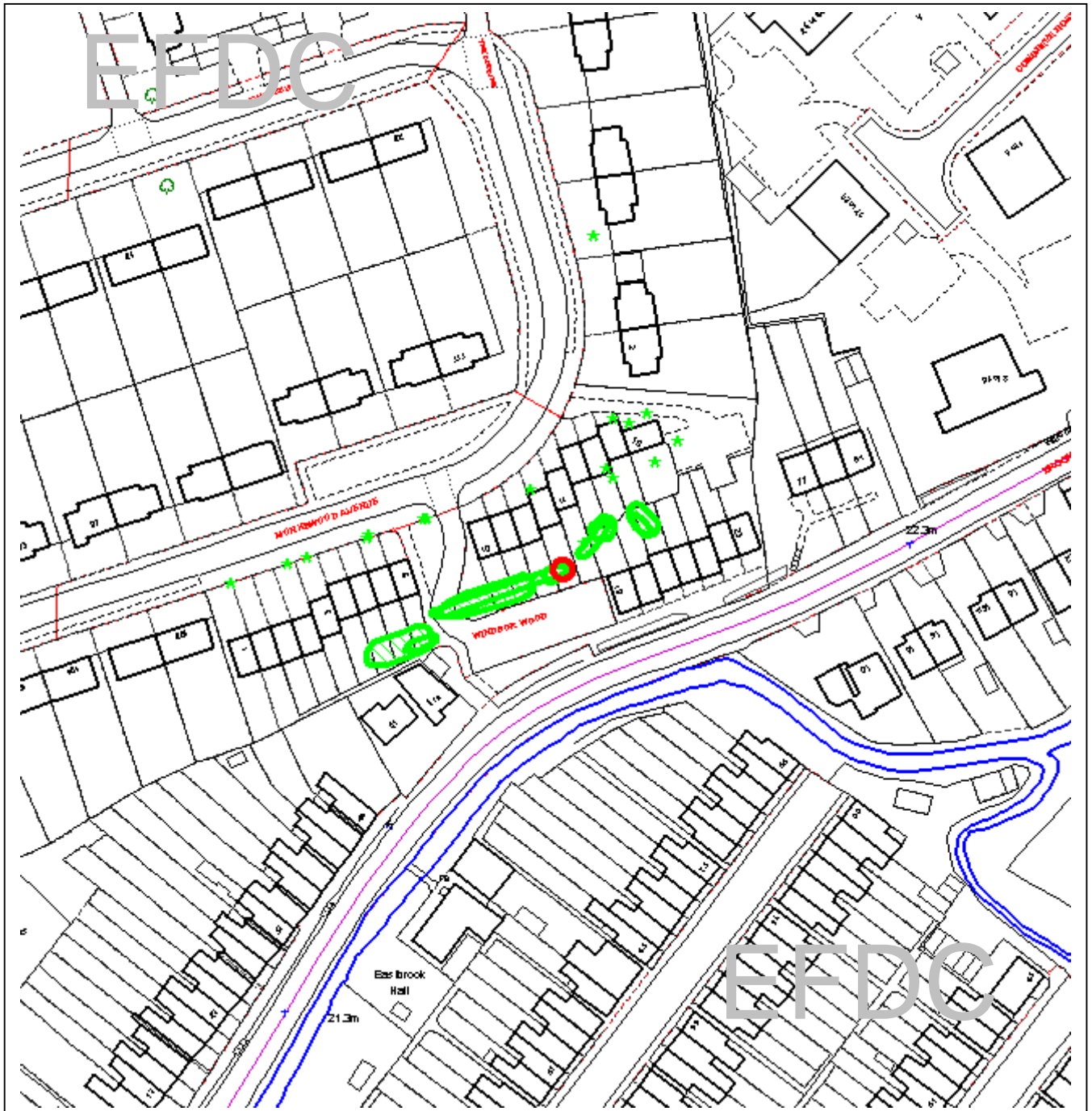
SUMMARY OF REPRESENTATIONS:

WALTHAM ABBEY TOWN COUNCIL: No objection.



Epping Forest District Council

District Development Control Committee



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Agenda Item Number:

Item 8

Application Number:

EPF/1840/08

Site Name:

13 Windsor Wood, Waltham Abbey
EN9 1LY

Scale of Plot:

1:1250

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Report to District Development Control Committee

Date of meeting: 2 December 2008



**Epping Forest
District Council**

Subject: Planning Application EPF/1771/08 – Unit 1, Highbridge Retail Park, Highbridge Street, Waltham Abbey, Essex, EN9 1BY – Variation of condition 5 attached to planning permission EPF/808/93 to read ‘The development shall be used for non-food retailing and no other purpose, with the exception of up to 1486 sqm (16000 sqft) GIA floorspace within Unit 1 which may be used for the sale of food (Class A1)’.

**Officer contact for further information: S Solon
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the committee considers the recommendation of the Area Plans subcommittee West to grant planning permission subject to the following conditions:

1. Prior to commencement of the site for food retail use, the proposed food retail floorspace shall be identified on a plan and submitted to and agreed in writing by the Local Planning Authority, and shall remain as such.

Reason:- To ensure the area utilised meets the requirements set out in the submitted retail assessment.

2. The food retail floorspace, as identified and agreed in writing by the Local Planning Authority, shall not sell, or advertise to sell; tobacco products, loose confectionary, newspapers, magazines, greeting cards, lottery tickets or scratch cards; and shall not contain a pharmacy, dry cleaners, post office services, cash machine, butchers, fishmongers or bakers, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- The submitted retail assessment was based on a discount supermarket that offers limited goods and services, and as such would not be detrimental to the vitality or viability of the town centre.

3. Prior to use of the site for food retail, details of cycle storage shall be submitted and agreed in writing by the Local Planning Authority, and shall be installed and retained thereafter.

Reason:- To promote sustainable transport to the site.

Report

1. This application has been referred by the Area Plans Sub Committee West with a recommendation for approval. The report to the sub-committee carried a recommendation from officers to approve planning permission and the planning merits of the case are attached (to be read in conjunction with the report for planning application Ref: EPF/1305/08).

Planning Issues

2. The debate at the sub-committee meeting centred mainly on the merits of the proposed development in relation to policies TC2 and TC3. This application was considered alongside planning application Ref: EPF/1305/08 – Demolition of existing buildings and erection of new 'lidl' foodstore and construction of five start-up industrial units (revised application) at 1 Cartersfield Road, Waltham Abbey.

3. The sub-committee considered the merits of two such discount food retail stores being located in out-of-centre locations within Waltham Abbey, and the impact that these would have on the vitality and viability of Waltham Abbey Town Centre. The sub-committee felt that two discount foodstores would not detrimentally impact on the town centre despite the submitted retail statements and retail statement assessment concluding otherwise. As such officers consider that the provision of two such units would be contrary to policies TC2 and TC3 of the adopted Local Plan and Alterations.

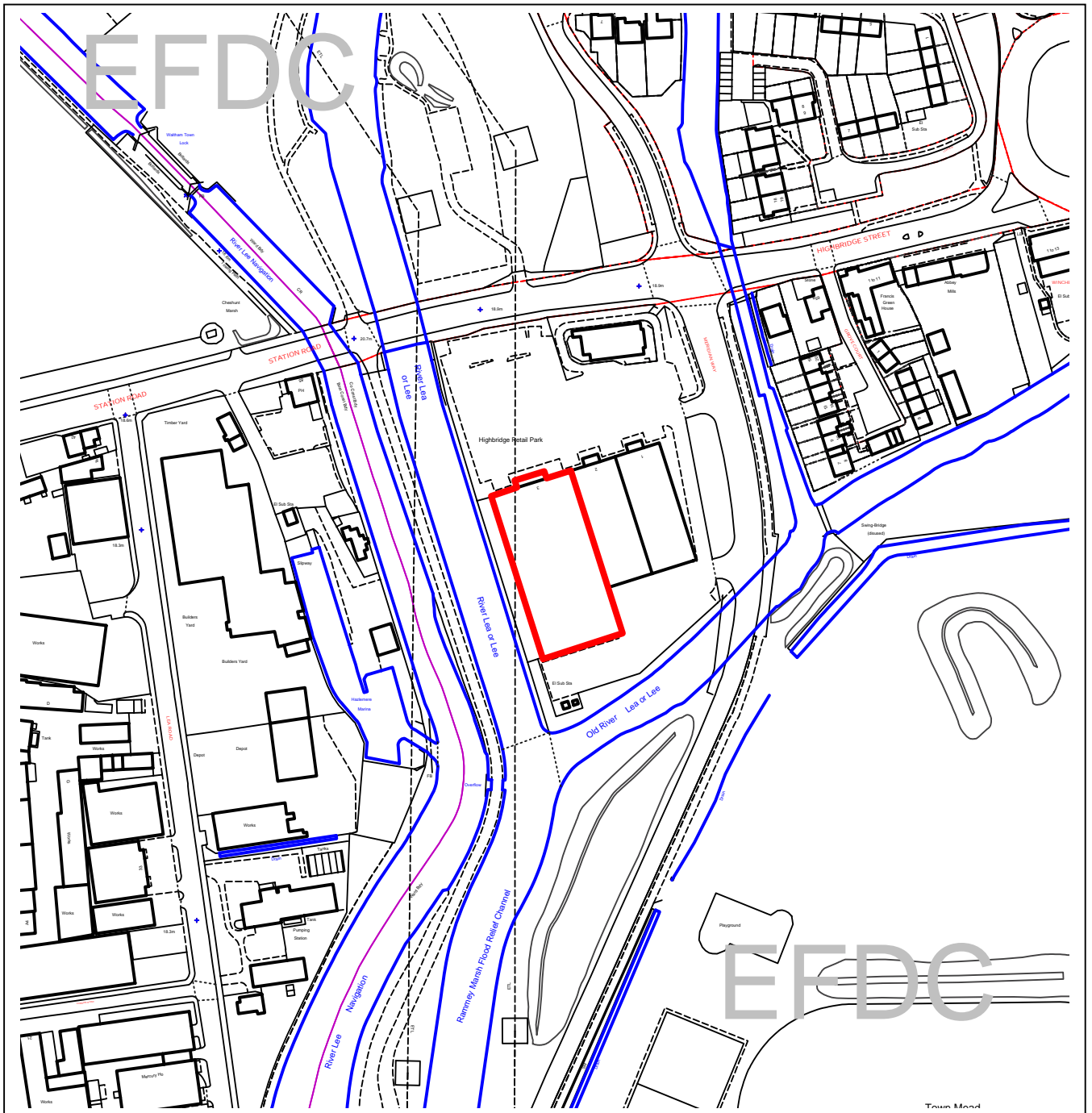
Conclusion

4. Should the Committee grant planning permission it should be subject to the conditions stated above.



Epping Forest District Council

District Development Control Committee



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Agenda Item Number:	9
Application Number:	EPF/1771/08
Site Name:	Unit 1, Highbridge Retail Park, Highbridge Street, Waltham Abbey, EN9 1BY
Scale of Plot:	1/2500

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Extract from Area Plans West – 29 October 2008

APPLICATION No:	EPF/1771/08
SITE ADDRESS:	Unit 1 Highbridge Retail Park Highbridge Street Waltham Abbey Essex EN9 1BY
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Legal & General Assurance Society Limited
DESCRIPTION OF PROPOSAL:	Variation of condition 5 attached to planning permission EPF/808/93 to read ' The development shall be used for non-food retailing and no other purpose, with the exception of up to 1486 sqm (16000sqft) GIA floorspace within Unit 1 which may be used for the sale of food. (Class A1)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS & REASONS

- 1 Prior to commencement of the site for food retail use, the proposed food retail floorspace shall be identified on a plan and submitted to and agreed in writing by the Local Planning Authority, and shall remain as such.

Reason:- To ensure the area utilised meets the requirements set out in the submitted retail assessment.

- 2 The food retail floorspace, as identified and agreed in writing by the Local Planning Authority, shall not sell, or advertise to sell; tobacco products, loose confectionary, newspapers, magazines, greeting cards, lottery tickets or scratch cards; and shall not contain a pharmacy, dry cleaners, post office services, cash machine, butchers, fishmongers or bakers, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- The submitted retail assessment was based on a discount supermarket that offers limited goods and services, and as such would not be detrimental to the vitality or viability of the town centre.

- 3 Prior to use of the site for food retail, details of cycle storage shall be submitted and agreed in writing by the Local Planning Authority, and shall be installed and retained thereafter.

Reason:- To promote sustainable transport to the site.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions) and it is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section P4, Schedule A (k) of the Council's Delegated Functions).

Description of Proposal:

Consent is being sought for a variation of condition 5 of planning permission EPF/0808/93 to allow for 1,486 sq. m. (16,000 sq. ft) of food retail to be located within Unit 1.

Planning permission EPF/0808/93 was for "the development of 3 non food retail units of 35,000 sq. ft., 7,500 sq. ft. and 7,300 sq. ft plus garden centre, ancillary offices and car parking. Condition 5 of this approval states:

The development shall be used solely for non food retailing and for no other purpose.

The proposed application would result in Unit 1, the larger of the three units, being split into two units, with one being used for food retail and the other remaining for use as non food retail. Any internal changes to the unit (to install an internal divide) would not require planning permission. There is no proposal for any external alterations in this application. Should this proposal be successful then a further application for external shop front alterations would be submitted.

This proposal should be considered together with the proposal under application EPF/1305/08, reported elsewhere on this agenda.

Description of Site:

The application site is one of three retail units located on the junction of Highbridge Street and Meridian Way. This site is designated a District Centre in the Local Plan and is also described as being an edge-of-centre location to Waltham Abbey Town Centre. It is located to the west of the designated town centre and currently contains an MFI, Carpet Right and Rosebys, with a McDonalds 'drive thru' and restaurant located within the car park. There are 173 customer car parking spaces to the front of the site, and a delivery and staff parking area to the rear. These areas serve all three units and the McDonalds. The site is located on the very edge of the District and is adjacent to the River Lee. Due to this it lies within a Flood Risk Assessment Zone.

Relevant History:

EPF/0808/93 - Detailed application for the development of 3 non food retail units of 35,000 sq. ft., 7,500 sq. ft. and 7,300 sq. ft. plus garden centre, ancillary offices and car parking – approved/conditions 23/08/95

EPF/0481/99 - Erection of class A3 restaurant with drive thru facility and associated car parking, landscaping and access – approved/conditions 07/06/00

EPF/2701/07 - Installation of mezzanine floor and external alterations to unit – approved/conditions 19/03/08

Policies Applied:

CP1 – Achieving sustainable development objectives

CP3 – New development

CP5 – Sustainable building

CP6 – Achieving sustainable urban development patterns

CP7 – Urban form and quality

TC1 – Town centre hierarchy

TC2 – Sequential approach
TC3 – Town centre function
ST1 – Location of development
ST2 – Accessibility of development
ST4 – Road Safety
ST5 – Travel plans
ST6 – Vehicle parking
U2A – Development in flood risk areas
U2B – Flood Risk Assessment zones
U3A – Catchment effects

Issues and Considerations:

The key factors in this application are the potential impact on the vitality and viability of Waltham Abbey town centre and the effect on highways and vehicle parking.

Impact on Waltham Abbey Town Centre

Although the proposal is for a variation of a planning condition to provide 1,486 sq. m. of food retail, the submitted retail assessment and intended use of the site is for a discount supermarket (with potential current interest from Aldi). Therefore the main matter to address under this heading is the need for a discount superstore in Waltham Abbey and the impact this would have on the town centre.

The applicant has submitted a retail assessment for the proposal, which is largely based upon that submitted with the application for a Lidl foodstore at 1 Cartersfield Road, Waltham Abbey (see committee report Ref: EPF/1305/08, which forms an appendix to this application). Due to this the assessment of need is identical to that reported in the Lidl proposal and is not repeated here.

As with the Lidl application it is claimed in this proposal that a discount supermarket would not directly compete with either the main town centre or the Tesco's superstore located in Sewardstone Road. The justification for this is the same as previously reported in that the predominant use of the town centre is for top up shopping, which local residents would continue to undertake, and as discount supermarkets do not offer services that are found in the town centre, such as pharmacies, dry cleaners, post office services or cash machines, and do not sell tobacco, newspapers, lottery tickets or fresh meat, fish or bread. Therefore it is claimed that discount superstores offer linked trips to town centre locations where these services can be offered. In an identical argument to Lidl it is also stated that a discount supermarket at this location would not compete with Tesco's as discount supermarkets only provide a limited range of foods, including weekly-changing specialist goods, as opposed to the wide range of goods and services offered by major superstores.

The conclusion of the retail statement is that the discount superstore would supposedly draw much of its trade from that currently lost to stores outside of the catchment area by adding to a range and choice of shopping facilities and would draw people from outside of Waltham Abbey into the town centre (through linked trips). Again based on the Lidl retail statement there is a calculated need for 1,571 sq. m. of new convenience floorspace by 2011 in Waltham Abbey, which this application would satisfy.

The second matter to deal with under this heading is the location of the development. PPS6's key objective is to promote the vitality and viability of town centres by planning for their growth and development. Whilst it states that retail development should be focused in such centres, it does acknowledge that in some instances, where it has been demonstrated there are no suitable sites within the centre itself, such development can be accommodated outside of these centres. This is reflected in Local plan policy TC2 which states that, where no suitable sites for retail development

can be located within the principle town centre, consideration will be given to ‘*an edge-of-centre location of one of the principal town centres; a smaller town centre of district centre location; or an edge-of-centre location of a smaller town centre or district centre*’, in this order. It is accepted that at present there are no sites within the town centre where such a retail development could be located, and as such edge of centre and smaller town centre sites should be assessed.

The application site is located within a designated District Centre, which under policy TC2 is less sequentially preferable than an edge of centre location, however paragraph 11.30a of the Local Plan states that “there is one edge of centre shopping area known as Highbridge Retail Park”, and as such this site is clearly an edge of centre location, which is the first preferred type of site after town centre locations.

The only alternative edge of centre site available for a similar development is that of the proposed Lidl store on Cartersfield Road, which is part of the Brooker Road industrial area and is approximately 25m from the town centre boundary. Chapter 11.29a of the Local Plan states that:

“The revision of the town centre boundary (to take into account the new Tesco store) will mean that the Brooker Road industrial area will effectively become an edge of town centre location. It is important that retail uses are not allowed to spread within the industrial area. This will help to safeguard the role and traditional focus of Market Square and Sun Street for shopping in the town. It will also mean that a more sustainable balance of shops, employment and housing can be maintained in Waltham Abbey.”

As such, in principal the alternative site is one that has been identified in the Local Plan as unacceptable for retail development. Notwithstanding this, argument has been made as to why the alternative site is sequentially preferable by the agent of the Lidl application. One of the key issues raised here is the comparison in ease of walking and cycling to the two sites. It is shown by the agent of the Lidl application that the Cartersfield Road site is accessible to a greater population by walking and cycling than the Highbridge Retail Park. Whilst it is agreed that in terms of walking and cycling distance the Cartersfield Road site is more accessible, it is considered that both sites are very accessible by foot and cycle to local residents of Waltham Abbey (with Highbridge Street also serving a large population of Waltham Cross), and as such this matter alone does not make Cartersfield Road a more sequentially preferable site. Both sites are fairly equally accessible by bus, however Highbridge Retail Park is also within walking distance of Waltham Cross Train Station.

Also, despite the issues of accessibility, the Highbridge Retail Park is an existing retail centre that is merely seeking for an alteration of condition, rather than a complete new development on the outskirts of the town centre. This is preferable as no change of use in the land is required, it is more sustainable as it would reuse an existing building, and it would not be altering the urban form or layout of the area.

In terms of linked trips to the town centre, it is agreed that the proposed discount foodstore would achieve this. This existing retail district centre is located some 90m from the town centre boundary, with a clearly defined route leading into the town centre, aided by the landmark Abbey building at the end of Highbridge Street. Although some additional signposting along this route would further strengthen this link, it is accepted that an existing link does exist. The concern with the Lidl application is that the majority of linked trip would be to the Tesco’s store opposite, as this provides almost all the goods and services that discount supermarkets do not. With this proposal, however, should visitors to the discount supermarket in Highbridge Street require newspapers, tobacco, fresh meat or bread, or any of the items not offered at the site, then the customers are more likely to use the town centre to obtain these than customers of the proposed Lidl store. This location would also draw people to the western end of the town centre, in contrast to the Tesco’s drawing people to the eastern end, and as such would spread the range of shopping facilities

available in Waltham Abbey throughout the town centre rather than concentrating them in one area to the detriment of another.

Concern has been raised by the agents acting on behalf of Lidl that this application for a variation of condition to 'food retail' could result in a superstore (such as Sainsbury's or Morrison's) being located here, which would be significantly more detrimental to the town centre and the existing Tesco store than a discount supermarket. As the retail assessment undertaken was based on the impact on Waltham Abbey town centre resulting from a discount supermarket, and as previously mentioned the limited range offered by these stores and the resulting linked trips with the town centre are key elements regarding this impact, the application would require a condition limited the goods and services offered at the store.

Due to the above, it is considered that this proposal would meet the requirement of providing 1,571 sq. m. of new convenience floorspace in Waltham Abbey by 2011, and would be a sequentially preferable site to 1 Cartersfield Road. As such this proposal complies with PPS6 and Local Plan policies TC2 and TC3.

Access and parking

The entire Highbridge Retail Park currently provides 173 parking spaces for customers. This would not change as part of this application. The original reason for the condition for non food retail was to ensure appropriate provision of off-street parking provision on site. However, since the original approval of these stores there has been a change in policy context due to the setting of Government objectives to promote sustainable transport (walking, cycling and public transport). Also the Council's adopted parking standards have become a maximum as opposed to a minimum, and subsequent permissions have been granted for a Mcdonalds 'drive thru' and restaurant on part of the car park site (resulting in the loss of some 30+ parking spaces), and a mezzanine floor for Unit 1 (which has not yet been installed), which despite creating additional floorspace was not considered to result in parking issues given the currently underused car park.

Although the use of Unit 1 as a discount superstore would result in a higher number and more frequent visits from customers, these would normally be for shorter periods and hence a higher turnover of cars and customers than the existing store. Due to this, and the sustainable location of the site which is well served by public transport and accessible by foot and bicycle, the existing level of car parking is acceptable. Although a condition could be added to require provision of cycle parking on the site, to further improve sustainable transport to the area.

The existing access to and from the site would be acceptable to handle any intensification of use, and the existing delivery area is suitable for use by a proposed food store. Although at present there are some design issues with the Highbridge Street/Meridian Way junction, these are being resolved by Essex County Council and do not require any further funding from financial contributions.

Other considerations

Although the site is located within a flood risk area, given that the proposal is for the use of an existing building it would not result in any additional runoff and does not require a flood risk assessment.

Conclusion:

In summary, it is considered that the proposed discount supermarket would not compete with the town centre or the Tesco's store, and as such would not impact on the vitality and viability of Waltham Abbey town centre. Any further loss of trade to the shops in Sun Street, Market Square and Highbridge Street would seriously harm the long term wellbeing of the town centre. However

provision of a discount foodstore may attract people from outside of the catchment area to Waltham Abbey, and generate linked trips to the town centre.

Therefore, on balance, it is considered that there is a need within Waltham Abbey for a discount supermarket of 1,571 sq. m., in a location that would not adversely impact on the town centre. However, there is no need within Waltham Abbey for more than one discount supermarket. The location of this proposed development is sequentially preferable to the proposed store at 1 Cartersfield Road (see Committee Report Ref: EPF/1305/08, which forms an appendix to this application) as it is an existing retail edge-of-centre site that is in a sustainable location and is more likely to generate trips to the town centre. Therefore, this proposal complies with the relevant Government advice and Local Plan policies and is recommended for approval.

Summary of Representations:

TOWN COUNCIL – Object as the proposal would have a detrimental effect on the viability of the town centre.

JONES LANG LASALLE – Object as the Highbridge Retail Park proposal is not the most sequentially preferable site on which convenience retail needs should be met.

Report to District Development Control Committee

Date of meeting: 2 December 2008



**Epping Forest
District Council**

Subject: Planning Application EPF/1305/08 – 1 Cartersfield Road, Waltham Abbey, Essex, EN9 – Demolition of existing buildings and erection of new 'lidl' foodstore and construction of five start-up industrial units (revised application).

**Officer contact for further information: S Solon
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the committee considers the recommendation of the Area Plans subcommittee West to grant planning permission subject to the following conditions and a S106 agreement:

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. The development shall be carried out in accordance with the amended plans received on 10/10/08 and 28/10/08 unless otherwise agreed in writing with the Local Planning Authority.

Reason:- In order to ensure that the development conforms with the approved plans, and for the avoidance of doubt.

3. The food retail floorspace, as identified and agreed in writing by the Local Planning Authority, shall not sell, or advertise to sell; tobacco products, loose confectionary, newspapers, magazines, greeting cards, lottery tickets or scratch cards; and shall not contain a pharmacy, dry cleaners, post office services, cash machine, butchers, fishmongers or bakers, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- The submitted retail assessment was based on a discount supermarket that offers limited goods and services, and as such would not be detrimental to the vitality or viability of the town centre.

4. The gates to the car park shown on plan ref: 2 (amended 28/10/08) shall be installed and be in full working order prior to occupation of the site. These gates shall only be left open during the hours that the store is open, and one hour before and after, and shall be closed and secured at all other times unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure that the car park is not used outside of the store opening times to the detriment of neighbouring residential properties and for the purposes of crime prevention.

5. Prior to occupation of the site, details of CCTV equipment shall be submitted and agreed in writing by the Local Planning Authority and shall be installed and retained thereafter.

Reason:- To protect against crime and anti-social behaviour.

Further to the above conditions Officers would recommend the following additional conditions:

6. The development hereby permitted shall not be open to customers outside the hours of 07:30 to 22:00 on Monday to Saturday, and 09:00 to 18:00 on Sundays and public holidays.

Reason:- In order to minimise disturbance to local residents.

7. No deliveries shall be taken at or despatched from the site outside the hours of 07:30 to 18:30 on Monday to Saturday, 08:00 to 13:00 on Saturday, and not at any time on Sundays and public holidays.

Reason:- In order to protect the amenity of the area.

8. No refuse collection shall be carried out from the site outside the hours of 07:30 to 18:30 on Monday to Saturday, 08:00 to 13:00 on Saturday, and not at any time on Sundays and public holidays.

Reason:- In order to protect the amenity of the area.

9. 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 holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of noise sensitive properties.

10. 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.

Reason:- Since the site has been identified as being potentially contaminated and to protect human health, the environment, surface water, groundwater and the amenity of the area.

11. The rating level of noise (as defined by BS4142:1997) emitted from any air conditioning, condenser units or mechanical plant shall not exceed 5dB(A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:1997.

Reason:- To protect nearby noise sensitive premises from significant loss of amenity due to noise.

12. No plant machinery shall be erected on the northern façade of the industrial units unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To protect nearby noise sensitive premises from significant loss of amenity due to noise.

13. Prior to commencement of the development, details of suitable access arrangements to the site in connection with the demolition/construction operations shall be submitted and agreed in writing by the Local planning Authority. These shall include wheel washing facilities, turning and off loading facilities for delivery/construction vehicles within the limits of the site, and adequate parking area for those employed in the demolition/construction operations.

Reason:- In the interests of highway safety during the construction/demolition stages.

14. Prior to occupation of the site, the existing eastern access shall be permanently closed and replaced with full upstand kerbs and full depth footway construction.

Reason:- In the interests of highway safety.

15. The parking area shown on the approved plan, including bicycle and powered two wheeler parking, subject to the alterations required under condition 17, shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of staff, customers and visitors vehicles thereafter.

Reason:- In the interests of highway safety.

16. 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.

Reason:- Since the site is located within a PPS25 Flood Risk Assessment Zone and is of a size where it is necessary to avoid generating any additional flood risk downstream of the storm drainage outfall.

17. Notwithstanding the car parking layout indicated on plan ref: 2 (amended 28/10/08), the preserved cherry trees to the east of the site and preserved willow to the southeast of the site shall be retained. No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

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

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

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

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

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

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

18. 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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complimentary, and to ensure a satisfactory appearance to the development.

19. The industrial units hereby approved shall be completed prior to the occupation of the store.

Reason:- The provision of the industrial units was a significant factor in the reuse of the designated employment land for retail purposes.

20. The industrial units hereby approved shall be used solely for B1, B2 and B8 and for no other purpose of the Schedule to the Town & Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

Reason:- To ensure that no alternative industrial use is made of the premises which would be likely to be a nuisance or annoyance to adjoining residents.

The proposed S106 agreement should include the following:

- **A financial contribution of £54,000 towards public transport infrastructure in the vicinity of the site.**
- **The provision of a financial contribution of £5,000 to fund necessary Traffic Orders/Road Markings for both sides of Cartersfield Road along the length of the development.**

Report

1. This application has been referred by the Area Plans Sub Committee West with a recommendation for approval. The report to the sub-committee carried a recommendation from officers to refuse planning permission and the planning merits of the case are attached (to be read in conjunction with the report for planning application Ref: EPF/1771/08).

Planning Issues

2. The debate at the sub-committee meeting centred mainly on the merits of the proposed development in relation to policies TC2 and TC3, however there was also reference made to E1, ST2 and ST5. This application was considered alongside planning application Ref: EPF/1771/08 – Variation of condition 5 attached to planning permission EPF/808/93 to read 'The development shall be used for non-food retailing and no other purpose, with the exception of up to 1486 sqm (16000 sqft) GIA floorspace within Unit 1 which may be used for the sale of food (Class A1) at Unit 1, Highbridge Retail Park, Highbridge Street, Waltham Abbey.

3. The sub-committee considered the merits of two such discount food retail stores being located in out-of-centre locations within Waltham Abbey, and the impact that these would have on the vitality and viability of Waltham Abbey Town Centre. The sub-committee felt that two discount foodstores would not detrimentally impact on the town centre despite the submitted retail statements and retail statement assessment concluding otherwise. As such officers consider that the provision of two such units would be contrary to policies TC2 and TC3 of the adopted Local Plan and Alterations.

4. The sub-committee also considered that the merits of this case constitute material considerations to overcome any harm resulting from the proposal. Particularly with regards to the creation of five start-up industrial units and a financial contribution towards public transport.

5. The second reason for refusal recommended by officers, relating to the impact on the neighbouring residential properties caused by the height and proximity of industrial Unit 1, has been overcome by the submission of an amended plan showing Unit 1 being located further from the northern boundary.

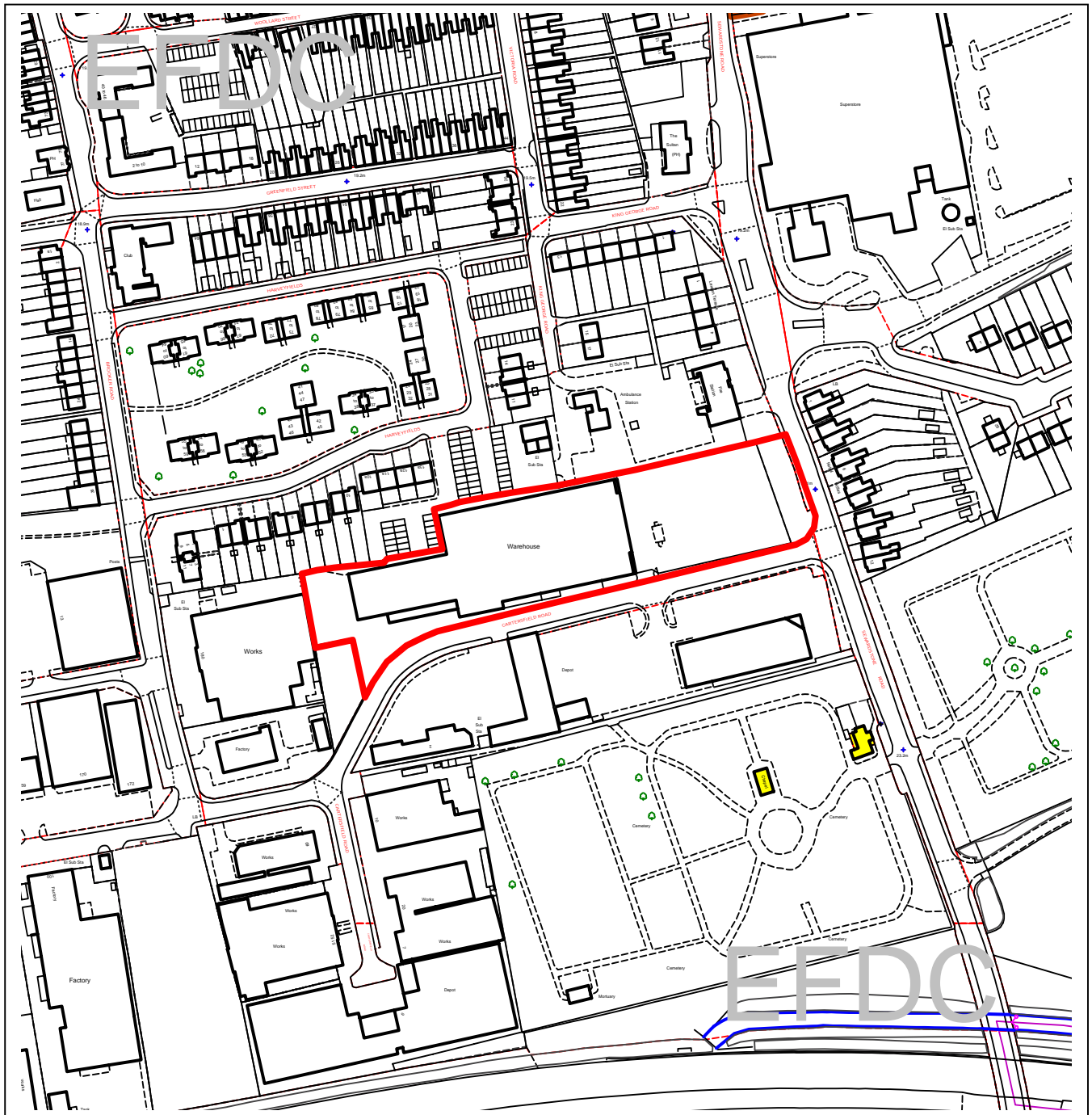
Conclusion

6. Should the Committee grant planning permission it should be subject to the conditions stated above and subject to a S106 agreement.



Epping Forest District Council

District Development Control Committee



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Agenda Item Number:	10
Application Number:	EPF/1305/08
Site Name:	1 Cartersfield Road, Waltham Abbey EN9
Scale of Plot:	1/2500

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APPLICATION No:	EPF/1305/08
SITE ADDRESS:	1 Cartersfield Road Waltham Abbey Essex EN9
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Lidl GmbH/International Lift Equipment Ltd
DESCRIPTION OF PROPOSAL:	Demolition of existing buildings and erection of new 'Lidl' foodstore and construction of five start-up industrial units. (Revised application)
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The proposed development, due to the availability of an alternative, sequentially preferable site to fulfil the need for the retail development, would fail to meet the requirements of the sequential test, contrary to PPS6 and policy TC2 of the adopted Local Plan and Alterations. Due to this the proposal would be detrimental to the vitality and viability of the town centre, contrary to policy TC3 of the adopted Local Plan and Alterations.
- 2 The proposed industrial unit No. 1, given its height and proximity to the boundary, would result in a detrimental impact on visual amenities to the occupiers of No's. 6, 7 and 8 Harveyfields, Waltham Abbey, contrary to policy DBE2 of the adopted Local Plan and Alterations.
- 3 The proposed development fails to provide information or justification regarding the assessment or marketing of the site for community use, contrary to policy E4B of the adopted Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section P4, Schedule A (k) of the Council's Delegated Functions).

Description of Proposal:

Revised application for the demolition of the existing buildings and the erection of a new 'Lidl' foodstore and construction of five start-up industrial units. This proposal should be considered together with that proposed under application EPF/1771/08, reported elsewhere in this agenda.

The foodstore would be 1,643 sq. m., containing some 1,286 sq. m. of retail floorspace, and would be a maximum of 70m deep and 25m wide with a mono-pitched roof to a maximum height of 9.7m. The start-up industrial units would have a total floorspace of 1,139 sq. m. and mono-pitched roofs

to a maximum height of 8m. The industrial units would be located to the rear of the site and would be bordered to the north by garages and properties in Harveyfields, and to the west by 180 Brooker Road. The scheme also proposes associated parking for 106 cars for use with the foodstore and 30 parking spaces for the industrial units. This includes a total of 10 disabled parking bays, as well as space for bicycles and powered two wheeler parking. There would be three vehicle entrances added to the site from Cartersfield Road, and one pedestrian access on Sewardstone Road.

Description of Site:

The application site is a vacant plot containing a large disused warehouse building and associated yard. To the north of the site is Waltham Abbey fire station and dwellings and garage areas serving Harveyfields. To the west of the site is the Brooker Road industrial site. To the south of the site is a Nissan car showroom and industrial sites. The site is located some 25m south of the town centre boundary. There are four preserved trees located at the front of the site.

Relevant History:

There is a long history to the application site, however the most relevant applications are as follows:

EPF/1856/03 - Demolition of part of existing building and erection of building for motor dealership, to include showroom, offices, workshops and M.O.T. – approved/conditions 26/05/04

EPF/2400/07 - Demolition of existing buildings and erection of new 'Lidl' foodstore and construction of five start-up industrial units – withdrawn 04/03/08

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP4 – Energy conservation
CP5 – Sustainable building
CP6 – Achieving sustainable urban development patterns
CP7 – Urban form and quality
TC1 – Town centre hierarchy
TC2 – Sequential approach
TC3 – Town centre function
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
E1 – Employment areas
E4B – Alternative uses for employment sites
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
ST1 – Location of development
ST2 – Accessibility of development
ST4 – Road Safety
ST5 – Travel plans
ST6 – Vehicle parking
U3A – Catchment effects
RP4 – Contaminated Land

Issues and Considerations:

The key factors in this application are the potential impact on the vitality and viability of Waltham Abbey town centre, the loss of an employment site, the effect on neighbouring properties, highways and parking considerations, and the impact on the preserved trees and future landscaping of the site.

Impact on Waltham Abbey Town Centre

The main matter to address under this heading is the need for a Lidl foodstore (known as a discount superstore). The applicant has undertaken shopper surveys in 2007 and turnover calculations for the catchment area as part of their retail assessment. The results of this indicate that the shops within the town centre are predominantly used for 'top up shopping', with the exception of Tesco's in Sewardstone Road that is used for main shopping trips. This coincides with the Council's shopper survey undertaken in 2005, which showed that 85.5% of visitors to the town centre were from Waltham Abbey and the majority visit 2-3 times a week by foot.

The turnover of existing shops in the town centre has been calculated in the submitted retail assessment, as has the amount of trade that would be lost to stores outside of the catchment area as a consequence of this development. It is proposed that in 2010 there would be an estimated £33.3m turnover for Tesco's, a £3.7m turnover to the shops in Waltham Abbey town centre, a £1.1m turnover for the Co-Op in Upshire, and £21.4m to stores outside of the catchment. Out of this estimated turnover the proposed Lidl is claimed to divert £1.3m from Tesco's, £0.3m from the town centre, £0.1m from the Co-Op in Upshire and £1.9m from stores outside of the catchment. This would result in a 9% loss of trade to stores in the town centre (such as to the Co-Op in Sun Street), and would result in the Tesco's falling below the calculated benchmark turnover of £33.1m.

Since the Tesco's opened there has been a significant decrease in trade to shops within Sun Street, Market Square and Highbridge Street. The Co-Op in Sun Street saw a reduction of some 50% in trade in the first year after Tesco's opened, slightly more in the second year, and is only just starting to see this decrease in trade slow down, and claw back customers. The loss of a further 9% in trade would detrimentally impact on this unit in particular, and on the other shops within the town centre. The loss of trade for Tesco's would be higher, however the overall turnover would be little affected and there would be very little long term impact on this store.

It is claimed in the submitted retail assessment that the proposed Lidl would not directly compete with either the main town centre or the Tesco's superstore. The justification for this is that the predominant use of the town centre is for top up shopping, which local residents would continue to undertake, and also as Lidl does not offer such services as pharmacies, dry cleaners, post office services or cash machines, and do not sell tobacco, newspapers, lottery tickets or fresh meat, fish or bread. It is claimed that discount superstores such as this therefore offer linked trips to town centre locations where these services can be offered. It is also stated that Lidl foodstores do not compete with Tesco's (or other major superstores) as Lidl only provide a limited range of foods, including weekly-changing specialist goods, as opposed to the wide range of goods and services offered by major superstores. This has been agreed by Planning Inspectors on recent appeal decisions elsewhere in the country.

The conclusion of the retail statement is that the Lidl store would supposedly draw much of its trade from that currently lost to stores outside of the catchment area and would draw people from outside of Waltham Abbey into the town centre (through linked trips). It also concludes that there is a calculated need for 1,571 sq. m. of new convenience floorspace by 2011, which this application would satisfy.

However, one of the main concerns with the proposed 'linked trips' is that, given the location of the site, the majority of linked trips would be with the Tesco's store opposite, which offers all the goods and services not offered by Lidl, excluding a pharmacy, therefore visitors would be able to obtain the majority of their shopping without needing to visit the main section of the town centre (Sun Street, Market Square and Highbridge Street).

The second matter to deal with in terms of the impact of the proposal on the Waltham Abbey town centre is the location of the development. Planning Policy Statement (PPS) 6: Planning for town centres key objective is to promote the vitality and viability of town centres by planning for their growth and development. Whilst it states that shopping development should be focused in such centres, it does acknowledge that in some instances, where it has been demonstrated there are no suitable sites within the centre itself, such development can be accommodated outside of these centres. This is reflected in Local plan policy TC2 which states that:

"The Council will grant planning permission for retail and other town centre uses where these are appropriate to the function of the particular centre as identified in the hierarchy in policy T1. Where a clearly defined need for retail or other town centre uses has been demonstrated, but no suitable sites or buildings, including sites suitable for conversion, are either committed or likely to become available within a realistic period of time within the principal town centres, consideration may be given to suitable sites in other centres, in the following preferential order:

- (i) an edge-of-centre location of one of the principal town centres;*
- (ii) a smaller town centre or district centre location;*
- (iii) an edge-of-centre location of a smaller town centre or district centre"*

Waltham Abbey is listed in policy TC1 as a principal town centre, and as such any potential retail development should be focused in the centre itself.

The applicant's retail assessment has addressed potential sites located within the town centre. The only sites that have been identified were the formerly earmarked Highbridge Street site, located adjacent to the roundabout, which has recently been redeveloped as mixed use, incorporating housing, retail and office space; and a possible extension of the existing Co-Op building in Sun Street. The Highbridge Street site is clearly not available for such development while an extension to the Co-Op would not be feasible due to a lack of space to extend. In the circumstances it is accepted that at present there are no sites within the town centre where such a retail development could be located, and as such edge of centre and smaller town centres should be assessed.

The application site is located on the edge of Waltham Abbey town centre, approximately 25m from the town centre boundary. Notwithstanding this, paragraph 11.29a of the Local Plan states that:

"The revision of the town centre boundary (to take into account the new Tesco store) will mean that the Brooker Road industrial area will effectively become an edge of town centre location. It is important that retail uses are not allowed to spread within the industrial area. This will help to safeguard the role and traditional focus of Market Square and Sun Street for shopping in the town. It will also mean that a more sustainable balance of shops, employment and housing can be maintained in Waltham Abbey."

Although previous consent was granted on this site for a car dealership, that use is more suited to industrial areas and business parks, much like the existing Nissan garage opposite. That consent therefore does not set a precedent to allow for the use of the site as a superstore.

Whilst it is accepted that there is a requirement for 1,571 sq. m. of new convenience floorspace in Waltham Abbey by 2011, an alternative application is currently being considered by the Council

(see Committee Report for application Ref: EPF/1771/08 for full details of this), for a variation of condition on Unit 1, Highbridge Retail Park, Highbridge Street to provide 1,486 sq.m. of retail floorspace to be used for the sale of food. This is being sought to allow for a discount superstore to occupy part of the unit. Whilst this alternative site is located within a designated district centre, which under policy TC2 is less sequentially preferable than an edge of centre location, chapter 11.30a of the Local Plan does describe the Highbridge Retail Park as an edge of centre shopping area. This is an accurate description of that existing retail use and, subject to compliance with other relevant Local Plan policies, this would be a sequentially better location than this application site. As such it is considered that the proposal fails to comply with Local Plan policy TC2 and is therefore unacceptable.

Loss of employment land

The application site is located in an employment area allocated as such in the Local Plan. Policy E1 states that “the redevelopment of existing sites or premises or their change of use to uses other than business, general industry or warehousing will not be permitted”. The site has previously been marketed for a period of some 5 years without success, and in 2004 planning permission was granted for its redevelopment as a car showroom. This proposal would provide five small scale industrial units, B1, B2 and/or B8, which in themselves are acceptable on the site. However the remainder of the site would be lost from industrial/employment use.

Local Plan policy E4B allows for alternative uses for employment sites where it can be proven that there is no further need for employment uses. However it also requires that uses which fulfil community needs should be sought as alternatives to employment, and that the Council needs to be satisfied that the site is unsuitable for community uses before allowing alternative uses on the site. No evidence has been submitted to suggest that the site has been assessed or marketed for community uses, and as such this proposal fails to comply with Policy E4B.

Design

The proposed Lidl store would have a mono pitched roof and predominantly large blank flank walls. It would be of a fairly standard design for a modern supermarket and would be a more attractive development than the existing unsightly warehouse. The front of the site, fronting Sewardstone Road would be landscaped and would retain the existing preserved trees, and the overall scheme would not be detrimental to the street scene when viewed from Sewardstone Road.

The proposed industrial buildings are of no particular architectural merit and would be grey in colour. Notwithstanding this, the proposed units would be in keeping with the existing industrial units in Brooker Road and would not be detrimental to the overall character or appearance of the surrounding locality.

Whilst the proposed layout positions the main area of car park serving the store between the store front and Sewardstone Road, which would result in a dominance of cars in the street scene and would force any ‘linked trips’ to the town centre to first walk through a large expanse of car park, given that the existing warehouse is currently in a similar situation, there is a car dealership opposite the site (which by definition and trade has a dominance of cars along its frontage), and the site is located at the entrance to an industrial site, this is considered an acceptable, although not a particularly desirable, layout to the site.

Amenity considerations

The application site is currently a vacant warehouse on an industrial area. The use of the site as a foodstore and small scale industrial units (B1, B2 and B8) would not detrimentally impact on neighbouring residents in terms of noise or other disturbance. The proposed development would

result in considerably more vehicle and pedestrian movements to and from the site, however given the location at the entrance to an industrial estate and on the highly used Sewardstone Road it is not considered that this increase would disturb neighbouring properties.

The proposed foodstore and industrial units No's. 2 to 5 would be sited on the rough footprint of the existing warehouse unit, most of which adjoins the fire station or garages and parking areas at Harveyfields. Due to this these units would not detrimentally impact on the light or visual amenities of neighbouring residential properties. The proposed industrial unit No. 1, however, would be located in close proximity to the rear boundary of No's. 6, 7 and 8 Harveyfields. Currently there are no buildings to the rear of these properties, and this application proposes a 7m high industrial building just 1-2m from the shared boundary. Whilst there are industrial buildings located behind No's. 1 to 5, and No's. 9 and 10, these units are some 25m from the rear of the neighbouring properties given the staggered building line of the dwellings and the staggered siting of the industrial buildings, whereas the proposed unit would be at most 20m from the neighbours rear walls, and at worst 18m distant. Also the presence of existing poorly laid out buildings should not set a precedent for further harmful development. Due to this, the proposal would be detrimental to the visual amenities of the occupiers of No's. 6 to 8 Harveyfields, and would directly impact on their enjoyment of their private amenity areas. As such this development is unacceptable.

Although the proposed unit 1 would result in a further loss of light to the rear gardens of the neighbouring residential properties, particularly given its location to the south of these neighbours, given the built up nature of the entire site and presence of buildings to the east and west, the rear gardens of these properties would at present receive very little light. The further loss of this limited light would not be sufficient enough reason to justify refusing the application.

Access and parking

The application proposes 106 parking bays to be used in conjunction with the foodstore and 30 parking bays to be used in conjunction with the industrial units. Also bicycle and powered two wheeler parking provision has been proposed. This is deemed to be an acceptable level of vehicle parking for the proposed uses, particularly as the site is in a sustainable location. The layout of the car parking and the new vehicle entrances have been assessed by Essex County Council Highways and are deemed acceptable, subject to several conditions. Concern has been raised by local residents with regards to the intensification of use of the site and with the junction of Cartersfield Road and Sewardstone Road, however no concern has been voiced by ECC Highways regarding this. Financial contributions are required to provide improvements to public transport of the vicinity of the site and to fund road markings on Cartersfield Road, which can be sought via condition.

Landscaping

There are four preserved trees located at the front of the application site, within a green strip adjacent to Sewardstone Road. These trees would be retained and protected during construction, and the grass strip would be landscaped and become the main pedestrian entrance to the site. There are other small green areas located around the site, which would also be subject to any landscaping scheme.

Other considerations

The Environment Agency consider the proposed use as low risk and as such do not require the submission of a Flood Risk Assessment.

The proposal has been designed to conserve energy by means of its layout, orientation, construction, materials and landscaping. Given its location close to the existing town centre and

since the locality is well served by public transport (bus network), it is in a sustainable location. Due to this it is considered that the proposal complies with policies CP5, CP6 and ST1.

Conclusion:

In summary, it is considered that a discount supermarket would not compete with the town centre or the Tesco's store, and as such would not impact on the vitality and viability of Waltham Abbey town centre. Any further loss of trade to the shops in Sun Street, Market Square and Highbridge Street would seriously harm the long term wellbeing of the town centre. The provision of a discount foodstore adjacent to the town centre may attract people from outside of the catchment area to Waltham Abbey, and generate linked shopping trips, it is more likely that the linked trips would be to the nearby Tesco's superstore than the historic town centre.

Therefore, on balance it is considered that there is a need within Waltham Abbey for a discount supermarket of 1,571 sq. m., which would likely not adversely impact on the town centre. Notwithstanding this, there is not the need within Waltham Abbey for more than one discount supermarket, and the location of the proposed development, whilst being an edge of centre location, is a less preferable site when compared to Unit 1, Highbridge Retail Park (see Committee Report Ref: EPF/1771/08, which forms an appendix to this report). As there is an alternative location in a similar edge of centre location that is currently used for retail purposes and would provide better linked trips with the main town centre, this proposal fails to meet the sequential test requirements of PPS6 and Local Plan policy TC2.

Also the proposed industrial unit No. 1, given its height and proximity to the boundary shared with No's. 6 to 8 Harveyfields, would result in a detrimental loss of amenities to these neighbouring residential properties, contrary to policy DBE2 of the Local Plan, and the site has not been assessed or marketed for community use, contrary to Local Plan policy E4B.

Due to this it is felt that the need for a discount supermarket In Waltham Abbey can be accommodated within Highbridge Retail Park and as such this proposal is recommended for refusal.

Summary of Representations:

TOWN COUNCIL – Object as the proposal would have a detrimental effect on the viability of the town centre.

WALTHAM ABBEY HISTORICAL SOCIETY – Object as it would put further pressure on the town centre and would lead to the loss of shops in the main shopping street. Also concerned about the increased traffic.

WALTHAM ABBEY TOWN PARTNERSHIP – Commented that the proposal would be an acceptable use of the land, provide additional employment, be in keeping with the surrounding commercial area, and provide additional retail choice, however are concerned about its effect on the town centre economy, the increase in traffic, the disturbance to neighbouring residents and its effect on privacy to residents on the eastern side of Sewardstone Road.

WALTHAM ABBEY NEIGHBOURHOOD ACTION PANEL – Concerned about anti-social behaviour, and additional traffic and disturbance.

CAMPAIGN TO PROTECT RURAL ESSEX – Concerned about its location on the outskirts of the urban footprint and regarding the level of car parking.

7 HARVEYFIELDS – Object on the loss of light, loss of outlook, and noise and pollution during and after construction.

7 NOBEL VILLAS, SEWARDSTONE ROAD – Concerned about the increase in traffic.

9 NOBEL VILLAS, SEWARDSTONE ROAD – Object due to the increased traffic that would result, the noise that would be created, the disturbance caused by more illuminated signage in the area, and concerned about the potential loss of the green area to the front of the site.

LEGAL AND GENERAL – Object as the Lidl proposal is not the most sequentially preferable site on which convenience retail needs should be met.

A consultation was undertaken by the applicant whereby there were 213 comments of support, 7 comments of objection and 1 no comment.

Report to District Development Control Committee

Date of meeting: 2 December 2008

Subject: Planning Application EPF/2358/07- 92 Crooked Mile, Waltham Abbey



**Epping Forest
District Council**

**Officer contact for further information: Jill Shingler
Committee Secretary: S Hill Ext 4249**

Recommendation(s):

- (1) That the Committee agrees the proposed wording of the legal agreement under section 106 of the Town and Country Planning Act which is required to be signed prior to issue of consent for the development; and**
- (2) That the Committee considers whether to impose a further condition to ensure that parking provision is made and retained**

Report Detail

1. Planning application EPF/2358/07 for the erection of a two storey side extension at 92 Crooked Mile, Waltham Abbey was originally considered by this Committee in June of this year and it was deferred for additional information and considered again in August. At that second meeting Members resolved to grant consent for the development (demolition of a conservatory for the provision of double storey side extension to create care unit extension to family home) subject to 4 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 proposed extension shall only be used as ancillary accommodation for the existing dwelling house and shall not be occupied as a unit separately from the dwelling known as 92 Crooked Mile.
- (3) Materials to be used for the external finishes of the proposed extension shall match those of the existing building.
- (4) A flood risk assessment shall be submitted to and approved by the LPA prior to the 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 extension hereby approved and shall be maintained in accordance with a management plan to be submitted concurrently with the assessment.

And subject to the applicant first entering into an agreement under s.106 of the Town and Country Planning Act requiring:

- (i) That the extension be used only for purposes ancillary to the use of the existing house as a dwelling house, and
- (ii) That the extension, or any part of it, shall not be severed from or sold separately from the existing house, and
- (iii) That a connecting internal door be provided between the extension and the existing house as shown on drawing no. C.H.3c prior to the occupation of the extension and thereafter be permanently retained without obstruction and capable of being opened.

2. Although the Committee has already made the decision on the application the matter is being brought back to Committee, unusually, as there was considerable concern from neighbours as to the nature of the application and the way in which the decision was made and Members had indicated that they wished all matters to be fully considered in the public forum. Therefore it is considered appropriate for Members to consider the final wording of the proposed Legal agreement that has now been drawn up, in order to ensure that it meets Members requirements. A copy of the Draft Legal Agreement is attached for the Committee's consideration.

3. Additionally, in reaching the decision to grant consent in August, Members took into account the revised plans that had been submitted, which indicated that additional parking could be provided in connection with the development, via access through the existing garage building, but did not impose any condition requiring that the parking as shown should be provided.

4. As the decision has not yet been issued, there is therefore an opportunity for Members to consider whether such a condition is necessary. If Members are of the view that the development is only acceptable if the parking is provided, than the following condition could be applied:

Condition 5. Prior to the first occupation of the extension hereby permitted, the existing garage shall be altered and the two parking spaces and turning area shall be provided as shown on the amended plans references C.H.6D and C.H.7, and thereafter retained so as to provide off street parking to serve the development at the property. Any security door provided at the front of the drive through section of the garage shall only be in the closed position if the property is unoccupied, or during the hours of darkness.

Reason:- The property lies on a busy road linking Waltham Abbey to Harlow, and near a bend on that road; it follows that parking on Crooked Mile to the front of the property is not very practical or safe. The property also has a side/rear boundary to Hereward Close which is a cul-de-sac, which presently gives access to a double garage within the curtilage of the property, but which neither provides much on street parking for residents or visitors or for vehicles serving these properties. The proposal has responded to these circumstances by suggesting alterations to the arrangement of the garage so as to provide extra parking and turning within the site, and it is important that these are provided and retained, in the interests of road safety and to secure the amenities of neighbours, but not in such a way as to leave the property unsecured.

5. The Committee is therefore asked to consider whether they wish to impose this condition.

EPPING FOREST DISTRICT COUNCIL

and

DEMETRIOS GEORGIU DEMITRIU

and

VASOULLA DEMETRIU

and

THE MORTGAGE BUSINESS PLC

**DRAFT
AGREEMENT**

**made under Section 106 of the Town and Country
Planning Act 1990 (as amended)**

**Land at 92 Crooked Mile Waltham Abbey
Essex EN9 1QN**



**Epping Forest District Council
Civic Offices
High Street
Epping
Essex CM16 4BZ**

Reference: CSS/RR/TP/3/9/668

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Schedule 1: Draft Planning Permission

Schedule 2: Obligations

THIS DEED is made the

day of

2008

B E T W E E N :

1. **EPPING FOREST DISTRICT COUNCIL** of Civic Offices High Street Epping Essex CM16 4BZ of the first part (herein referred to as the "Council")
2. **DEMETRIOU GEORGIU DEMETRIOU and VASOULLA DEMETRIOU both** of 92 Crooked Mile Waltham Abbey Essex EN9 1QN (hereinafter together referred to as the "Developer")
3. **THE MORTGAGE BUSINESS PLC** a company registered in England and Wales under Company Registration Number 1997277 whose registered office is at Trinity Road Halifax West Yorkshire HX1 2RG of the third part (hereinafter referred to as the "Mortgagee")

RECITALS

1. The Developer wishes to construct the Development pursuant to the Planning Permission upon the Site
2. The Developer is the freehold owner of the Site in possession as the same is registered with Title Absolute under Title Number(s) EX699822 and EX207461 at H.M. Land Registry free from encumbrances
3. The obligations contained in this Deed are planning obligations for the purposes of Section 106 of the Town and Country Planning Act 1990
4. The Council is the Local Planning Authority by whom the obligations contained in this Deed are enforceable
5. The parties to this Deed are satisfied that the restrictions and provisions contained in this Deed are relevant to planning considerations concerning the Site, fairly and reasonably relate to the Development, fairly and reasonably relate in scale and kind to the Development and are reasonable in all respects
6. Having regard to the provisions of the Local Plan and the planning considerations affecting the Site the Council considers that the Development ought only to be permitted subject to the terms hereof

NOW THIS DEED WITNESSETH:

1. Definitions and Interpretation

1.1 The following words and phrases shall unless the context otherwise requires bear the following meanings:

“Acts”	Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 and in each case any statutory amendment variation substitution or re-enactment thereof together with all other statutory powers and Acts pursuant to which the parties hereto shall be empowered to enter into this Deed
“Application”	Application for planning permission reference number EPF/2358/2007 received by the Council for permission to carry out the Development upon the Site
“Council”	the party of the first part hereto which shall include its successors and assigns from time to time
“Developer”	the parties of the second part which shall include their successors and assigns from time to time
“Development”	Demolition of Conservatory for provision of double storey side extension to create care unit extension to family home
“Director of Planning and Economic Development”	the Council’s Director of Planning and Economic Development or any other officer or person properly exercising the authority of the Director of Planning and Economic Development for the time being or any other officer or person appointed by the Council to act on its behalf
“Extension”	the double storey side extension the subject of the Application
“Implementation”	means implementation of the Permission by the carrying out of any material operation within the meaning of Section 56(2) and (4) of the Town and Country Planning Act 1990 and “ Implement ” and “ Implemented ” and cognate expressions will be interpreted in

accordance with this definition

- "Mortgagee" the party of the third part which shall include its successors in title and assigns from time to time
- "Plan" the site plan annexed hereto
- "Permission" planning permission in the form of the draft annexed hereto as Schedule 1
- "Site" as the same is shown edged red on the Plan

- 1.2 Any covenant by the Developer or the Council not to do any act or thing shall be deemed to include an obligation not to permit or suffer such act or thing to be done by another person where knowledge of the actions of the other person is reasonably to be inferred
- 1.3 Any references to any particular statute include any statutory extension, modification, amendment or re-enactment of such statute and also include any subordinate instruments, regulations or orders made in pursuance of it
- 1.4 Where under this Deed any notice, approval, consent, certificate, direction, authority, agreement, action, expression of satisfaction is required to be given or reached or taken by any party or any response is requested any such notice, approval, consent, certificate, direction, authority, agreement, action, expression of satisfaction or response shall not be unreasonable or unreasonably withheld or delayed
- 1.5 The headings appearing in this Deed are for ease of reference only and shall not affect the construction of this Deed
- 1.6 Where reference is made to a clause, part, plan, paragraph, recital or schedule such reference (unless the context requires otherwise) is a reference to a clause, part, plan, paragraph, recital or schedule of or to (or in the case of Plan attached to) this Deed
- 1.7 The Council will on written request from the Developer and on payment of its reasonable costs and expenses certify whether or not an obligation under this Deed has been satisfied

2. Planning Obligations

This Deed is made pursuant to the Acts and both the positive and restrictive covenants and undertakings herein on the part of the Developer are entered into with the intent that the same shall be enforceable without limit of time not only against the Developer but also against its successors in title and assigns and any person corporate or otherwise claiming through or under the Developer an interest or estate created hereafter in the Site or any part or parts thereof as if that person had also been an original covenanting party in respect of such of the covenants and undertakings which relate to the interest or estate for the time being held by that person

3. Entry into Force

This Deed shall come into effect upon delivery hereof and the grant of the Permission

4. No Encumbrance

The Developer HEREBY COVENANTS with the Council that they will not enter into any covenants or agreement relating to any part of the Site whose effect would be to preclude the carrying out of the planning obligations and covenants contained in this Deed

5. General Provisions

IT IS HEREBY AGREED AND DECLARED that:

5.1 The covenants on behalf of the parties hereto to be observed and performed under this Deed shall be treated as Local Land Charges and registered at the Local Land Charges Registry for the purpose of the Local Land Charges Act 1975; and

5.2 Nothing in this Deed shall prejudice or affect the rights powers duties and obligations of the Council in the exercise by it of its statutory functions and the rights powers duties and obligations of the Council under private or public statutes bye-laws orders and regulations may be as fully and effectively exercised as if it were not a party to this Deed

5.3 The Developer hereto hereby agrees to observe and perform the covenants set out in Schedule 2 hereof

5.4 Nothing in this Deed shall be construed as granting permission to the Developer or his agents or servants from time to time to carry out works on a highway for which the Council is the highway authority or acting as or agent for the highway authority

6. No Waiver

No waiver (whether express or implied) by the Council of any breach or default by the Developer in performing or observing any of the covenants undertakings obligations or restrictions contained in this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the said covenants undertakings obligations or restrictions or from acting upon any subsequent breach or default in respect thereof by the Developer

7. Interest

Without prejudice to any other right remedy or power herein contained or otherwise available to the Council if any payment which is due to the Council under the terms of this Deed and is made later than the date such payment is due shall attract interest at the Local Authority Seven Day Deposit Rate from the date payment was due until the payment is received by the Council

8. Severability

Each clause sub-clause schedule or paragraph shall be separate distinct and severable from each other to the extent only that if any clause sub-clause schedule or paragraph becomes or is invalid because of a change of circumstances or any other unforeseen reasons or if any one or more of such clause sub-clause schedule or paragraph shall be held by the Courts to be void for any reason whatsoever but would be valid if severed or any wording was deleted or any time period reduced or scope of activities or area covered diminished then any modifications necessary to ensure such clause sub-clause schedule or paragraph be valid shall apply without prejudice to any other clause sub-clause schedule or paragraph contained herein

9. Verification and Enforcement

9.1 The Developer shall permit the Council and its authorised employees and agents upon reasonable notice to enter the Site at all reasonable times for the purpose of verifying whether or not any obligation arising hereunder has been performed or observed

9.2 Without prejudice to the terms of any other provision herein the Developer shall pay the reasonable legal charges and expenses (including without prejudice to the generality thereof reasonable legal costs and reasonable Surveyor's fees) incurred by the Council for the purpose of or incidental to the enforcement of any right or power of the Council or of any obligation of the Developer arising hereunder

9.3 Without prejudice to any other right remedy or power herein contained or otherwise available to the Council if there is a breach of a requirement in a planning obligation herein to carry out any operations in on under or over the Site the Council may:

- (a) Enter the Site and carry out the operations; and
- (b) Recover from the Developer any expenses reasonably incurred by the Council in doing so as a debt due and owing

9.4 Before the Council exercises its power under Clause 9.3 hereof it shall give not less than 21 days notice of its intention to do so to the Developer

10. Variation

No variation to this Deed shall be effective unless made by deed or pursuant to the determination of an application made under section 106A of the 1990 Act

11. Resolution of Disputes

11.1 In the event of any dispute between the parties hereto any party may invite any other party to resolve the dispute by mediation in such manner as the parties may agree

11.2 In the event of a dispute between the parties (other than a dispute relating to a matter of law or in relation to the interpretation of this Deed) the parties agree that the matter in dispute will on the application of either of them be referred to a Surveyor acting as an expert (hereinafter referred to as the "Expert") (being a member of the Planning Division of the RICS with not less than ten years recent experience in the field of town and country planning and development) whose identity will be agreed between the parties or in default of agreement appointed by or on behalf of the President for the time being of the RICS on the application

of any party and it is further agreed that:

11.2.1 the determination of the Expert will be final and binding on the parties save in the case of manifest error

11.2.2 the parties will be entitled to make representations and counter-representations in accordance with such timetable as the Expert shall direct and

11.2.3 the Expert's costs will be borne in such proportions as he may direct failing which each party will bear its own costs of the reference and determination and one-half each of the Expert's costs

12. Notices

Any notice to be served in accordance with this Deed shall be validly served if served in accordance with Section 196 of the Law of Property Act 1925 as amended by the Recorded Delivery Service Act 1962 except that

12.1 any notice to be served on the Council shall be addressed to the Director of Planning and Economic Development or such other person as the Council shall have previously notified the other party in writing and shall quote the reference number referred to in the definition of "Application" in Clause 1.1 hereof

12.2 any notice to be served on the Developer shall be addressed []

13. Developer's actions on exchange

The Developer will on exchange of this Deed pay the Council's reasonable legal costs incurred in the negotiation and preparation of this Deed

14. Council's Actions on Exchange

14.1 To register this Deed as a Local Land Charge

14.2 To issue the Permission as soon as practicable

15. Deed governed by English Law

This Deed is subject to and will be construed in all respects in accordance with the provisions of English law

16. Third Parties

Without prejudice to the definitions of the “Council” the “Developer” and the “Mortgagee” given in Clause 1.1 hereof it is not intended that this Deed should give rights hereunder to a third party arising solely by virtue of the Contract (Rights of Third Parties) Act 1999

17. Mortgagee

17.1 The Mortgagee has by deed dated 18 May 2004 a mortgage over the Site

17.2 The Mortgagee joins herein to consent to the terms of this Deed but without liability save in the event that it become successors in title to the Developer before the obligations contained in this Deed have been performed in full

IN WITNESS whereof the parties hereto have executed this deed the day and year first before written

SCHEDULE 1
("Draft Planning Permission")

SCHEDULE 2

The Developer hereby covenants with the Council as follows:

1. that the Extension must be used solely as accommodation ancillary to the existing dwellinghouse and must not be occupied or be used for any purpose independent of the existing dwellinghouse.
2. that the Extension must not be severed from or sold leased or let separately from the existing dwellinghouse
3. that the connecting internal doorway between the Extension and existing dwellinghouse as shown on approved drawing C.H.3c must be provided prior to the Extension being occupied and the doorway must be retained in perpetuity without obstruction and any door within the doorway must not be permanently locked or fixed shut

THE COMMON SEAL OF)
EPPING FOREST DISTRICT COUNCIL)
was hereunto affixed)
in the presence of:)

Attesting Officer

SIGNED AS A DEED)
by the said **DEMITRIOS**)
GEORGIU DEMITRIU)
in the presence of:)

SIGNED AS A DEED)
by the said **VASOULLA DEMITRIU**)
in the presence of:)

EXECUTED AS A DEED)
by the said **THE MORTGAGE**)
BUSINESS PLC (Reg Co No: 1997277))
in the presence of:)

Director

Secretary

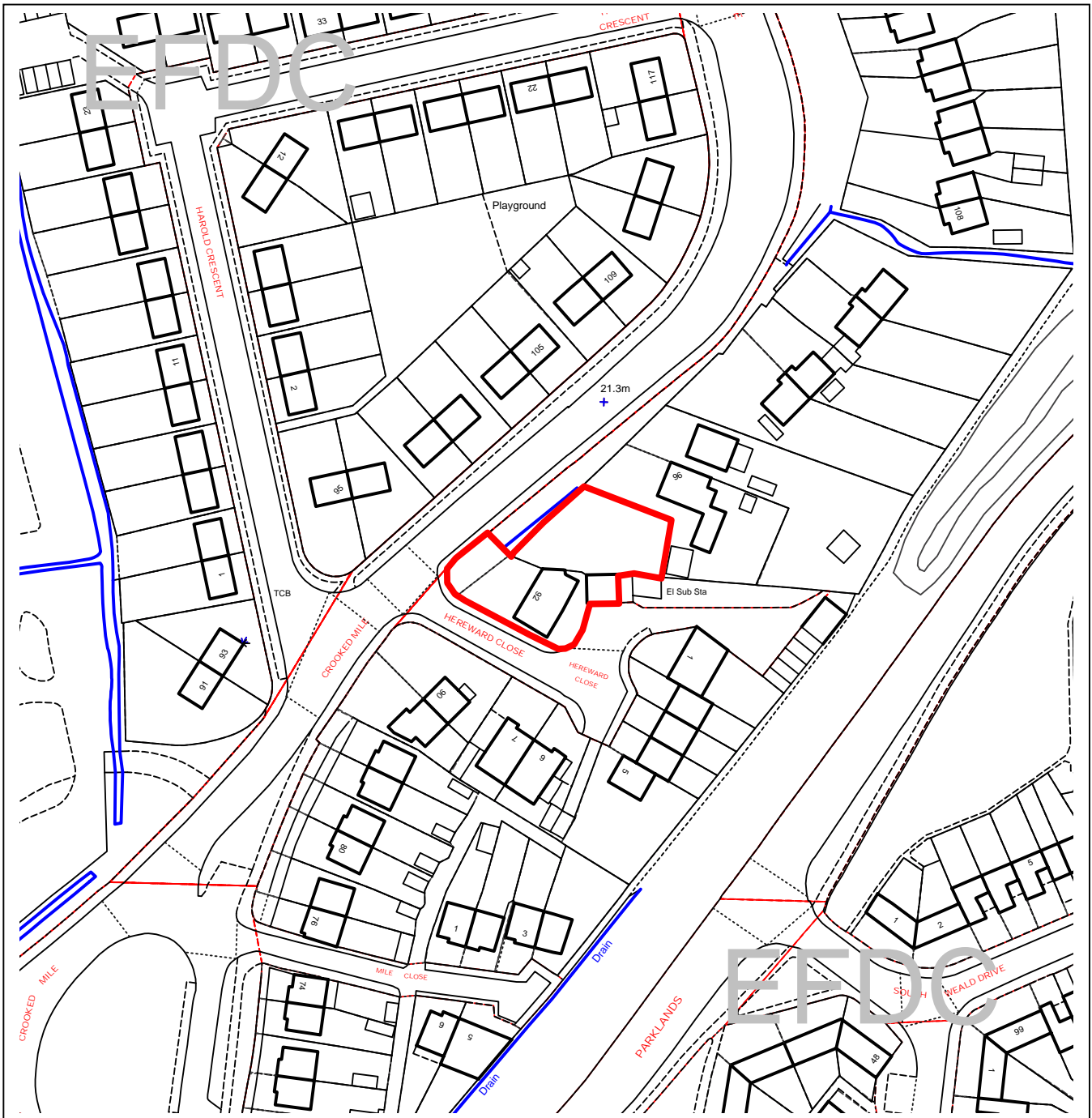
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Epping Forest District Council

District Development Control Committee



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Agenda Item Number:	11
Application Number:	EPF/2358/07
Site Name:	92 Crooked Mile, Waltham Abbey EN9 1QN
Scale of Plot:	1/1250

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Report to District Development Control Committee

Date of meeting: 2 December 2008

Subject: Planning Application EPF/1909/08 – 162 Forest Road, Loughton – Roof extension and raising of first floor flank wall.



**Epping Forest
District Council**

**Officer contact for further information: S. Solon
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the Committee Grants Planning Permission subject to the following 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. Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.**

Reason: To safeguard the visual amenities of the locality.

Report Detail

1. This application is before this committee since it is an application by Councillor Barratt (Pursuant to Section P4, Schedule A (j) of the Councils Delegated Functions). All planning applications, where the applicant is a district councillor, are considered by District Development Committee instead of Area Committee.

Planning Issues

Description of Proposal:

2. The proposal is for a roof extension and raising of the flank wall. This would extend the roof on the south eastern side of the property with a end gable form. The depth would be 2.5m, the same as the existing roof. The gable would be formed by raising the flank wall, which currently supports a lean-to style roof, would be raised in order to accommodate the alterations.

Description of Site

3. The site is a detached property on Forest Road bordered on either side by similar sized dwellings. There is a mix of houses in the road in terms of style and type with detached, semi detached and some terracing. The rear of the property is well

screened with fencing and planted vegetation. There is evidence of previous extensions nearby including a two storey rear extension on the south eastern neighbour side (adj. No. 160) and single storey rear on the north west boundary (adj. No.164).

Relevant History

4. There are a number of applications relating to the site;

EPF/1667/87 - Two storey rear extension. Grant Permission - 15/02/1988.

EPF/0077/02 - Single storey rear extension (garden room) – Grant Permission (with conditions) - 11/02/2002.

EPF/1298/05 - First floor side extension to front part of house. Grant Permission (With Conditions) - 23/09/2005.

EPF/0169/06 - Extension to existing vehicular crossover. Grant Permission (With Conditions) - 10/03/2006.

Policies Applied

Policy DBE9 – Loss of Amenity

Policy DBE10 – Design of Residential Extension

Policy ST6 – Vehicle Parking

Issues and Considerations

5. The main issues to consider are the following:

- any potential loss of amenity
- the design of the extension in relation to the existing building and it's setting
- Vehicle Parking
- In relation to amenity it is not felt that the proposal would have a significant impact. The space created is at roof level and there are no issues of loss of daylight or overlooking. The proposal will be close to the boundary with No.160 but as the properties are already set close together it is not felt this would be a significant issue.
- The extension would increase the bulk of the property but in an area which has a range of styles and it is not felt this would be detrimental or particularly domineering. The properties on either side are similar in style but there are enough discernible differences to allow scope for additions without significant impact on the streetscene. The house already sits on the boundary and the roof addition will not bring it any nearer.
- An objection letter raised the question of parking problems being exacerbated. The current standards in urban areas with good transport links is one parking space per household. It is not felt that the addition of one room will have a significant impact to this house or its surroundings and refusal on this ground will be extremely unlikely to be sustained on appeal.

Conclusion

6. The proposal accords with the relevant adopted policies and it is therefore recommended that planning permission be Approved (with conditions).

Summary of Representations

TOWN COUNCIL: NO OBJECTION.

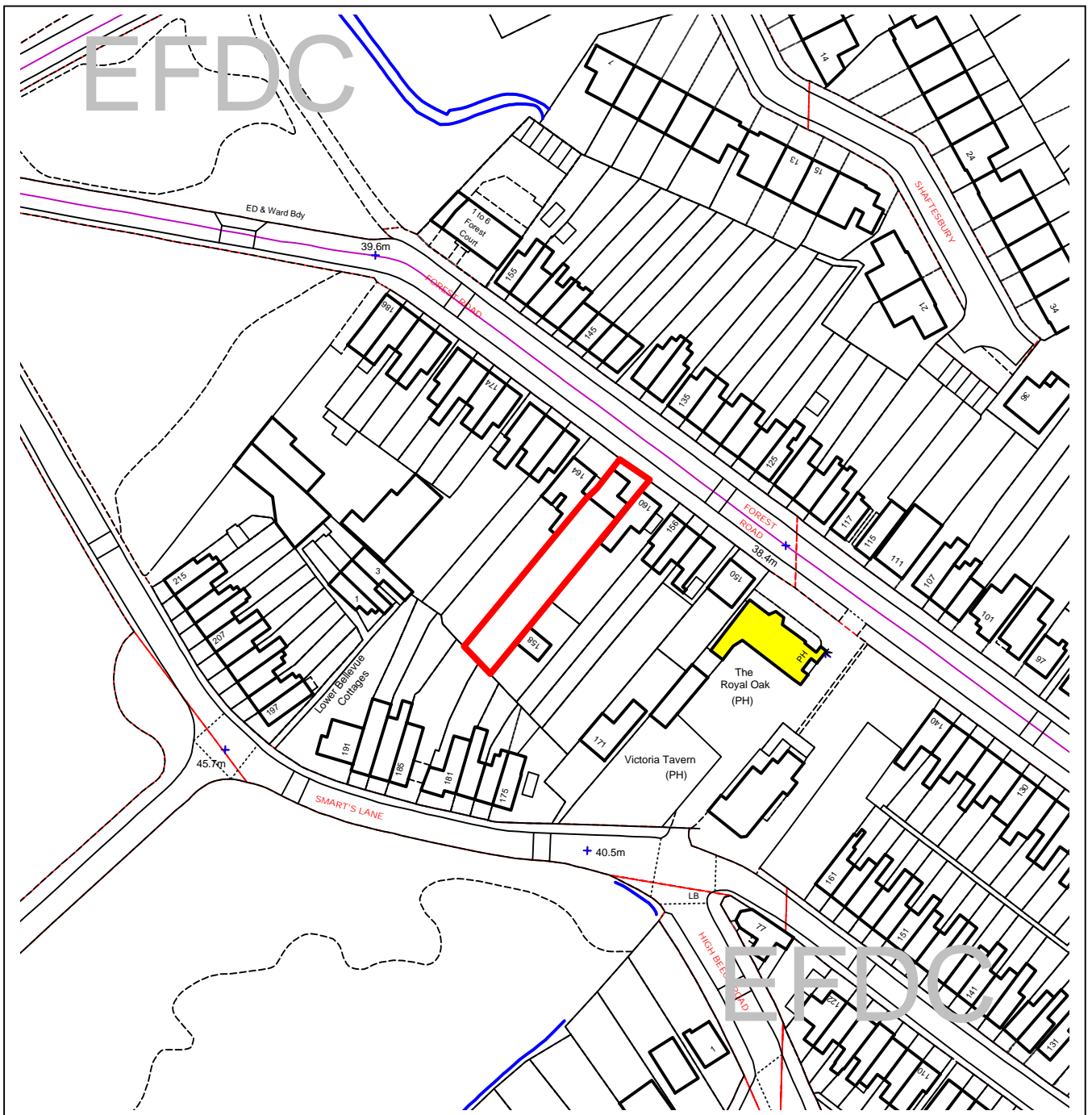
164 FOREST ROAD: Objection: The property will be disproportionately large in comparison with other properties. It will be out of keeping with the neighbouring properties and look heavy and domineering. The problem of parking will be exacerbated.

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Epping Forest District Council

District Development Control Committee



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Agenda Item Number:	12
Application Number:	EPF/1909/08
Site Name:	162 Forest Road, Loughton, IG10 1EG
Scale of Plot:	1/1250

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Report to District Development Control Committee

Date of meeting: 2 December 2008



**Epping Forest
District Council**

Subject: Planning Application EPF/1765/08 – Oak Lodge, Woolmonger's Lane, High Ongar, Ongar, Essex, CM4 0JX. – Single storey side extension.

**Officer contact for further information: S Solon
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the committee considers a recommendation of Area Plans Sub-Committee East that planning permission be granted for a single storey side extension, subject to the following 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. Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.**

Reason: To safeguard the visual amenities of the locality.

Report

- 1. This application has been referred to this committee by Area Plans Sub-Committee East with the recommendation that planning permission be granted.**
- 2. The application was reported to the Plans Sub-Committee on 22 October 2008 with a recommendation that planning permission be refused and a copy of that report is attached. To grant permission would be contrary to policy and therefore is referred to this committee for decision.**

Planning Issues

- 3. The main issues in determining the application concern whether very special circumstances exist, which allow an exception to be made to Green Belt policy GB14A relating to residential extensions in the Metropolitan Green Belt.**
- 4. When considering this submission Members of the Area Plans Sub Committee considered that very special circumstances exist because the**

percentage increase in total floorspace, at 47.7% above the original, was only just over the 40% set out in relevant policy GB14A.

5. Members noted that the extensions would not significantly impact upon neighbouring residents, and that in such circumstances they have granted permission in the past, even when proposals exceed the limits set out in Green Belt policy.
6. Furthermore, Members noted that since 1st October there has been a relaxation of restrictions on domestic extensions that can be undertaken without the need for planning consent.
7. Whilst officers agreed with the Committee Members regarding the acceptability of the design and that no near neighbours are affected, it remains the case that the extensions exceed the limits set out in policy GB14A.
8. The extension would amount to a total of 47.7%/90.5m² which is in excess of the 40%/50m² limits applicable in the relevant policy GB14A.

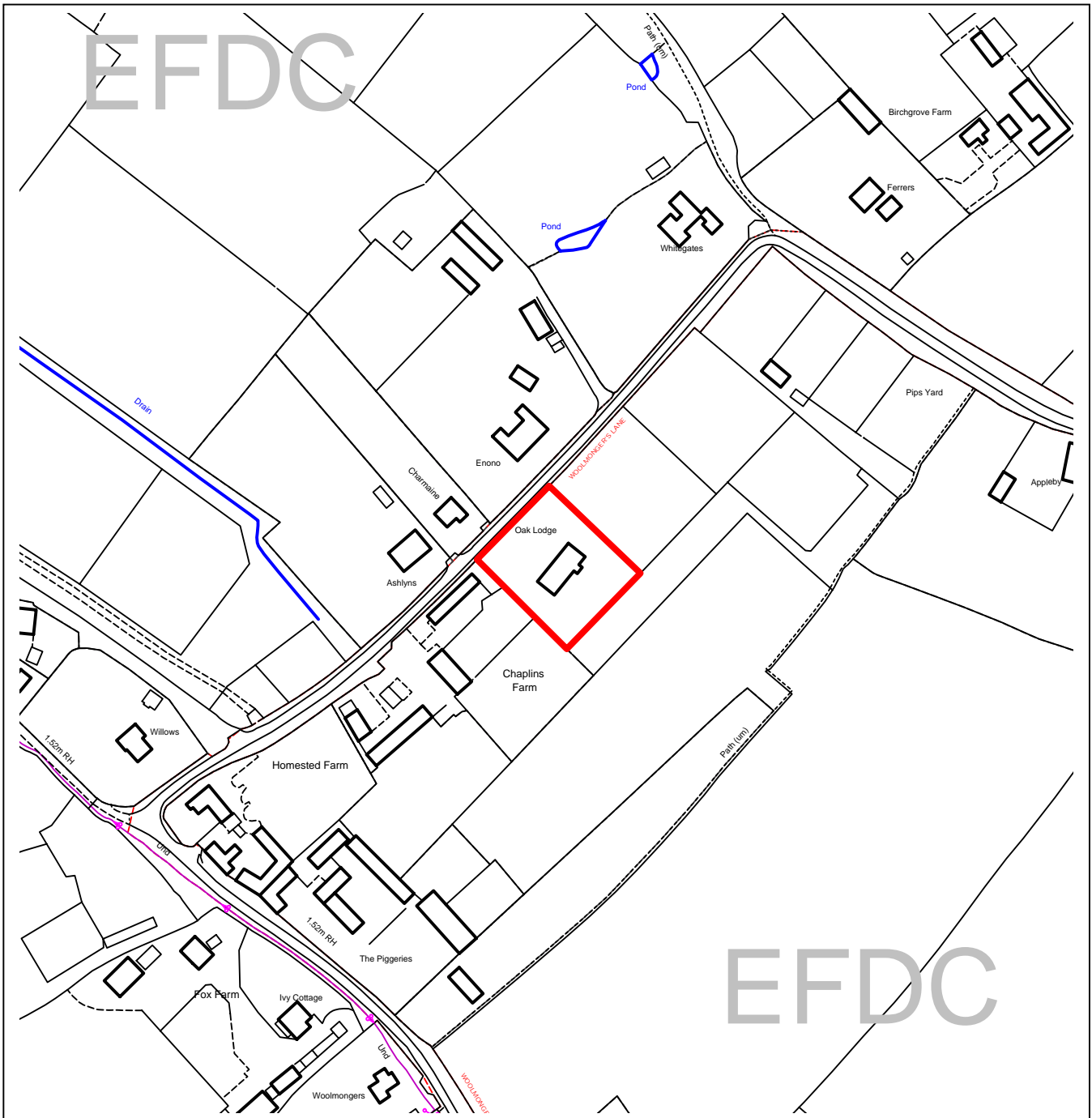
Conclusion

9. Should the Committee be minded to grant permission for this development then it is suggested that it should be subject to the conditions stated above.
10. Officers remain of the view that the proposal represents inappropriate development in the Green Belt and that no satisfactory very special circumstances exist in this case sufficient to override the Green Belt policy, and to grant permission could set an undesirable precedent for other similar applications.



Epping Forest District Council

District Development Control Committee



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Agenda Item Number:	13
Application Number:	EPF/1765/08
Site Name:	Oak Lodge, Woolmonger's Lane High Ongar, CM4 0JX
Scale of Plot:	1/2500

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Extract from Area Plans East – 22 October 2008

APPLICATION No:	EPF/1765/08
SITE ADDRESS:	Oak Lodge Woolmonger's Lane High Ongar Ongar Essex CM4 0JX
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr Peter Bland
DESCRIPTION OF PROPOSAL:	Single storey side extension.
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The site is located within the area identified as Metropolitan Green Belt. The Local Plan states that the impact of extensions in the Green Belt should not impair upon the open appearance of the countryside. The proposal is unacceptable because the cumulative impact of the proposed side extension, together with an existing conservatory, will result in the house being disproportionate in size over and above that of the original building and therefore harms the openness of the Green Belt. It would therefore be contrary to Policy GB14A of this Council's adopted Local Plan and Alterations.

This application is before this Committee since it has been 'called in' by Councillor McEwan (Pursuant to Section P4, Schedule A (h) of the Council's Delegated Functions).

Description of Proposal:

Single storey side extension. It would project out to the Northeast side by 7.3m, be 9.115m deep and be 3.8m high with a flat roof. The edges of the roof would slope and be tiled to give the impression of a pitched roof at ground level.

It is an identical proposal to that refused planning permission in May 2008, Ref EPF/0473/08.

Description of Site:

A former agricultural workers dwelling designed as a detached chalet style bungalow situated on the southeast side of Woolmonger's Lane. The property has previously been extended to the south west flank by a 7.5m wide conservatory with an L shaped footprint projecting between 3.3 and 5.1m. It has a floor space of 26.06m². The surrounding area is open in character with farmland to the north, east and south. On the opposite side of the road are detached houses in

relatively large grounds and to the southwest are farm buildings. The site falls within the Metropolitan Green Belt.

Relevant History:

EPF/0958/93 - Removal of agricultural occupancy condition on EPF/52/87. Approved

EPF/1405/07 – Two storey side extension. Refused and appeal dismissed

EPF/0473/08 - Single storey side extension Refused

Policies Applied:

East of England Plan (Regional Spatial Strategy)

Policy LA1 – London Arc

Epping Forest District Local Plan and Alterations

Policy GB2A – Development in the Green Belt

Policy GB14A – Extensions in the Green Belt

Policy DBE4 – Design in the Green Belt

Policy DBE10 – Residential Extensions

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Impacts upon the Metropolitan Green Belt
- Design Considerations

There are no near neighbours affected by these proposals

Impacts upon the Metropolitan Green Belt

Policy GB14A states that limited extensions may be permitted where the open character and appearance of the Green Belt will not be impaired; and the character and appearance of the buildings in their settings will be enhanced or not unduly harmed; and they will not result in disproportionate additions of more than 40%, up to a maximum of 50m, over and above the total floorspace of the original building.

The extension measures 64.5m² in additional floorspace, and this figure added to the 26.06m² of the conservatory equates to enlarging the property by 90.5m² of additional floorspace, a 47.7% enlargement over the original. As such, this is well in excess of the 50m² and 40% limits set out in policy GB14A.

It is considered that there are no site specific factors that make this acceptable in this location – the site is in a relatively open position and the extension would harm the openness of the Metropolitan Green Belt. This proposal is identical to the proposal refused planning permission earlier this year and there have been no changes in the relevant policy since that decision. As such, this application cannot be supported.

Design Considerations

The proposed single storey side extension incorporates a hipped end crown roof style that matches and complements the main dwelling. The overall design is sympathetic and maintains a unified appearance to the façade of the dwelling.

Conclusion

There have been no changes to the proposal and no changes in the relevant policy since the previous identical scheme was refused. As such, it is proposed to refuse the extension due to harm caused to the openness of the Green Belt.

SUMMARY OF REPRESENTATIONS

PARISH COUNCIL: No Objection

NEIGHBOURS: No response received.

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Report to District Development Control Committee

Date of meeting: 2 December 2008



**Epping Forest
District Council**

**Subject: Planning Application EPF/1478/08 – The Meadow, Pedlars End,
Moreton, Essex, CM5 0LW – Demolition of existing bungalow and
erection of replacement two storey four bedroom dwelling.**

**Officer contact for further information: S. Solon
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the committee considers the Area Plans Sub Committee East to grant planning application EPF/1478/08 subject to the following 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. 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.

4. 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.

Reason: In the interests of the amenities of noise sensitive properties.

5. 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, 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

1. This application has been referred by the Area Plans Sub Committee East with a recommendation for approval. The report to the sub committee carried a recommendation from officers to refuse planning permission and the planning merits of the case are attached (to be read in conjunction with the report for planning application Ref: EPF/1478/08).

Planning Issues

2. When considering this submission, Members of the Area Plan Sub Committee acknowledged that the volume and the floor area of the proposed development was larger than the existing building and that is was contrary to Policy GB15A of the Epping District Local Plan and Alterations.
3. Members however came to the conclusion that the design of the proposed development was an improvement compared to the appearance of the existing building and that it would also be an improvement to the visual amenity and the locality of the surrounding area.
4. Given that 4 large dwellings were recently granted permission and have now been constructed, Members also felt a precedent had been set.
5. It was concluded that in this case very special circumstances applied in that the reasons outlined above outweighed any harm the development would have on the Metropolitan Green Belt.
6. Members noted that the proposed development would not significantly impact upon neighbouring residents, in particular in relation to a loss of privacy, loss of sunlight/daylight and visual blight.
7. Officers, however, are of the opinion that no satisfactory very special circumstances exist in this case sufficient to override the Green Belt policy.

Conclusion

8. Should the Committee be minded to grant permission for this development then it is suggested that it should be subject to the conditions stated above.

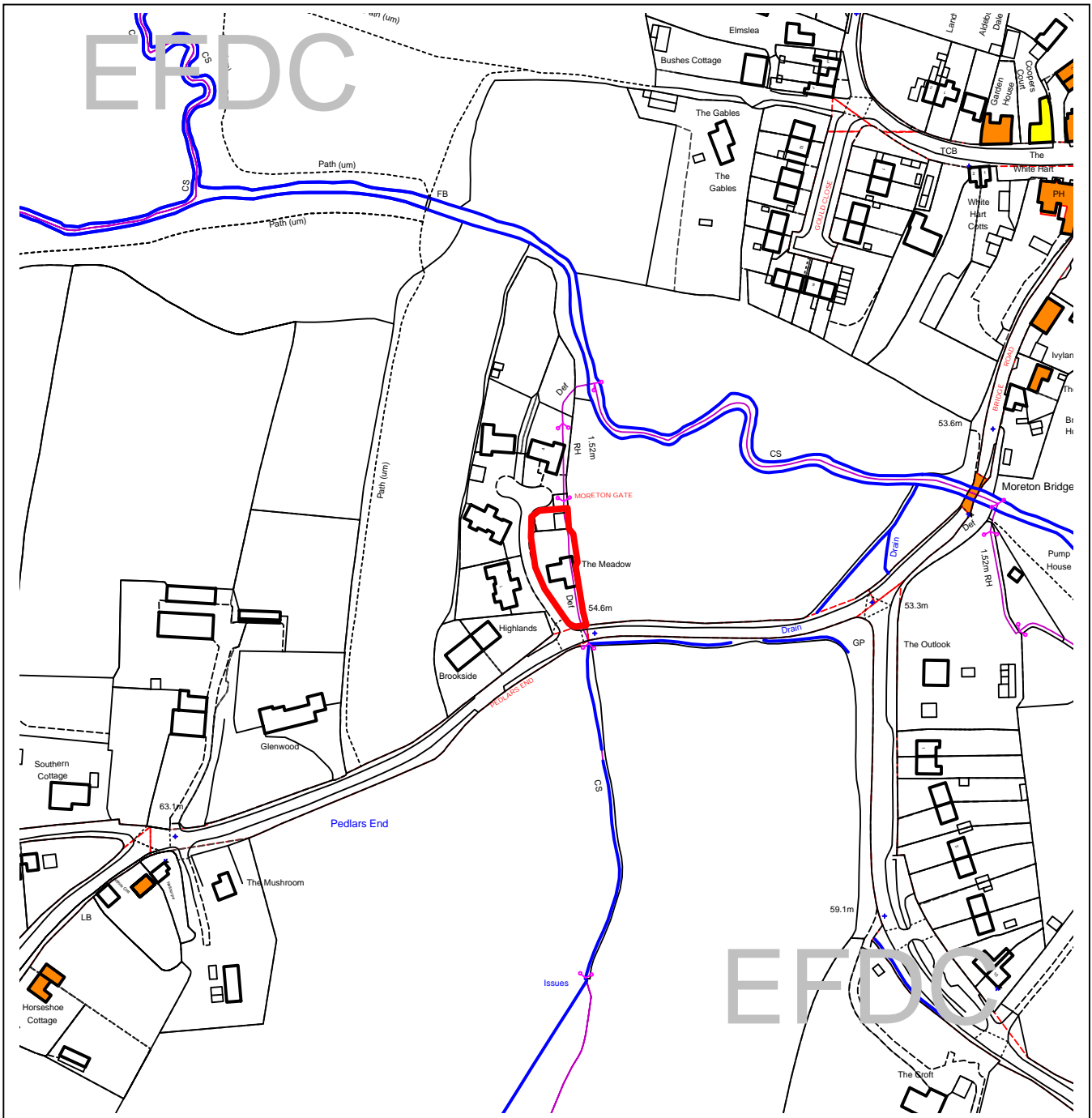
- 9 Officers remain of the view that the proposal represents inappropriate development in the Green Belt and that no satisfactory very special circumstances exist in this case sufficient to override the Green Belt policy.

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Epping Forest District Council

District Development Control Committee



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Agenda Item Number:	14
Application Number:	EPF/1478/08
Site Name:	The Meadow, Pedlars End, Moreton CM5 0LW
Scale of Plot:	1/2500

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APPLICATION No:	EPF/1478/08
SITE ADDRESS:	The Meadow Pedlars End Moreton Ongar Essex CM5 0LW
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr Glenn Bengtson
DESCRIPTION OF PROPOSAL:	Demolition of existing bungalow and erection of replacement two storey four bedroom dwelling.
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The site is within the area identified in the Epping Forest District Local Plan as Metropolitan Green Belt. The Local Plan and Government Guidance as set out in Planning Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area. The proposed replacement house is materially greater in volume, size and scale than the existing dwelling and therefore is an inappropriate development harmful to the purposes of including land in the Green Belt and would be harmful to the visual amenities of the Green Belt. Accordingly, the proposed replacement house is contrary to the Government advice contained in PPG2, and contrary to Policies GB2A, GB7A and GB15A of the Adopted Local Plan and Alterations. There are no very special circumstances that outweigh the harm of the proposal to the Metropolitan Green Belt.

- 2 The proposed development would, by reason of its poor design and appearance, primarily caused by the mixture of roof form and eave heights, appear as an unacceptable visually intrusive feature in the streetscene harmful to the appearance and character of the surrounding area contrary to Policies DBE1, DBE2, and DBE4 of the Adopted Local Plan and Alterations.

This application is before this Committee since it has been 'called in' by Councillor Tony Boyce (Pursuant to Section P4, Schedule A (h) of the Council's Delegated Functions).

Description of Proposal:

The applicant seeks planning permission for the demolition of an existing two bedroom bungalow and replacing it with a two storey four bedroom detached dwelling.

The proposed dwelling will be located in the same position as the existing bungalow although the building footprint will be larger. The floor area of the existing bungalow is approximately 103 square metres whereas the proposed dwelling will have approximately 256 square metres (130sqm on the ground floor and 126sqm on the first floor). The existing height of the bungalow is 5.8 metres to the pitch of the roof. The proposed dwelling would have a maximum height of 8.4 metres to the ridge of the roof. Materials for the dwelling are to comprise of a brick plinth and weatherboarding above. The roof form will comprise a mix of gable ends and half hip, half gable ends.

The size and shape of the residential curtilage will remain the same with the majority of the private open space being located towards the rear of the proposed dwelling. Vehicle access and parking will remain the same as existing with vehicles parking in the detached garage towards the rear of the site. There are to be no changes or alterations to the existing garage.

Description of Site:

The subject site is known as 'The Meadow' which is a relatively level plot, mainly regular in shape and has a residential curtilage comprising of approximately 550 square metres. Currently located on the site is a medium size bungalow and a detached garage. A high solid brick wall runs along the eastern side and northern rear boundaries. Mature vegetation is located on the front boundary and scattered throughout the rear of the site.

The subject site is located within a small enclave of residential dwellings as Council recently granted permission for 4 double storey dwellings to be constructed on the adjacent site previously used as Showmans winter quarters. A total of 7 dwellings form the enclave. A shared access way provides vehicle access to the subject site and the 4 dwellings that have been recently constructed.

The subject site and the surrounding area are located within the Metropolitan Green Belt with the predominant land use in the locality being agriculture.

Relevant History:

There is no relevant recorded planning history for the subject site.

Policies Applied:

DBE1 Design of New Buildings
DBE2 Effects on neighbouring properties
DBE4 Design in the Green Belt
DBE9 Loss of Amenity
LL2 Development and Rural Landscape
LL10 Impact on existing landscaping
LL11 Landscaping provisions
CP2 Protection of the rural environment
CP3 New Development
CP4 Sustainable Development
GB2A Development in Green Belt
GB7A Conspicuous development
GB15A Replacement Dwellings

Issues and Considerations:

The main issues raised are appropriateness in the Green Belt, design and appearance and impact on the amenities enjoyed by the occupants of neighbouring dwellings.

Green Belt:

Policy GB15A of the Local Plan states that the replacement of existing permanent dwellings in the Green Belt, on a one for one basis, may be permitted where the new dwelling would not have a greater volume than that to be replaced, will not cause harm to the openness of the Green Belt and will not result in the curtilage being extended.

The building footprint of the new dwelling is only slightly larger than the existing building footprint of the bungalow so if the dwelling was single storey there could be some justification to grant permission on a one for one basis. However, due to the construction of a second floor, the new dwelling would be a lot larger in terms of its volume. Since the policy test relates to volume rather than any other measurement of size the proposal fails to meet the policy requirement that the replacement house does not have a materially greater volume than the building to be replaced.

Therefore the proposal is contrary to Policy GB15A and amounts to inappropriate development in the Green Belt. Such development can only be permitted where very special circumstances exist. The onus is on the applicant to demonstrate that. The applicant relies on the small difference in footprint compared to the existing house. However, this is to ignore the strict policy criteria for assessing such proposals. This cannot amount to a very special circumstance since such an approach could be applied to any other proposal for a replacement dwelling in the Green Belt. Acceptance of this approach would seriously undermine adopted Council policy. Since the proposal is inappropriate development in the Green Belt for which no very special circumstances exist, it is also contrary to the requirements of Policy GB2A and provisions of PPG2. Having regard to the excessive size of the proposed house, it is harmful to the visual amenities of the Green Belt. Consequently the proposal is also contrary to policy GB7A.

In arriving at this conclusion consideration has been given to whether the previously approved 4 x two-storey houses on an adjacent site serves as a precedent or has the consequence of so greatly changing the character of the locality that it amounts to a very special circumstance. In that case planning permission was only granted for the 4 houses because it secured the removal of a showmans winter quarters that was assessed as having a far more harmful impact on the openness of the Green Belt than the proposed houses. Consequently there was a great improvement in openness that arose from very site specific circumstances not readily capable of being repeated on any other land in the Green Belt. As such, the houses cannot be said to create a precedent.

The houses have certainly resulted in a change in the character of the immediate locality, but that is one from a showmans winter quarters to 4 houses that amount to an enhancement of the open and rural character of the locality. Such a change certainly cannot amount to a very special circumstance sufficient to overcome the harm that would be caused to the Green Belt by reason of inappropriateness.

Design and Appearance:

Policies DBE1, DBE2, and DBE4 of the Epping Forest District Local Plan seek to ensure that a new development is satisfactorily located and is of a high standard of design and layout. The appearance of new developments should be compatible with the character of the surrounding area.

Although the nearby properties known as Brookside and Highlands are single storey, it is considered that the two storey nature of the proposed dwelling would not appear dominant in relation to the form of the street scene as the 4 recently constructed dwellings on the former showman's site are all double storey.

Although the form of the development is acceptable, the overall design and appearance of the building does not respect the character of the surrounding area or a traditional building found in a rural area because the roof form comprising a mixture of half hip, half gable and gable roofs create different eaves heights for different components of the dwelling. This leads to a confused design in which it is not clear whether the dwelling is meant to be one storey or two stories in height.

It could be argued that this is a form of articulation to provide visual interest however it is considered that the proposed design of the building achieves the opposite. It could also be argued that the 4 recently constructed dwellings are a bit bland and don't provide much visual interest, however it is considered that any new development should reflect the character and design of the existing dwellings in the surrounding area.

It is considered that the proposed development is contrary to policies DBE2 and DBE4.

Impact on Neighbours:

Consideration has been given to the impact of the proposal to the adjoining and adjacent properties, primarily in respect to privacy and overshadowing.

Given the orientation of the site and the siting of dwellings, overshadowing of the adjoining properties private open space is minor, with any shadow generally cast over the subject site itself. Although there would be some overshadowing of adjoining properties adequate sunlight will still be received to garden areas and windows of habitable room windows at the adjoining properties throughout the day.

There would not be any significant loss of privacy to adjoining properties as the only flank window proposed will service bathrooms and landing areas and these windows can be conditioned to be obscured glazed.

It is noted that there are first floor windows proposed on 3 of the 4 elevations. The only elevation without first floor windows is the western side elevation. It is considered that there is a significant distance between the adjoining property and the rear façade of the proposed dwelling so as not to cause serious harm by reason of overlooking. Other first floor windows would only overlook the front garden and the paddock to the east which is owned by the applicant.

Overall it is considered that there would be no harm caused to the amenities enjoyed by adjoining occupiers.

Conclusion:

By reason of its excessive size in comparison with the existing house the proposed replacement house amounts to inappropriate development in the Green Belt. No very special circumstances of sufficient weight to override the harm caused to the Green Belt exist. Moreover, the proposed house is also not acceptable due to its poor design and appearance. Accordingly, the proposal is contrary to adopted planning policy in respect of the Green Belt and design of new buildings. It is therefore recommended that the planning application be refused for the reasons outlined above.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL: The committee has no objections regarding the application.

1 MORETON GATE: Object - Their main concerns are as follows:

- Loss of view lines
- Inaccuracy of plans and points detailed in design & access statement
- Loss of privacy
- Out of character.
- Loss of sunlight and daylight.

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