

# Committee Agenda



**Webcast  
Meeting**



**Epping Forest  
District Council**

## ***Area Planning Subcommittee West Wednesday, 10th December, 2008***

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

**Room:** Council Chamber

**Time:** 7.30 pm

**Democratic Services Officer** Rebecca Perrin - The Office of the Chief Executive  
Email: rperrin@eppingforestdc.gov.uk Tel: 01992 564532

Members:

Councillors J Wyatt (Chairman), Mrs P Brooks (Vice-Chairman), R Bassett, J Collier, Mrs A Cooper, J Demetriou, Mrs R Gadsby, Mrs J Lea, W Pryor, Mrs M Sartin, Mrs P Smith, Ms S Stavrou, A Watts and Mrs E Webster

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**A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 6.30 P.M. IN COMMITTEE ROOM 1 ON THE DAY OF THE SUB-COMMITTEE.**

### **WEBCASTING NOTICE**

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

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

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

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

**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 - 10)**

To confirm the minutes of the last meeting of the Sub-Committee held on 29 October 2008 as correct record (attached).

**4. APOLOGIES FOR ABSENCE**

**5. DECLARATIONS OF INTEREST**

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

**6. ANY OTHER BUSINESS**

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

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

**7. DEVELOPMENT CONTROL (Pages 11 - 46)**

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

**Background Papers:** (i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are

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

**8. PROBITY IN PLANNING – APPEAL DECISIONS, APRIL 2008 TO SEPTEMBER 2008 (Pages 47 - 54)**

To consider the attached report.

**9. DELEGATED DECISIONS**

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

**10. EXCLUSION OF PUBLIC AND PRESS**

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

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Paragraph Number</b>	<b>Information</b>
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](http://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'

# Agenda Item 3

## **Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1840/08
<b>SITE ADDRESS:</b>	13 Windsor Wood Waltham Abbey Essex EN9 1LY
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey North East
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/10/90 G3 T1 Sycamore - Fell
<b>DECISION:</b>	Deferred

This item was deferred for consideration by District Development Control Committee as the applicant was denied their right under council policy to influence the outcome and as the meeting was not properly convened.

## **Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1305/08
<b>SITE ADDRESS:</b>	1 Cartersfield Road Waltham Abbey Essex EN9
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing buildings and erection of new 'Lidl' foodstore and construction of five start-up industrial units. (Revised application)
<b>DECISION:</b>	Deferred

This item was deferred for consideration by District Development Committee with recommendation for approval.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1771/08
<b>SITE ADDRESS:</b>	Unit 1 Highbridge Retail Park Highbridge Street Waltham Abbey Essex EN9 1BY
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>DESCRIPTION OF PROPOSAL:</b>	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)
<b>DECISION:</b>	Deferred

This item was deferred for consideration by the District Development Control Committee with recommendation for approval.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1675/08
<b>SITE ADDRESS:</b>	The Barn Warlies Park Farm Woodgreen Road Waltham Abbey Essex EN9 3SD
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of new single storey barn to be used for storage.
<b>DECISION:</b>	Granted Permission (With Conditions)

**CONDITIONS**

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



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1737/08
<b>SITE ADDRESS:</b>	Nazeing Golf Club Middle Street Nazeing Essex EN9 2LW
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Alterations and change of existing club house to a single dwelling and erection of garage, use of part of existing golf course as parkland with the remainder reverting to agricultural use.
<b>DECISION:</b>	Deferred

This item was deferred to be considered at a subsequent Planning Sub-Committee to allow further information to be sought.

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## AREA PLANS SUB-COMMITTEE 'WEST'

Date 10 December 2008

### INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/1737/08	Nazeing Golf Club, Middle Street, Nazeing	GRANT	13
2.	EPF/1955/08	Land at Birchwood Industrial Estate Hoe Lane, Nazeing Waltham Abbey	GRANT	25
3.	EPF/2036/08	Clayton Hill Country Park Old Nazeing Road, Nazeing	GRANT	35
4.	EPF/1994/08	Fesden Bungalow Harlow Road, Roydon	REFUSE	39
5.	EPF/1828/08	32 Edward Court Waltham Abbey	GRANT	42

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1737/08
<b>SITE ADDRESS:</b>	Nazeing Golf Club Middle Street Nazeing Essex EN9 2LW
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Nazing Golf Club
<b>DESCRIPTION OF PROPOSAL:</b>	Alterations and change of existing club house to a single dwelling and erection of garage, use of part of existing golf course as parkland with the remainder reverting to agricultural use.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The residential curtilage of the dwelling hereby approved shall only relate to the area indicated on plan Ref: 0817/P/2 (Plan showing extent of residential curtilage).
- 3 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 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 and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and

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

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

- 7 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.

- 8 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 9 The building previously approved under EPF/2347/04 shall not be erected. Should the building be erected prior to the commencement of the development hereby approved, it shall be removed within three months of the occupation of the site.

*This application is before this Committee since it is an application for a non-householder development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).*

**ADDITIONAL INFORMATION:**

The application was deferred at the previous committee to allow for further information on the following:

- 1 The viability of the Golf Course and the potential impact on the surrounding community. Concern was expressed with regards to the loss of this site as a recreational facility, which may have a wider harm to the interests of maintaining a sustainable rural community.
- 2 Concern was expressed with regards to how the remainder of the golf course would be 'reverted back to agricultural use' as the remaining golf course land is not shown on the location plan as being within the application site (outlined in red) or in other land under the applicant's ownership (outlined in blue). Also the method on how this would be reverted back to agricultural land was questioned (i.e. whether it would be sold in its current state and any operational works undertaken by the new owners, or whether it would be reverted to land ready for farming and then sold on).
- 3 Clarification that the application has been made legally by 'Nazeing Golf Club' and that it has been submitted in accordance with the rules and guidelines of Nazeing Golf Club.

The following information/comments were received by the Agent in response to the above:

1. *"The viability or otherwise of the existing facility is considered to be a private business matter of the owners, and their financial situation is not a matter that should be placed in the public arena, nor should it be relevant to the Council as Planning Authority."  
"Consideration of this planning application should be on its own merits, and does not need to have regard to any viability test that is applied to such matters as agricultural occupation conditions."  
"All the relevant Planning Policies have been addressed in the planning application, and the report sets out a list of 20 Policies that have been applied to the application, none of which give cause for objection."  
"There is no specific Policy in the Local Plan that requires applications such as this to be subject of a marketing exercise, nor would any results from such an exercise be of assistance in assessing the planning merits of the application."*

With regards to the last comment, the relevant planning policy relating to this marketing exercise would be CF12 (Retention of community facilities), which states that:

**Permission will only be granted for proposals which will entail the loss of a community facility where it is conclusively shown that: (i) the use is either no longer needed or no longer viable in its current location; and (ii) the service, if it is still needed, is already, or is to be, provided elsewhere and accessible within the locality to existing and potential users. Where planning permission is granted for proposals that will entail the loss of a community facility, the Council will consider favourably alternative uses which fulfil other community needs and which satisfy other policies of the plan. Where there is an identified need for another facility, the Council will have to be satisfied that the site is unsuitable for that use prior to considering the site for open market housing or other commercial proposals.**

Despite the site being in private ownership, this does not exclude it from being considered a community facility.

The reply to this was that:

*“The detailed consideration of viability and availability of alternative facilities has already been fully set out in the Planning Submission Document dated August 2008 and I would direct your attention to pages 3-5 that deal with these matters.”*

*“The 'community facility' referred to is operated as a private business and how this is undertaken is in the control of the owners. It cannot be a relevant planning consideration in the context of the planning merits of this application nor can the proposals as a whole be determined on such a basis.”*

*“It should also be noted that when in the past the owners have sought to expand the business operation to improve viability, there has been objection from local residents and opposition from the Council both in respect of planning and licensing requirements.”*

2. *“Although the lawful use of the site is a golf club, this use in its totality will cease on the implementation of planning permission, and it is suggested that to satisfy the concerns expressed by some of the Councillors, a Condition of approval could be imposed to the effect that within 6 months of the dwelling being occupied the remainder of the golf course use shall cease. The whole of the existing golf club site forms the scope of the application, and if any plans need to be amended please advise: as necessary the submitted plan can include this total area within the red line.”*

*“The area released from golf club use would revert back to some form of agricultural use, and the type of agricultural operation would be dependant on market conditions at that time.”*

The amendment of the red line (site area) could not be done as an amendment to this existing plan but rather would need to be submitted as a new application. It would be possible to amend the location plan to show the remainder of the golf course as 'land under the applicant's ownership', and the applicant's agent has indicated that this will be submitted before the next committee. In which case a condition could be added to secure the cessation of the golf use of this land. The cessation of the use in effect reverts the land back to agriculture, as that is the only use that could be carried out on the land without the need for any planning permission. Clearly we cannot require that the land is actually farmed. As the land in question would still not be located within the red lined site area the description of the proposal would need to be amended to remove the reference to the remainder of the golf course. The other suggestion on how to control the remaining golf course land was that a simple S106 agreement could be submitted relating to the remainder of the land. The reply to this was:

*“An S106 Agreement seems wholly unnecessary, when the terms of the application are clear and if approved will have to be carried out in accordance with the details as submitted and considered, that include the cessation of the golf course use as an integral part of the overall scheme and could be conditioned as such.”*

3. With regard to the legality of the application, the applicant is listed as Nazeing Golf Club, and the applicant's agent has confirmed that the golf club have a lease on the land of more than 7 years which under the regulations makes them an "owner of the land". The freehold owners of the land are the Spellers and they are also the owners of the Golf Club. Although somewhat of a technicality, as the application is in the name of the Golf Club, certificate B should have been submitted, confirming that the freehold owners had been notified of the application, this has now been submitted, together with confirmation from the freeholders that they were aware of the application (as they are also the owners of the golf club). With regard to the issue of the golf club rules the applicant's agent responded as follows.



*“The relationship of golf club members to the owners of the site is a private matter and there are no grounds whereby Councillor Watts (or for that matter any other Councillor) could be sued by any of those members, if planning permission is granted.”*

*“Nazeing Golf Club is a private company that leases the site from the owners for the purpose of operating the golf club.”*

*“The golf club members have no locus in determining how the club operates.”*

Officers are of the view that this is a separate issue that is not relevant to the determination of the planning application. Planning permission is given or refused not on the basis of who the applicant is, and the granting of consent does not override any other legal requirements. If, in effect, the Members of the club have a legal right to continued use of the golf course then granting planning permission for change of use of the land will not take away that right.

#### Other issues

It should also be noted by Councillors that several comments have been received regarding potential inaccurate numbers in terms of employees, including comments from the Former Club Captain and Handicap Secretary, and the present Vice Captain. The submitted Planning Statement states that there are currently 4/5 workers within the club (1 no. employee in the clubhouse, 2/3 no. employees on the course and 1 no. golf professional). The comments received state that there are between 9 and 13 full-time employees and between 5 and 13 part-time employees.

Officers have asked the applicant to clarify this and the response is that their original figures are correct.

#### **Further representations received:**

There have been several further representations received since the previous committee.

Objections were received from the following regarding the loss of the golf course as a community facility:

5 KINGSMEAD, NAZEING ROAD, NAZEING  
GRINDELWALD, MIDDLE STREET, NAZEING  
18 NORTH STREET, NAZEING  
22 BRISCOE CLOSE, HODDESDON  
34 ROCHFORD CLOSE, TURNFORD  
41 GREENWICH WAY, WALTHAM ABBEY  
2 MANSION HOUSE, MIDDLE STREET, NAZEING  
40 PECKS HILL. NAZEING  
7 STONYSHOTTS, WALTHAM ABBEY  
74 BURLEY HILL, CHURCH LANGLEY  
FRANWELL, TATSFIELD AVENUE, NAZEING  
HIGHTREE, YEWLANDS, HODDESDON  
89 SANDRINGHAM WAY, WALTHAM CROSS  
66 DALE VIEW CRESCENT, CHINGFORD  
THE ACORNS, BELCHERS LANE, NAZEING  
47 CORNER MEADOW, HARLOW  
27 THE OVAL, BROXBOURNE  
16 GRASMERE CLOSE, LOUGHTON  
12 MAPLE SPRINGS, WALTHAM ABBEY  
63 PALMERS GROVE, NAZEING  
PARK LODGE, TATSFIELD AVENUE, NAZEING  
10 ROSLYN CLOSE, BROXBOURNE

175 MUSLEY HILL, WARE

Objections were received from the following regarding the loss of the golf course as a community facility and the loss of employment:

HIGHFIELD LODGE, MIDDLE STREET, NAZEING  
LYNTON, THE LAWNS DRIVE, BROXBOURNE  
33 BROAD STREET, CLIFTON  
82 ST MARGARETS ROAD, STANSTEAD ABBOTTS  
80 GOFFS LANE, CHESHUNT  
7 JOHN ELIOT CLOSE, NAZEING  
53 HIGHLAND ROAD, NAZEING  
136 ST MARGARETS ROAD, STANSTEAD ABBOTTS  
18 HILLFIELDS, HARLOW  
11 CALDECOT WAY, BROXBOURNE  
34 FIELD WAY, HODDESDON  
3 CHESTNUT GROVE, HODDESDON  
THE LINKS, HERTFORD ROAD, HODDESDON  
REGENCY HOUSE, WHITE STUBBS LANE, BROXBOURNE  
WILLOWS, ST LEONARDS ROAD, NAZEING  
BUCKLEY HOUSE, MIDDLE STREET, NAZEING  
5 NORTH STREET, NAZEING  
57 CHURCHFIELDS, BROXBOURNE  
PARKVIEW COTTAGE, BUMBLES GREEN, NAZEING  
CROOKED BILLET PUBLIC HOUSE, MIDDLE STREET, NAZEING  
LITTLE STILES, BACK LANE, NAZEING  
55 SHEERING ROAD, HARLOW  
7 GRANBY PARK ROAD, CHESHUNT  
CEDARWOOD, MIDDLE STREET, NAZEING  
1 CALDBECK, WALTHAM ABBEY

ADRIENNE HILL LTD., SUITE 3, CHEQUERS PARADE, PRESTWOOD (ON BEHALF OF THE MEMBERSHIP OF NAZEING GOLF CLUB) – Object due to the loss of the community facility, loss of employment, impact on the Green Belt, the Conservation Area and the existing landscaping.

**ORIGINAL REPORT:**

**Description of Proposal:**

Consent is sought for change of use of a golf course club house to a residential property together with associated alterations to its external appearance. It is also proposed to erect a detached garage and use part of the golf course as private parkland. The remainder of the golf course would revert to agricultural use, which does not require planning permission. The proposed external alterations would be purely cosmetic, with the main changes being the insertion of small rooflights to the roof slopes and the insertion of windows in the gable ends. The access to the site would be via Belchers Lane. The proposed garage would be 10.4m wide and 5.5m deep with a pitched and part-pitched roof to a height of 4.7m. The garage would be located in front of the dwelling on part of the footprint of a previously approved detached building that was not built.

**Description of Site:**

The application property is currently a 65ha golf course that includes a club house and car parking area. Current access to the golf course is via Middle Street, with the Belchers Lane access closed off and used only in emergencies. The site is located within the Metropolitan Green Belt and is within the Roydon and South Nazeing Conservation Area. The club house is located at the north

western end of Belchers Lane, with the main frontage and parking area facing south east. There are several preserved trees within and bordering the site, amongst other trees and landscaping that are not covered by Tree Preservation Orders.

### **Relevant History:**

EPF/1319/87 - Outline application for a golf course – refused 06/06/88 (appeal allowed 24/07/89)  
EPF/1319A/87 - Details of layout of golf course including vehicular access – approved 05/03/90  
EPF/0880/91 - Details of new golf club house (two buildings) 1. Licensed restaurant & bar. 2. Changing rooms, shop and new car park and planting – approved/conditions 06/01/92  
EPF/0161/97 - Single storey side extension and new front porch for existing clubhouse – lapsed 01/10/00  
EPF/2347/04 - Erection of ancillary storage and maintenance building for golf course – approved/conditions 18/11/05

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
GB2A – Development in Green Belt  
GB8A – Change of use or adaptation of buildings  
GB9A – Residential conversions  
HC6 – Character, appearance and setting of conservation areas  
HC7 – Development within conservation areas  
DBE3 – Design in the Green Belt  
DBE6 – Car parking in new development  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
E4A – Protection of employment sites  
HC6 – Character, appearance and setting of conservation areas  
HC7 – Development within conservation areas  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes

### **Issues and Considerations:**

The key issues in relation to this application are the acceptability of the development in Green Belt terms, amenity considerations, the impact of the loss of a recreational facility and employment site, highways and parking implications, the design and whether the proposal would preserve or enhance the character and appearance of the conservation area.

The golf course club house was approved and built some 16 years ago, and as such this is well established as an existing building in the Green Belt. Local Plan policy GB8A allows for the conversion of existing buildings in the Green Belt, provided they meet with the following criteria:

- (i) *The building is of permanent and substantial structure, capable of conversion without major or complete reconstruction, and is in keeping with its surroundings in terms of form, bulk and general design; and*
- (ii) *The use would not have a materially greater impact than the present use on the Green Belt and the purpose of including land in it; and*

- (iii) *The use and associated traffic generation would not have a significant detrimental impact on the character or amenities of the countryside; and*
- (iv) *The Council is satisfied that works within the last ten years were not completed with a view to securing a use other than that for which they were ostensibly carried out; and*
- (v) *The use will not have a significant adverse impact upon the vitality and viability of a town centre, district centre, local centre or village shop.*

This application complies with all the above requirements and as such is deemed as acceptable to convert. Whilst preference is given to employment uses, and extra criteria are in place for conversion to residential use under policy GB9A, this application is considered appropriate under both these policies.

The use of the club house as a single dwelling would result in a less intensive use of the land significantly reducing its impact on both the neighbouring properties and the Green Belt, and would result in far fewer traffic and pedestrian movements to and from the site. The majority of the site would revert back to agriculture, or be converted to private parkland for the future occupier of the site. Although a golf course is acceptable in the Green Belt given its openness and appearance, agricultural and park/wildlife use is far more preferable. As such, this proposal would be beneficial to the openness and appearance of the Green Belt in line with Local Plan policy GB2A.

Although there is a new detached garage proposed on the site, this is of a size and design commonly found in the Green Belt, and would be built partly on the foot print of (and would be significantly smaller than) a detached building previously approved on the site. Although that building was not built the permission can still be implemented. Due to this the garage would not be detrimental to the openness or character of the Green Belt.

As previously stated, the use of the club house as a residential property would be significantly less harmful to neighbouring residents than a golf course and club house. The building would be relatively unchanged and the level of car parking and vehicle and traffic movements would be far reduced. There is proposed landscaping and screening around the site, which would further shield neighbouring properties from the existing dwelling. Concern has been raised with regards to the reopening of the Belchers Lane entrance and this will be addressed below.

The proposed detached garage block would be typical of outbuildings found in the countryside, and would be a considerable distance from the shared boundary with any neighbouring properties. As such this would have no impact on neighbours and complies with policy DBE9.

The application site proposes an area of curtilage to the rear of the dwelling. This is more than sufficient to comply with the requirements of policy DBE8, and the future occupiers would also have access to large areas of private parkland for amenity purposes.

The loss of the golf course as an employment site and recreational resource has been justified by the applicant on the grounds that there has been an increasing number of golf courses built over the last 16 years and now there is an overprovision of them in this area. Consequently the loss of the golf course as a recreational resource would not result in a lack of recreational facilities in the locality.

As a result of the overprovision the applicant states there has been a drop in membership at this site, and to bring the course back to an agreeable level to meet the needs of the current market would require radical changes. These are uneconomical at this location and would result in disturbance and a detrimental impact on neighbouring dwellings. The possibility of reusing the site for alternative employment use would be unacceptable in this location given the proximity of neighbouring residential properties and as it would result in increased vehicle movements to this unsustainable location. As such the loss of the small scale employment currently undertaken at

this site would be acceptable and its reuse as residential rather than alternative employment use would be beneficial to the openness and character of the Green Belt. Accordingly, it complies with policy E4A.

As previously mentioned the use of the site as a single residential property would significantly reduce the level of vehicle movement and parking on the site. The main entrance to the property is proposed to be via Belchers Lane, which previously was the traditional entrance to the site. Objections have been received with regards to the use of the Belchers Lane entrance, although primarily these objections are related to the possibility of the club house later being converted to flats. The use of the building as flats would require further planning permission, and if this was applied for then the intensified use of the Belchers Road entrance would be addressed. Notwithstanding this, the proposed development is for a single dwelling and as such the Belchers Road entrance, which currently serves several properties, would be acceptable. Accordingly, the proposal complies with Local Plan policy ST4.

The current use has off-street parking space for 100+ cars. The proposed double garage, along with the large front garden, would provide more than sufficient off-street parking provision for this single house. As such this complies with policy ST6 of the Local Plan.

The alterations to the existing building are minor. There would be some rooflights and gable windows added, and some cosmetic changes to give a more homely appearance rather than that of a club house; however the main details, openings, size and overall appearance of the building would be relatively unchanged. As such this proposal complies with policy DBE3.

Landscaping and further tree screening has been proposed, and a landscaping scheme would be required for this site. Also protection to the preserved trees would be required. Subject to conditions relating to this, the proposal would comply with Local Plan policies LL10 and LL11.

Having regard to the less intense use of the site, the removal of a large parking area and especially the creation of parkland, the proposal would serve to enhance the character and appearance of the Nazeing and South Roydon Conservation Area. In that context the alterations to the building and proposed garage are acceptable in conservation terms.

There are several existing rights of way on the site, which were previously altered with the development of the golf course. These would need permission from Essex County Council to be removed or altered, and it is an offence to obstruct them. As such, whilst the impact on these have been raised as a concern, this issue is covered by other legislation and would not require a related planning condition.

Several objections have been received from members of the golf club in relation to its closure, many of which are displeased as they have paid 'lifetime membership' to the course, which is now in jeopardy. The applicant has given justification as to why the golf course is uneconomical and the refusal of planning permission would not necessarily stop the course from closing. Any issues with regards to 'lifetime memberships' or refunds on this are private matters for members to raise with the golf club owners and are not relevant planning issues.

### **Conclusion:**

In light of the above, the proposal would be beneficial to the openness and appearance of the Green Belt and to neighbouring residential properties, and would enhance the Conservation Area and therefore complies with all relevant Local Plan policies. As such this proposal is recommended for approval.

## **SUMMARY OF REPRESENTATIONS:**

PARISH COUNCIL – No objection but footpaths could be affected which were the subject of diversion orders in the past.

SPINDLEWOOD HOUSE, BELCHERS LANE – Object as this could lead to an application for apartments, the entrance in Belchers Lane would intensify use in this already narrow road, and as there is concern with regards to what would happen with the proposed parkland and agricultural land.

TAYS FARM, BELCHERS LANE – Object on same grounds as above.

MARKIN, BELCHERS LANE – Object as this could lead to a change of use to apartments and as the road is too narrow to cope with an intensification of use.

HIVE COTTAGE, BELCHERS LANE – Concerned about the access being off of Belchers Lane.

1 BYNERS COTTAGE, BELCHERS LANE – Object due to the entrance at Belchers Lane which is inappropriate if the site is used for an elderly care home or flats.

1A BYNERS COTTAGE, BELCHERS LANE – Object to the use of Belchers Lane entrance.

LYNTON – Object to the loss of the golf course and the impact this would have on the users of the site.

5 WHITE STUBBS FARM, WHITE STUBBS LANE – Object to the loss of the recreational facility.

22 BRISCOE CLOSE, HODDESDON – Comment about the loss of the golf course.

2 DOVEHOUSE GARDENS – Object to the loss of the golf course as it would not be honouring their life membership.

ROBARTA LODGE, HAMLET HILL, ROYDON – Object to loss of the golf course.

CEDARWOOD, MIDDLE STREET – Object to the loss of the golf course.

PUDDLEDUCK COTTAGE, 33 BROAD STREET, CLIFTON – Object to the loss of the golf club.

80 OLD NAZEING ROAD – Object to the loss of the golf course.

2 BERTHOLD MEWS, BEAULIEU DRIVE, WALTHAM ABBEY – Object to the loss of the golf course as a local community facility.

THE LINKS, HERTFORD ROAD – Object to the loss of the golf course.

2 TOVEY CLOSE – Object to the loss of the golf course.

HACIENDA EL PALMERAL 14B, ATALAYA DE RIO VERDE – Object to the loss of the golf club and impact on existing wildlife.

60 EASTFIELD ROAD, WALTHAM CROSS – Object to the loss of the golf course.

74 BURLEYHILL, CHURCH LANGLEY – Object to the loss of the golf course.

WOODLANDS, MIDDLE STREET – Object to the loss of the golf course.

13 DOWNLANDS, WALTHAM ABBEY – Object to the closer of the golf course.

66 MALKIN DRIVE, CHURCH LANGLEY – Object to the loss of the golf course.

PENHEALE, BRIARSWOOD, GOFFS OAK – Object to the loss of the golf course and the precedent this would send for further applications on the site.

13 DOWNLANDS, WALTHAM ABBEY – Object to the loss of the golf course.

BUCKLEY HOUSE, MIDDLE STREET – Object to the loss of the golf course.

BELCHERS FARM, BELCHERS LANE – Object to increased traffic on Belchers Lane and impact from the 'parkland'

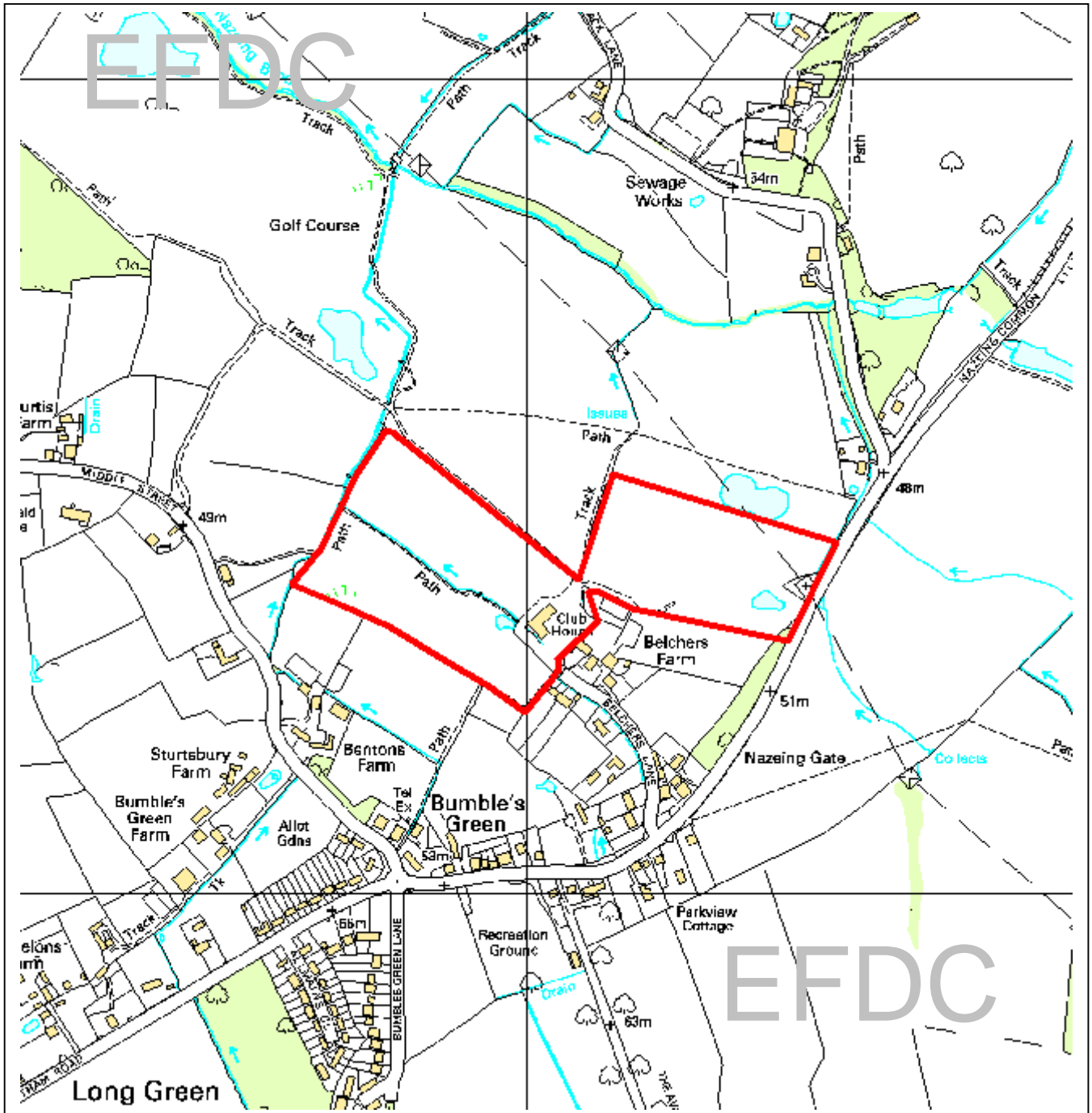
SLADES, BELCHERS LANE – Object to use of Belchers Lane as main access

HOLYFIELDS, CROOKED MILE, WALTHAM ABBEY – Object to loss of community facility.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	1
Application Number:	EPF/1737/08
Site Name:	Nazeing Golf Club, Middle Street Nazeing, EN9 2LW
Scale of Plot:	1/7500



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1955/08
<b>SITE ADDRESS:</b>	Land at Birchwood Industrial Estate Hoe Lane Nazeing Waltham Abbey Essex EN9 2RW
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mr Warren Scott
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use, for a temporary 3 year period, from B2 chipping and composting to a mixed use of B2 chipping and composting and B8 storage in association with lawful B2 use, including retention of weighbridge and installation of portacabin and water tank.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three months beginning with the date of this notice unless otherwise agreed in writing by the Local Planning Authority.
- 2 This consent shall inure for a limited period expiring 3 years from the date the development commences after which there shall be no more than 5000 tonnes or 18,000 cubic metres of unprocessed wood on the site, whichever is the lesser. For the purposes of this condition the date the development commences shall be construed as described in condition 6 of this planning permission.
- 3 The development hereby approved shall not commence until a scheme for controlling dust generated by the use has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the means of dust suppression to be used on machinery on site, site roads, chipped wood and unprocessed wood. The approved means of dust suppression shall be installed prior to the commencement of the use. Thereafter the development shall be carried out in accordance with the approved scheme for controlling dust unless otherwise agreed in writing by the Local Planning Authority.
- 4 No work in connection with the use hereby permitted shall be undertaken on the site on Sundays, Bank or Public Holidays or at any other time except between the hours of 0700 and 1700 on Mondays to Saturdays.
- 5 Notwithstanding the requirements of condition 4 of this planning permission, no Heavy Goods Vehicles shall enter or leave the site on Sundays, Bank or Public

Holidays or at any other time except between the hours 0730 and 1700 Mondays to Fridays and between 0800 and 1300 on Saturdays. For the purposes of this condition Heavy Goods Vehicle means a vehicle over 3,500 kg gross weight.

- 6 There shall be a net reduction in wood on the site of at least 3000 tonnes every 4 calendar months throughout the life of this planning permission until there is no more than 5000 tonnes or 18,000 cubic metres of unprocessed wood on site, whichever is the lesser.

Within 7 days of the commencement of the development written confirmation of the date the development commenced shall be submitted to the Local Planning Authority. Thereafter documentary evidence of the total amount of wood imported to and exported from the site shall be submitted to the Local Planning Authority every 4 calendar months after the date the development is commenced. If the net reduction over any 4 month period is less than 3000 tonnes no further wood shall be imported to the site until the Local Planning Authority gives written notice that it has received documentary evidence demonstrating a net reduction in wood on site has been achieved amounting to at least 3000 tonnes plus an additional amount in proportion to the additional time that has passed before the required evidence is submitted.

Once the amount of unprocessed wood on site is 5000 tonnes or less, thereafter the amount of unprocessed material on site shall not exceed 5000 tonnes or 18,000 cubic metres, whichever is the lesser.

For the purposes of this condition the date the development commenced means the first day after the date of this planning permission when either wood is brought onto the site or wood is chipped on the site.

*This application is before this Committee since it is an application for development of a significant scale and/or wider concern and is recommended for approval (Pursuant to Section P4, Schedule A (c) of the Council's Delegated Functions). Furthermore, the recommendation also differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions) and it differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

**Description of proposal:**

It is proposed to make a material change in the use of land from general industrial purposes (Use Class B2) to a mixed use for general industrial and storage purposes (Use Classes B2 and B8). It is also proposed to retain a weighbridge, station a portacabin on the land and erect a water tank.

The proposed storage element of the use is the storage of existing unprocessed wood on the site. The proposed industrial element of the mixed use is intended to result in the removal of all stored wood other than that which is ancillary to the lawful industrial use of the site.

The industrial elements of the use are chipping wood and production of compost. One mobile chipper capable of handling between 300 and 400 tonnes of material is proposed to be used for breaking up unprocessed wood into wood chip. All chipping and loading machinery would be fitted with dust suppression equipment.

Unprocessed wood and chipped wood would be delivered to and taken from the site via the weighbridge by HGV with a carrying capacity of 90m<sup>3</sup>. The weighbridge is a low structure positioned at the entrance to the site from the rest of the industrial estate. It is required to document the quantity of material leaving and entering the site.

The applicant proposes that an average of 100 tonnes of unprocessed wood be imported to the site each working day over each calendar month. All the new imported material would be chipped immediately. The applicant also proposes to chip and remove from site a minimum of 50 tonnes of existing stored material stockpiled by a previous occupier of the site.

Imported material would be sorted according to quality prior to its delivery to the site. There are three grades of material. Chipped Grade A material would be used by power generating companies as fuel in power stations while chipped Grade B material would be used by manufacturers of chipboard. Chipped Grade C material would be either disposed of at landfill or composted on site and subsequently spread on agricultural land. That would be the extent of any composting.

The existing stored wood on site is Grade C material. Grades A and B material can have up to 10% of their mass made up of Grade C material therefore some of the existing material on site can be mixed with imported material that is Grades A or B as well as imported Grade C material.

It is intended to work the existing stored material from the centre of the site towards the perimeter in a clockwise direction, starting with material adjacent to the western boundary followed by material adjacent to the north and finally the eastern boundaries. The applicant has submitted section drawings of the stored material indicating which parts of it would be worked through during particular periods of time throughout the life of the planning permission. The central and western part of the site would be cleared during the first year. During the second year the northern part of the site would be cleared while the eastern and southern part of the site will be cleared during the third year.

The site would not be completely cleared of unprocessed wood since some will be required for the lawful chipping of wood following the expiry of the three year period during which the mixed use is proposed. It is proposed that on or before the expiry of the consent the only stored material on the land would be that which is solely ancillary to the lawful industrial use of the site.

The proposed portacabin office (12m in length by a width of 3.25m) would be sited on the north side of the weighbridge and would control movements to and from the site. A cylindrical storage tank 6.1m high with a diameter of 6.1m would be erected immediately north of the portacabin and be used to store water for dust suppression. The water storage tank would be finished in plastic coated steel and painted dark green.

### **Description of site:**

The site forms the eastern half of an industrial estate situated north of horticultural nurseries on the north side of Hoe Lane, Nazeing, approximately 430m north east of the urban area of Nazeing. The estate is accessed by a narrow private road that also serves the nurseries. This site has an area of 1.4 hectares and is bounded by open fields to the north and west, the remainder of the industrial estate to the east, and a nursery to the south. Mature trees enclose the western and northern and southern site boundaries. Those trees on the northern two-thirds of the western site boundary are the subject of a tree preservation order.

Much of the site is covered by a very large stockpile of waste wood, some of which has spilled through the western and northern site boundaries. The stockpile is about 10-15m high. The

material is set approximately 6m from the eastern site boundary. A large earth bund has been constructed adjacent to the southern and part of the western site boundary.

The site is situated in the Metropolitan Green Belt. Although neither the site nor the nurseries to the south form part of a conservation area, the part of Hoe Lane off which the site is accessed forms the edge of the Nazeing and South Roydon Conservation Area.

### **Relevant History:**

The background to this application is complex and necessary to appreciate in order to understand the planning context within which it is submitted.

An enforcement notice was issued on 18/10/84 alleging the making of a material change of use of the land at a Mushroom Farm (former Clapham No. 2 Nursery) Hoe Lane, for the trade or business of producing compost for use other than on the land, without planning permission.

An appeal against the Notice was allowed, the Notice quashed and planning permission granted for the development referred to in the Notice on 29/11/85. The only condition imposed on the permission, limiting the times work in connection with the use may be carried out.

In reaching his decision the Secretary of State described the use as a general industrial use (Use Class B2). This decision established the lawful use of the site as being for general industrial purposes and led to the formation of the Birchwood Industrial Estate, of which the application site forms part. The only condition imposed on the planning permission was a requirement that the use only be carried out between 0700 and 1700 Mondays to Saturdays.

In 2005 the use of the application site for the production of wood chippings commenced together with considerable ancillary storage. Following investigation and seeking Counsel's opinion it was concluded that the use was a general industrial use and consequently did not amount to a breach of planning control.

Continuing investigation and regular site visits during 2006 and 2007 showed there to be an increase in the amount of wood stored on the site, to the point where the storage of wood appeared to be the primary use. In order to clarify this, the Council commissioned a survey of the site in June 2007 that estimated the volume of processed material on site was 1,605m<sup>3</sup>, whilst the unprocessed was estimated to be 90,465m<sup>3</sup>.

On 8/08/07 two enforcement notices were issued relating to elements of the use: the stationing of shipping containers and the construction of a weighbridge on the land. The notices required their removal and subsequently the containers were removed. The weighbridge remains on the land for the time being with the agreement of officers.

Shortly after the issue of the enforcement notices on 8/08/07 the ownership of the site changed and the then contracted purchaser removed the previous occupier of the site, Essex Wood Ltd, from the land.

Thereafter no further waste wood has been imported to the site and discussion about the best way of removing the large amount of unprocessed wood from the site between the owner, the Council's Environmental Health Team and the Environment Agency took place. The outcome of the discussion was that incineration on site is not permissible and the material would have to be taken out by road.

Notwithstanding the new owners intention to remove the unprocessed wood from the land, on 7/02/08 an enforcement notice was issued alleging the use of land for the primary purpose of

storage (Use Class B8) and requiring the cessation of the use and removal of stored wood and waste wood. A compliance period of 12 months was given.

An appeal was made against the enforcement notice on grounds including that temporary planning permission for a period of 5 years should be granted to allow the quantity of wood on the site to be reduced to a level where any stored wood is ancillary to the lawful use of the site for the lawful industrial process of chipping wood. The appeal was due to be heard at a public inquiry scheduled to be held on 2/12/08.

In the meantime discussion with officers on the best practicable way of securing the removal of excess unprocessed wood on the land continued and, as a demonstration of their commitment to clear the site, approximately 6000 tonnes of such wood was removed from the site. The weight is equivalent to approximately 21,500m<sup>3</sup>. Furthermore, the owner has complied with officers' requests to not bring any more unprocessed wood into the site.

Negotiations have led to the submission of this proposal. Unfortunately the application was submitted later than expected and no decision could be made on it prior to the date the inquiry was scheduled to take place. Despite requests that the inquiry be postponed until after this application had been decided PINS insisted the inquiry go ahead. In order that the Council's case at appeal was not prejudiced by the existence of a report recommending planning permission be granted for the current proposal officers withdrew the enforcement notice issued on 7/02/08 with the consequence that the inquiry was cancelled and appeal withdrawn. Should this application be refused a replacement enforcement notice can be issued.

### **Policies Applied:**

#### **East of England Plan:**

SS1	Achieving Sustainable Development
E1	Job Growth
WM6	Waste Management in Development
LA1	London Arc

#### **Local Plan and Alterations:**

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of Rural and the Built Environment
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
E13B	Protection of Glasshouse Areas
LL2	Impact on Landscape
LL7	Trees of Public Amenity Value
ST4	Road Safety

### **Issues and Considerations:**

The woodchipping use of the site is an industrial use which is lawful and uncontrolled by planning conditions, other than hours of use, the main consideration therefore in the determination of this application is whether the temporary mixed use of the site for continued storage of timber until it can be chipped and removed is justified. The proposed use is inappropriate development in the green belt. However, the applicant argues that the proposal is designed to remedy the harm caused to the openness of the green belt by the stored wood on the land through securing the return of the site to its lawful use for industrial purposes within a reasonable time scale. He therefore contends the benefits to the openness of the green belt are considerable and arise from

the unique circumstances of the site. As such it is contended very special circumstances exist that outweigh any harm caused by the proposal.

Having regard to the planning history of the site and the aim of the Council's enforcement action of securing the cessation of the use of the site for the primary purpose of storage of wood, the main matter for consideration in this case is whether the proposal is an acceptable method of remedying the considerable harm being caused by the storage use.

The key points of the proposal are that it would secure the removal of stored wood on the site other than that ancillary to the lawful industrial use of the site for chipping wood and that it would achieve this within a period of 3 years. The alternative to granting planning permission is seeking the same end through planning enforcement action.

An enforcement notice would require the cessation of the storage use and removal of stored wood not ancillary to the lawful use of chipping wood. The current owner of the land has taken on responsibility for resolving the harm caused by a pre-existing breach of planning control. When his interest in the land was being acquired the owner explored options for complying with such a requirement in consultation with the Council and the Environment Agency. It was found that incineration of the wood on site would not be licensed by the Environment Agency therefore it is not an option. It was also abundantly clear to all parties that composting such a large quantity of wood on site would be impractical and certainly could not be achieved on site in a reasonable timescale. Accordingly, the only option for securing the removal of the stored wood and remedying the harm it causes is by taking out the wood by road in HGV's.

In the circumstances, it is necessary to consider whether securing the removal of the wood through the industrial process of chipping the wood is acceptable. The starting point for considering this must be accepting, as a matter of fact, the use of the land for that purpose alone is the lawful use of the site and it is not controlled by planning conditions beyond a limitation on the times the use can take place. In the circumstances it would not be reasonable for the Council to oppose the principle of removing the wood through the continuation of a lawful use.

It would therefore appear that very special circumstances sufficient to overcome the harm caused by the use exist. In order to fully assess this it is necessary to consider the detail of the proposal.

Chipping wood can cause harm to amenity by the generation of dust. Although the proposal includes elements of a dust suppression system, in particular an appropriate water storage tank, full details have not been submitted. These can be secured by an appropriate planning condition.

The movement of HGV's to and from the site along Hoe Lane has the potential to cause some harm to the amenities enjoyed by the occupants of houses located close to the road. However, the amount and frequency of HGV movements would not be materially different to that generated by the lawful use of the site. Nevertheless, a condition can be imposed limiting the times HGV's can access the site. This would be partially effective in limiting the numbers of HGV's using Hoe Lane at particular times. If such a condition is imposed on any consent Members should be aware that because the condition would only apply to the application site, it would not prevent HGV's travelling as far as the site boundary if they did not enter the site until the permitted time. Similarly, any HGV's leaving the industrial estate that did not originate from the application site would not be controlled by the condition.

Having regard to advice from the Highway Authority, the proposal would not cause any harm to the safe and free flow of traffic in the locality.

The final matter of detail to consider when assessing the planning merits of the proposal is the period of time for which consent is sought. The planning enforcement notice specified a compliance period of 12 months, but the Council's statement of case made it clear that this was

not an absolute limit for the Council and any timescale settled on would have to balance the need to remedy the harm caused by the stored wood and the difficulties the owner would have to overcome in securing the removal of the wood. The applicants clearly wish to secure the removal of stored wood from the site in a manner that is affordable. That is not normally a planning consideration, but it is relevant to any assessment of what is achievable. It is clear that disposing of all the wood in landfill could only be achieved at considerable expense. It is also clear that incineration or composting the wood are not available options. Members should be aware that the appellants statement of case submitted in connection with the enforcement appeal proposed a 5 year temporary consent for the current proposal. It may well be possible to achieve the removal of the stored wood in less than the 3 year temporary consent now sought but, if it is achievable, it certainly would require the use to be carried out much more intensively. To do so would be much more likely to result in harm being caused to the amenities of local residents.

Members should also be aware that, in the event of planning permission being refused, the Council would re-issue the enforcement notice requiring the removal of stored wood and there would certainly follow appeals against both the enforcement notice and refusal of planning permission. That would take approximately a year to deal with and the outcome would most likely be some form of temporary consent. Consequently, a best case scenario is that the eventual date that the stored wood is finally removed would not be much different to what it would have been if planning permission for this proposal is given for this proposal.

Indeed, an important advantage of giving consent on the basis that it is sought rather than relying on the enforcement process is that it allows the Council to impose planning conditions that specify precise measurable targets towards compliance that could not so easily be included in the requirements of an enforcement notice. Additionally it enables the imposition of conditions regarding dust suppression and lorry movements for the duration of the temporary permission that can not otherwise be applied to the lawful chipping use. It is to be hoped that if good practice becomes established as a result of a temporary consent this will continue with regard to the lawful woodchipping business at the end of the period. Accordingly, it is considered that a temporary consent for 3 years is appropriate in this case subject to conditions requiring a specified net reduction in the quantities of unprocessed wood stored on the site at specified times during the life of the consent.

### **Conclusion:**

Although the proposed use is inappropriate development within the Green Belt, very special circumstances sufficient to overcome the harm caused by reason of inappropriateness and other reasons. The proposal is an acceptable method of remedying the considerable harm being caused by the storage of wood and waste wood on the land and it is possible to mitigate the impact of the use and secure progressive reduction in the amount of wood on the land throughout the life of the consent through the imposition of appropriate planning conditions. Accordingly the proposal complies with adopted planning policy and it is recommended that planning permission be granted.

### **SUMMARY OF REPRESENTATIONS**

NAZEING PARISH COUNCIL: Objection. Summary: The proposals involve the continuation of a very noisy, dirty and dangerous activity in a Green Belt situation with very poor traffic access. The existing woodpile should be removed before any new wood is imported to the site. Firm targets need to be set for the pile reduction and close monitoring should follow. 18 months should be more than enough time to get rid of the whole pile.

ENVIRONMENT AGENCY: "We have assessed this application as having a low environmental risk regarding our role"

HIGHWAY AUTHORITY (Essex County Council): "The Highway Authority has no objections to this proposal as it is not contrary to the relevant transportation policies contained within the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07 and policies ST4 & ST6 of the Local Plan."

NEIGHBOURS: Objections raised by the occupants of the following 7 neighbouring properties:

- Greenleaves, Hoe Lane, Nazeing
- Eva End, Hoe Lane, Nazeing
- Parkers Farm, Hoe Lane, Nazeing
- Stoneyfield Nursery, Hoe Lane, Nazeing
- Tudor Lodge, Hillside Nursery, Hoe Lane, Nazeing
- Kinglea Plants Ltd, Shottentons Farm, Pecks Hill, Nazeing
- 2 Sunnyside, Nazeing

The grounds of objection are summarised as follows:

The purpose of the proposal is to maximise their income from the use. The District Council should not permit this and should require the stockpile of material be removed within a much shorter period of time prior to the importation of any new material. To back this up the Council should re-instate the enforcement process.

The proposed use is inappropriate development in the Green Belt and adjacent to a Conservation Area.

Wood chipping is a dangerous, dusty, noisy and environmentally unfriendly activity that will cause pollution.

The proposal together with previous consents amount to an environmental catastrophe.

It is hoped that once the site is cleared no wood chipping activity or similar storage will be allowed in the future.

Chipping machines are very noisy and disturb the quiet enjoyment of surroundings.

Chipping wood would cause harm to the amenities of residents by reason of noise and dust.

Washing cannot be dried in the open when chipping takes place.

Chipping has resulted in buildings and land being covered in a fine dust. This has made it difficult for neighbouring commercial uses to continue to operate as well as being harmful to residential amenity.

The dust created from chipping wood is a health hazard.

Access is extremely difficult.

Lorry movements would cause harm to the amenities of residents.

Vehicle movements to and from the site have caused damage to the water main in Hoe Lane.

Lorries previously accessing the site have hit a tree and taken down overhead cables.

Hoe Lane is unsuitable for the heavy lorries generated by the use due to its narrow width and its construction.

Lorry movements cause damage to the road surface. The proposal would result in further damage to the edges of the road in particular as well as cause more potholes.

Lorry movements are dangerous for the safety of other road users, especially pedestrians.

The stockpile of wood causes harm to visual amenity.

The stockpile of wood is visually intrusive causing harm to outlook from residential properties and footpaths in the locality.

The stockpile causes harm to the character and appearance of the countryside.

The stockpile of wood is a fire hazard.

The stockpile is likely to cause contamination of ground water and water courses.

Importing more wood would exacerbate the impact of the existing stockpile.

The stockpile of wood has caused considerable damage to trees bounding the site.

The ditch and hedgerow adjacent to the site should be reinstated and all wood removed from the site.

The portacabin is unnecessary.

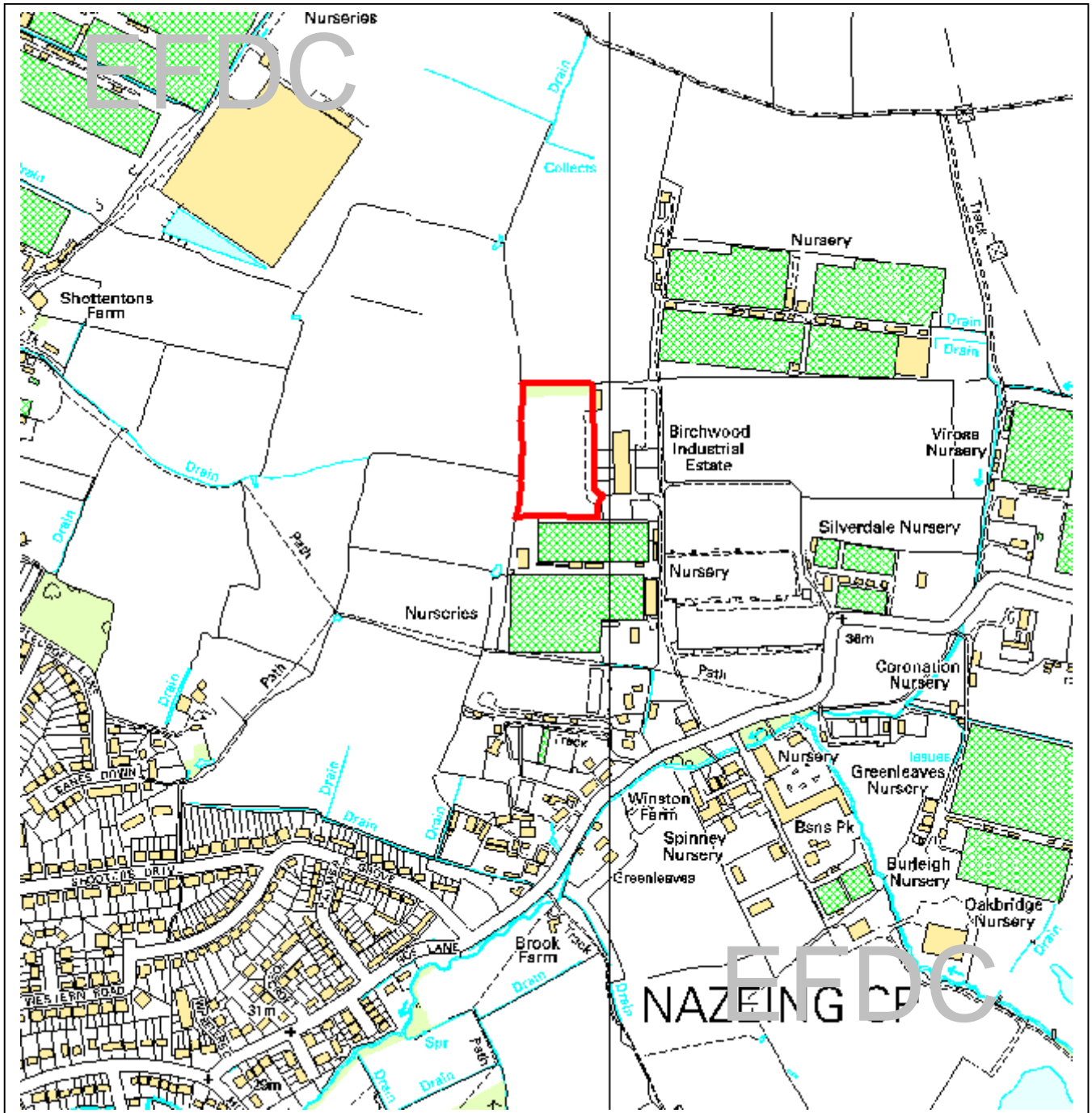


The owners and lessees of this site have been totally irresponsible and planning conditions controlling the times of use of the estate have not been complied with or enforced. Statutory authorities, including Epping Forest District Council, have not exercised proper control over the use in the past.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	2
Application Number:	EPF/1955/08
Site Name:	Land at Birchwood Industrial Estate Hoe Lane, Nazeing, EN9 2RW
Scale of Plot:	1/7500

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2036/08
<b>SITE ADDRESS:</b>	Clayton Hill Country Park Old Nazeing Road Nazeing Essex EN9
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Lee Valley Regional Park Authority Mr S Wilkinson
<b>DESCRIPTION OF PROPOSAL:</b>	Access and habitat improvement including viewing jetty, fencing, new seating and 2 no. pathways.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the development shall match those stated in the application forms and approved plans.

*This application is before this Committee since it is an application for development of a significant scale and/or wider concern and is recommended for approval (Pursuant to Section P4, Schedule A (c) of the Council's Delegated Functions).*

**Description of Proposal:**

Consent is sought for new access and habitat improvements including a viewing jetty, fencing, new seating and 2 no. new pathways. The viewing jetty would be located on the south eastern bank of the existing lake. This would be 3m wide and 2m deep and would be located at the end of a walkway approximately 5.5m long and 1.5m wide. The walkway would start approximately 3.5m before the edge of the lake and would be partitioned off by a new post and rail fence with gated access. The post and rail fence and gates would be of a traditional rural design to a height of 1.3m. The proposed new pathways would be a 2m wide path between the existing park pathway and the new proposed viewing jetty, and a 1.5m wide path alongside the existing vehicle access road following the existing informal path through the area of woodland. The new seating would consist of 9 no. hardwood benches and 4 no. picnic tables, which would replace the existing benches and provide additional seating areas. These would be spread out throughout the park, with the benches predominantly located along the pathways and around the south eastern side of the lake and the picnic tables located within the existing grassed amenity areas.

### **Description of Site:**

The application site is an 11.94ha public amenity space (although the application site relates to just 8.65ha of this area) which is located in the northwest corner of the Lee Valley Regional Park (LVRP) Authority's River Lee Country Park. The site comprises grassland, a small lake, wildflower meadows, and small woodland areas. The site is accessed at the northeast by a vehicle access road, the northwest by a pedestrian and bicycle route, and the south east by a footpath. The site is one of the largest areas of publicly accessible open spaces within the LVRP and is a popular recreational facility for members of the public. The site is located within the Metropolitan Green Belt and partly within Environment Agency Flood Zones 2 and 3.

### **Relevant History:**

EPF/1250/97 - Alterations and improvements to access with Nazeing Road – approved/conditions 28/10/97

### **Policies Applied:**

CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
GB2A – Development in Green Belt  
GB10 – Development in the LVRP  
RST1 – Recreational, sporting and tourist facilities  
RST23 – Outdoor leisure uses in the LVRP  
RST24 – Design and location of development in the LVRP  
LL10 – Adequacy of provision for landscape retention  
U2A – Development in Flood Risk Areas

### **Issues and Considerations:**

The key issues in relation to this application are the impact on the existing recreational area and the Green Belt.

The proposed developments are all of a minor nature and have been proposed to enhance the existing recreational ground. This site lies within the LVRP and provides an existing community facility. The new paths, seating and viewing jetty would improve this area and make it a more desirable recreation ground.

The development would be used in conjunction with an existing outdoor recreational use, which is deemed as an appropriate use within the Green Belt, and the minor nature of the works would not be detrimental to the open character or appearance of the Green Belt.

Any tree works that would be required as part of the development would raise no concern and the applicants (Lee Valley Regional Park Authority) would retain the trees and existing landscape as much as possible. No objections have been raised by Tree and Landscape Services due to this.

Although part of the site is located within the Environment Agency Flood Zones 2 and 3, given the minor nature of the proposed works no flood risk assessment would be required. Land Drainage consent is needed, however this is a separate legislation to planning permission and the relevant forms have been sent to the applicant regarding this.

**Conclusion:**

In light of the above, the proposal would be beneficial to the existing recreational land and would not detrimentally impact on the openness and appearance of the Green Belt. As such this proposal complies with all relevant Local Plan policies and is therefore recommended for approval.

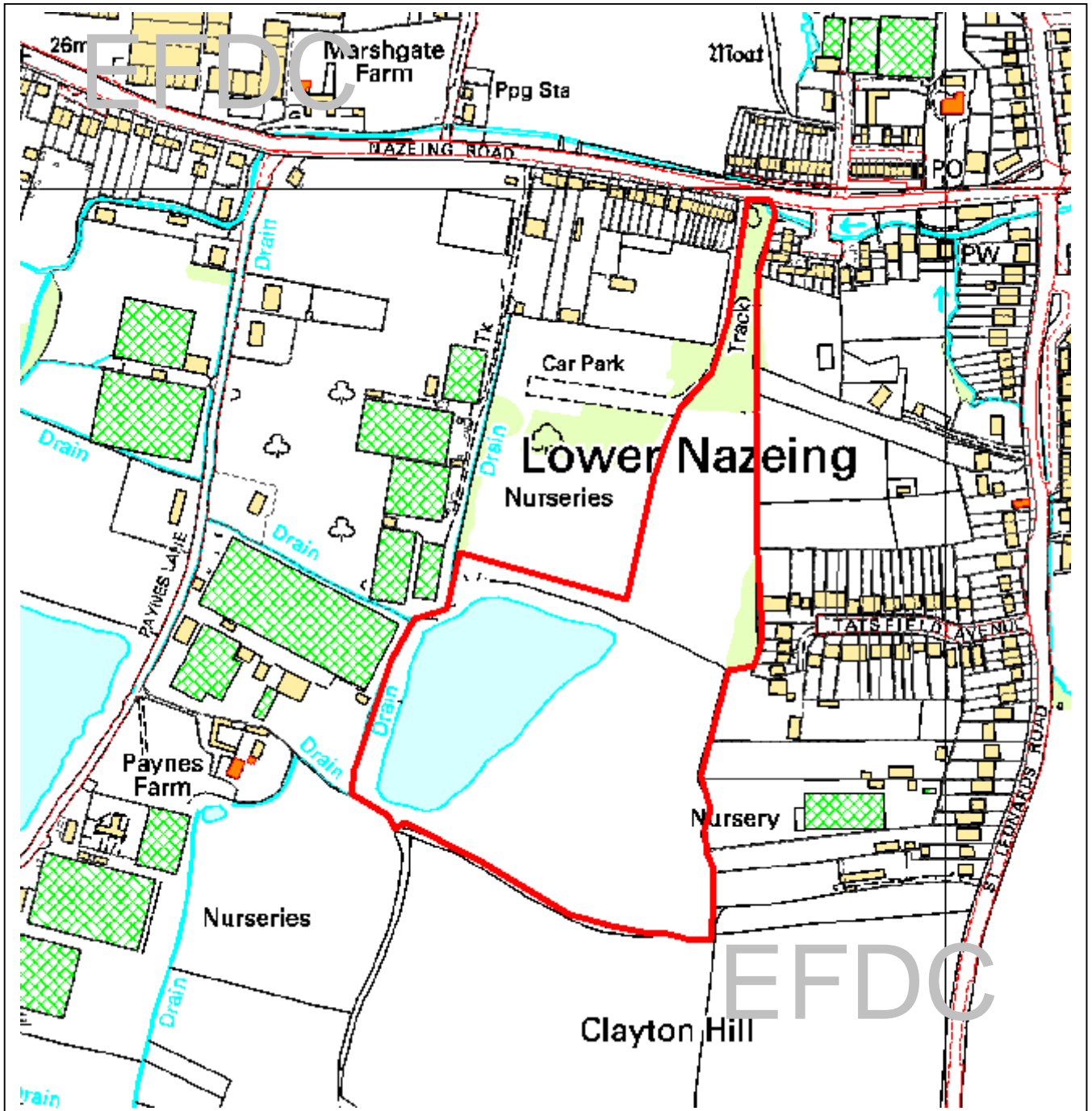
**SUMMARY OF REPRESENTATIONS:**

PARISH COUNCIL – No objection.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/2036/08
Site Name:	Clayton Hill Country Park, Old Nazeing Road, Nazeing, EN9
Scale of Plot:	1/5000

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1994/08
<b>SITE ADDRESS:</b>	Fesden Bungalow Harlow Road Roydon Harlow Essex CM19 5HE
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>APPLICANT:</b>	Mr Kenneth Hawkins
<b>DESCRIPTION OF PROPOSAL:</b>	Demolish existing detached single storey garage and erection of double garage with single storey extension behind, alterations/extensions to roof. Additional vehicle crossover and new brick front boundary wall with piers and half railings.
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**REASON FOR REFUSAL**

- 1 The site lies within the Metropolitan Green Belt. The proposed extensions, together with previous additions to the property amount to more than limited extensions to the dwelling. The development is therefore, by definition, harmful to the openness of the Green Belt. No very special circumstances sufficient to overcome this harm exist and the development is therefore contrary to policies GB2A and GB14A of the adopted Local Plan and Alterations.

*This application is before Committee since it has been 'called in' by Councillor Mary Sartin (pursuant to section P4, schedule A (h) of the Council's delegated functions)*

**Description of Proposal:**

Demolition of existing detached garage, erection of attached double garage with single storey extension behind, alterations and extensions to the roof, provision of additional vehicular crossover, and new brick front boundary wall with piers and half railings.

**Description of Site:**

A bungalow located on the south side of Harlow Road. Although there are some residential properties on both sides of the road, this is a Green Belt location to the east of the village settlement of Roydon.

**Relevant History:**

EPO/0188/68 – Approval for front extension  
EPO/1186/72 – Approval for rear extension and new roof over

### **Policies Applied:**

GB2A – Green Belt

GB14A - Residential extensions, DBE9 - Loss of amenity; DBE10 - Residential extensions.

### **Issues and Considerations:**

The main issues this application gives rise to are a) whether the extensions and alterations are acceptable in terms of their appearance and the extent of any impact upon the amenity of neighbours, and b) whether the proposals result in a disproportionate overall addition to the size of this property detrimental to the open character of the Green Belt.

The front extension approved in 1968 has a flat roof in contrast to the pitched roof of the rest of the dwelling. The proposal provides for a pitched and gabled roof structure over this flat roofed component, and this improves the appearance of the bungalow. This gable feature will be repeated on the other wing of the house i.e. above the proposed attached double garage. The extension proposed is on the east side of the property and will be set in by 0.8m from the side boundary with the adjoining plot of Green Pastures. This dwelling is set back a lot further from the road than the application property and any effect is minimal in extent. With respect to the other neighbouring property of Debden Lodge, the small front roof extension will also have very little effect upon that property's amenity.

In a Green Belt context the extensions built following the 1968 and 1972 approvals added 31 sq. m. to the original 100 sq. m. floorspace of the original dwelling i.e. a 31% increase. The current proposals, excluding the new garage, adds a further 50 sq.m. and the combined increase in floor space over the original dwelling is 81%, compared to the 40% allowed under policy GB14A. The adjoining Debden Lodge has been considerably extended but this was allowed under different policies operating in the past. Although the current 40% 'policy' is currently under review an 80% increase constitutes a significant breach of a policy which is designed to limit extensions to dwellings so as to protect the open character of the Green Belt.

Finally, the County Council have no objections to the proposed second vehicular access at the front, subject to a condition requiring measures to prevent run off from entering the highway. The proposed front wall and railings are acceptable in appearance.

### **Conclusion:**

While the proposed extension and alterations are of an acceptable appearance the extension, when combined with previous additions, gives rise to a disproportionate addition in breach of policy GB14A.

### **SUMMARY OF REPRESENTATIONS:**

ROYDON PARISH COUNCIL - No objections.

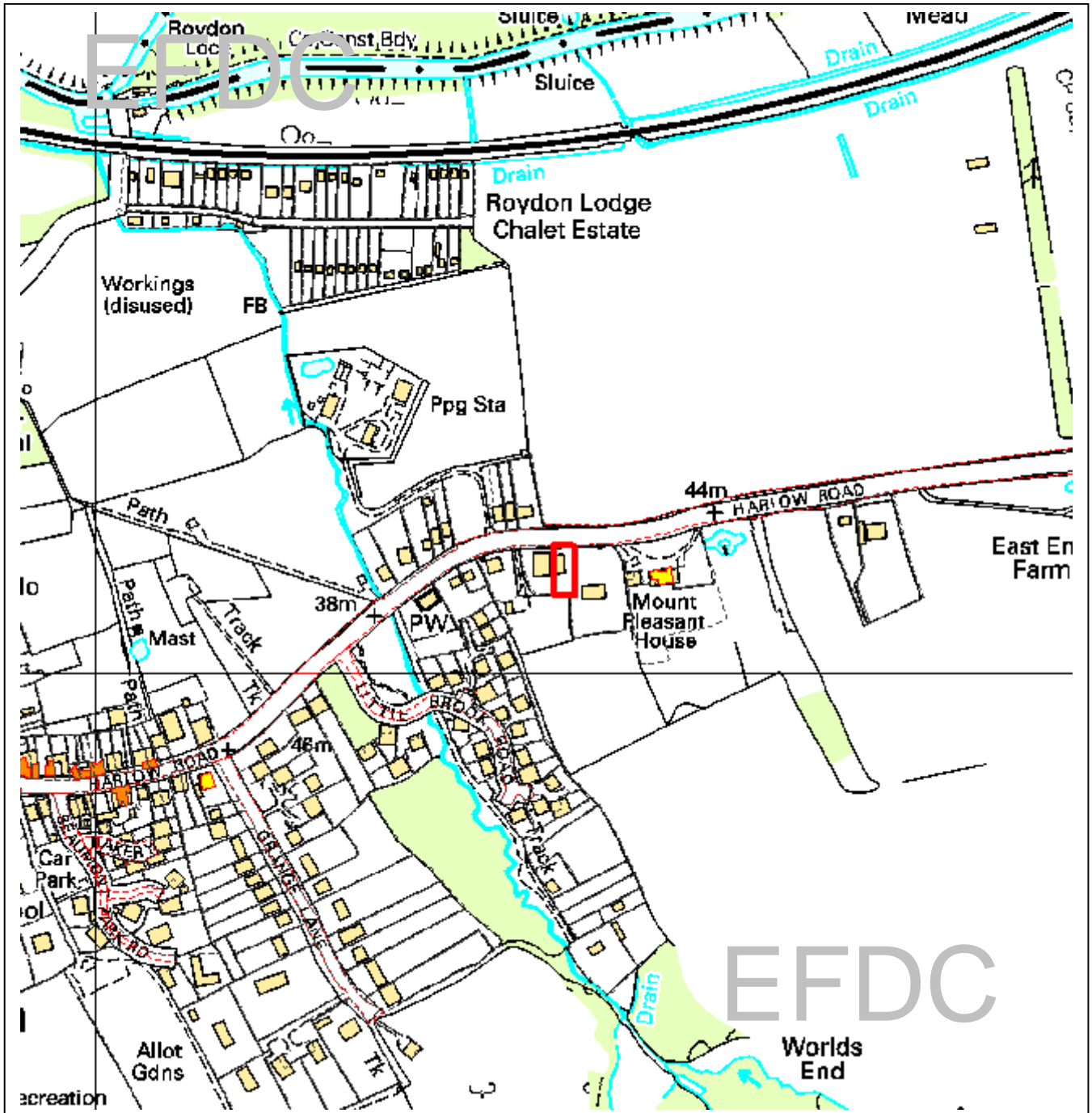
NEIGHBOURS - no response





# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	4
Application Number:	EPF/1994/08
Site Name:	Fesden Bungalow, Harlow Road Roydon, CM19 5HE
Scale of Plot:	1/5000

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1828/08
<b>SITE ADDRESS:</b>	32 Edward Court Waltham Abbey Essex EN9 3HZ
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey Paternoster
<b>APPLICANT:</b>	Mr S Duckett
<b>DESCRIPTION OF PROPOSAL:</b>	Retention of flank bathroom windows and raising of ridge line on the two semi-detached houses as an amendment to EPF/2673/07.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 Prior to first occupation of the building hereby approved the proposed window openings in first floor flank elevation windows shall be fitted with obscured glass and have fixed frames to a height of 2.7 metres above the floor of the room in which the window is installed, and shall be permanently retained in that condition.
- 2 The gradient of any access ways to the site shall not exceed 1/10.
- 3 Within 3 months of the date of this approval, details of the proposed finished ground levels within the front gardens of the properties, together with details of any retaining walls and of surfacing materials shall be submitted to and agreed in writing by the Local Planning Authority. The dwellings shall not be occupied until the works have been completed in accordance with the approved plans.
- 4 No gates shall be erected across any vehicular access to the site without prior written consent of the Local Planning Authority.
- 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 shall be undertaken without the prior written permission of the Local Planning Authority.

*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).*

**Description of Proposal:**

Permission is being sought for the retention of flank bathroom windows and a raised ridge line as an amendment to EPF/2673/07 for the demolition of a bungalow and erection of two semi-

detached houses. Planning permission has been granted for the demolition of the bungalow and erection of two semi-detached and one detached house, of which all three are being erected. The amendments being sought here purely relate to the semi-detached dwellings. The works have already been carried out.

The alterations involved the raising of the ridge height of the dwellings by 600mm and the insertion of a first floor flank window to each side wall. There have also been some minor alterations to the location and size of the front and rear windows and a change to the position of the garages. Given the significant slope between the site and the road the garages have been located lower than the ground floor level of the house, resulting in them appearing half submerged.

### **Description of Site:**

Former detached bungalow situated on the north eastern side of Edward Court. To the south east is a detached chalet bungalow and to the northwest is a terrace of 3 properties. The application site sits on land considerably higher than the public highway.

### **Relevant History:**

EPF/755/05 - Outline application for the redevelopment of site to provide 3 no. terraced townhouses with associated parking and amenity – withdrawn 15/07/05

EPF/1203/05 - Revised outline application for the redevelopment of the site to provide 3 no. two storey terraced houses with associated parking and amenity space – approved/conditions 31/10/05

EPF/1636/07 - Demolition of bungalow and erection of a terrace of four houses with parking – refused 16/11/07

EPF/2673/07 - Demolition of bungalow and erection of one detached and two semi detached houses (revised application) – approved/conditions 08/02/08

EPF/1592/08 - Demolition of bungalow and erection of one detached dwelling (amended application relating to detached dwelling element of EPF/2673/07) – approved/conditions 30/09/08

### **Policies Applied:**

CP7 – Urban Form and Quality  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE8 – Private Amenity Space  
DBE9 – Loss of Amenity  
ST4 – Road Safety  
ST6 – Vehicle Parking

### **Issues and Considerations:**

The semi-detached properties, along with the detached house currently under construction, were approved in 2008. Planning application Ref: EPF/1592/08 proposed amendments to the single detached dwelling and included raising the ridge height by 800mm and inserting flank and roof slope windows. Due to this, the proposal only relates to the proposed alterations to the semi-detached dwellings and as such the main issues in this application relate to the design and appearance of the alterations and their impact on neighbouring amenity.

The proposed increase in height by 600mm results in the new houses having a ridge height of 8m (notwithstanding the higher land level). This is more in keeping with the recently altered single detached dwelling and the terraced properties to the northwest, which are to a height of 9.1m and are located on land higher than the application site. Although the properties to the northwest are still higher than this proposal, the proposed increase reduces the difference in these. Also, given

the slope in the land and the change in ridge lines this difference would not be detrimental to the overall character or appearance of the street scene.

The alterations to the windows are not detrimental to the overall appearance of the properties or the street scene. Whilst the relocated 'half submerged' garages are not particularly attractive these have been altered to allow for safer and easier access from the highway. The originally approved plan would have required vehicles to negotiate a very steep slope to enter and leave the garages and whilst not detrimental to highway safety was not the safest or most convenient proposal. Although slightly unusual in design the alterations to the garages are not so detrimental as to justify refusing planning permission and continuing enforcement action.

Although there are first floor flank windows in the alterations, these would only serve bathrooms and as such would be obscure glazed. Due to this the new windows would not result in a loss of privacy to neighbouring properties and therefore comply with Local Plan policy DBE9.

**Conclusion:**

Due to the above the alterations comply with all relevant policies and are therefore deemed acceptable. As such, this proposal is recommended for approval.

**SUMMARY OF REPRESENTATIONS:**

TOWN COUNCIL – No objection to new bathroom windows but object to raised roofline as it could be overbearing on the current street scene.

34 EDWARD COURT – Object as the raised height dwarfs the next door properties and as the windows overlook both neighbours' back gardens.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/1828/08
Site Name:	32 Edward Court, Waltham Abbey EN9 3HZ
Scale of Plot:	1/1250

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## **Report to Area Plans Sub-Committee South, East and West**



**Epping Forest  
District Council**

**Date of meeting: West – 10-12-08**

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**Planning Officer: Nigel Richardson (Ext 4018) Democratic Services: R Perrin**

**Subject: Probity in Planning – Appeal Decisions, April 2008 to September 2008.**

**Recommendation:**

**That the Planning Appeal Decisions be noted.**

**Report Detail:**

### **Background**

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

2. To set the context, a Best Value Performance Indicator was for district councils to aim to have less than 40% of their decisions overturned on appeal. The latest known figure for the national average for District Councils is 30.9%. That BVPI was scrapped but recently replaced by one which records planning appeals only (not advertisement, listed buildings, enforcements, telecommunications or tree related appeals) and where the Council sets its own target – set this year to align with top quartile performance at 25%. In fact in recent years the Council has been more successful than the national average with only 18% in 2003/04, 29% in 2004/05, 22% in 2005/06 and 30% in 2006/07.

### **Performance**

3. Over the six-month period between April and September 2008, the Council received 78 decisions on appeals – 75 planning and related appeals and 3 enforcement appeals. Of the 75 planning and related appeals, 24 were allowed (32%) and 2 of the 3 enforcement appeals were allowed – a combined total of 33.33% of the Council's decisions being overturned during this period.

4. For the previous year, 2007/08 as a whole: a total of 132 decisions were received – 120 planning appeals and 12 enforcement appeals. Of the 120 planning appeals 36 were allowed but none of the enforcement appeals – a total of 27.30% of the Council's decisions being overturned.

5. For LPI 45, which only considers appeals against the refusal of planning permission (so does not include advertisement, listed building, enforcement, telecommunications or tree-related appeals, nor appeals against conditions); the performance figure for this 6 month period is 26.86%. The full year target is 25%.

### **Planning Appeals**

6. The proportion of appeals that arose from decisions of the committees to refuse contrary to the recommendation of officers during the 6-month period was 24% and of the 18 decisions that this percentage represents, the Council was successful in sustaining its objection in 7 of them. The following remaining 11 were lost:

EPF/1504/07 – 41 & 43 Epping New Road, Buckhurst Hill - First floor side and two storey side and rear extensions to both properties (revised application) (Area Plans South)

EPF/2217/07 – 31 Amberley Road, Buckhurst Hill – Roof extension to form a 2 bedroom end of terrace bungalow (Area Plans South)

EPF/1581/07 – 154 High Road, Chigwell – Demolition of existing bungalow and construction of 3 apartments and underground parking (Area Plans South)

EPF/1625/07 - 1 Connaught Avenue, Loughton – Two storey side extension for Office use (Area Plans South)

EPF/1783/07 – 1 Connaught Avenue, Loughton - Two storey side and single storey rear extension for office use (Area Plans South)

EPF/2598/07 – 1 Connaught Avenue, Loughton – Single storey side and rear extension (Area Plans South)

EPF/2179/07 – Land Adjacent to Broadbents, south of 4 Buttercross Lane, Epping – single and two storey extensions (Area Plans East)

EPF/1805/06 – Last Compound, Woodside Trading estate, Woodside, Thornwood – Security fencing over 2m high for security of parking cars, vans and lorries and storage container with temporary roof (Area Plans East)

EPF/1553/07 – Land to rear of The Trail, Poplar Row, Theydon Bois – New residential unit adjoining existing barn (Area Plans East)

EPF/1554/07 – Land to rear of The Trail, Poplar Row, Theydon Bois – Grade II Listed Building application for a new residential unit adjoining existing barn (Area Plans East)

EPF/1458/07 – Field Adj. to Friars Lodge, Tylers Road, Roydon – Erection of 4 x loose boxes with tack room and hay storage, wooden construction fixed to concrete base (Area Plans West)]

7. The 7 committee refusals that were sustained were:

EPF/1754/06 – Land to rear of 8 Connaught Avenue, Loughton – Erection of 2 storey detached house with partial basement (Area Plans South)

EPF/0440/07 – 12-14 High Road, Buckhurst Hill – Demolition of 2 bungalows and replacement with 2 blocks of flats (14 total) with 100% parking and disabled bay (Area Plans South)

EPF/2196/07 – Land to rear of 67 Lower Queens Road, Buckhurst Hill – erection of new 3 bedroom dwelling (Area Plans South)

EPF/1876/07 – 126 High Road, Loughton - First floor extension to restaurant (Area Plans South)

EPF/0106/07 – 4 The Heights, Bumbles Green Lane, Nazeing – Erection of a storage building for garden furniture and maintenance machinery (retention of existing but with the reduced ridge height) (Area Plans West)



EPF/2342/07 – Barkers Farm, Mount End Road, Theydon Mount – Change of use from farm office/ice cream parlour to supervisory residential unit to goat farm (Area Plans East)

EPF/2403/07 – 9 Ravensmere, Epping – Ground and First floor extensions, new hipped roof with front and rear dormers and replacement front porch (Area Plans East)

8. Therefore, the committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases where members are certain they are acting in the wider public interest and where the committee officer can give a good indication of some success at defending the decision. The Area Committees were clearly just in refusing planning permission 7 of the 18 above cases, but this was somewhat marred by the costs awarded against the Council in the 3 planning applications at 1 Connaught Avenue, Loughton (see point 9 below).

### **Costs**

9. A full award of costs, a claim of £56,551, were awarded against the Council in respect of three planning appeals relating to 1 Connaught Avenue, Loughton. This appeal took place over 3 days as a public inquiry and the Planning Inspector allowed all 3 appeals relating to extensions to existing offices. In allowing the costs, the Planning inspector concluded that the Council had acted unreasonably in refusing two of the planning applications and in one of the two reasons in the third application, judging that the Council had failed to justify these refusals and therefore caused the appellant to incur and waste expense unnecessarily. With no budget provision for appeal costs, the final negotiated payment of £50,000 represents a substantial sum, plus this does not account for the expense of the council employing a Planning Barrister and an external highway consultant to defend the appeal.

### **Conclusions**

10. The Council's performance for this 6-month period has just fallen short of the Local Performance Indicator and to achieve 25% by the year end, when reported again in 6 months time, requires Planning Officers and Members to consider very carefully whether a refusal of planning permission is likely to be sustained by the Planning Inspectorate.

11. Note must be taken of the costs award in relation to 1 Connaught Avenue, Loughton, plus the award of costs relating to the allowed appeal for Wansfell College, Piercing Hill, Theydon Bois, which is about to be settled at approximately £40,000. We have, however, not had many planning related award of costs against the Council over the years, helped by the fact that the appellant does not often make a claim. However, when it does occur, usually in the case of appeals heard at a public inquiry, then award of costs can clearly be expensive.

12. The decisions are listed in the Council Bulletin from time to time but a full list of decisions over this six month period appears below.

### **Appeal Decisions April to September 2008**

#### **Planning Appeals Allowed:**

EPF/1581/07	154 HIGH ROAD, CHIGWELL, ESSEX	Demolition of existing bungalow and construction of three apartments and underground parking.
EPF/0193/07	KINGS HEAD GARAGE, HIGH ROAD, NORTH WEALD EPPING, ESSEX.	Retention of change of use of land from garage to hand car wash business. Stationing of portakabin and storage container on land.
EPF/1191/07	REAR OF 16 NEW FOREST LANE, CHIGWELL, ESSEX	Erection of a detached house.
EPF/2598/07	1 CONNAUGHT AVENUE, LOUGHTON, ESSEX	Single storey side and rear extension.
EPF/1625/07	1 CONNAUGHT AVENUE, LOUGHTON, ESSEX	Two storey side extension for office use.
EPF/1783/07	1 CONNAUGHT AVENUE, LOUGHTON, ESSEX	Two storey side extension and single storey rear extension for office use.
EPF/1748/07	42- 52 COOPERSALE COMMON, COOPERSALE, EPPING, ESSEX	Amendment to dwelling approved (EPF/744/03) with the addition of two front dormers and three rear velux windows and a loft conversion.
EPF/0560/08	HIGHWAYS VERGE TO THE IMMEDIATE NORTH EAST OF THE JUNCTION OF BACK LANE AND THE STREET, SHEERING, ESSEX	Telecommunications installation comprising of one 8 metre `timber effect` pole with one omni antenna and four ground based equipment cabinets (to replace existing installation at nearby Woodlands Farm).
EPF/2187/07	LAND TO REAR OF 6 RED OAKS MEAD, THEYDON BOIS, ESSEX	Erection of dwelling in part of rear garden.
EPF/2217/07	31 AMBERLEY ROAD, BUCKHURST HILL, ESSEX	Roof extension to form a two bedroom end of terrace bungalow.
EPF/1532/07	LAND TO THE REAR OF 165 MANOR ROAD, CHIGWELL, ESSEX	Outline application for the erection of three domestic garages.
EPF/1998/07	26 WOODGREEN ROAD, WALTHAM ABBEY, ESSEX	Single storey rear extension to replace existing conservatory.
EPF/0875/07	107-111 EPPING NEW ROAD, BUCKHURST HILL, ESSEX	Demolition of existing building and erection of a block of eight flats (renewal of planning approval EPF/435/02).
EPF/1187/07	2 QUEENS ROAD, LOUGHTON, ESSEX	Retention of replacement garage and addition of a tiled roof and erection of tool shed (revised application).
EPF/1554/07	LAND TO THE REAR OF 'THE TRAIL' POPLAR ROW, THEYDON BOIS, ESSEX	Grade II Listed Building application for a new residential unit adjoining existing barn (revised application).
EPF/1553/07	LAND TO THE REAR OF 'THE TRAIL', POPLAR ROW, THEYDON BOIS, ESSEX	New residential unit adjoining existing barn (revised application).
EPF/1504/07	41 & 43 EPPING NEW ROAD, BUCKHURST HILL, ESSEX	First floor side and two storey side and rear extensions to both properties (revised application).
EPF/2179/07	LAND ADJACENT TO BROADBENTS, BUTTERCROSS LANE, EPPING, ESSEX	Erection of 1 two storey house.

EPF/0392/07	ORCHARD LEIGH HOUSE, NURSERY ROAD, NAZEING, ESSEX	Security fence.
EPF/2458/07	OAKWOOD PARADE, OAKWOOD HILL, LOUGHTON, ESSEX	Erection of 13 metre high slimline telecommunications column next to road kerb in front of 1 and 3 Oakwood Parade, together with ground level equipment cabinet.
EPF/2488/07	8 SPARELEASE HILL, LOUGHTON, ESSEX	Erection of new front wall.
EPF/1805/06	LAST COMPOUND, WOODSIDE TRADING ESTATE WOODSIDE, THORNWOOD, NORTH WEALD ESSEX	Security fencing over two metres high for security of parking cars, vans and lorries and storage container with temporary roof.

### Planning Appeals Dismissed

EPF/0040/08	BARKERS FARM, MOUNT END THEYDON MOUNT, ESSEX	Stationing of caravan for on-site supervision of goat farm.
EPF/1825/06	FAIRLANDS FARM, ROOKWOOD HALL ANCHOR LANE, ABBESS RODING, ESSEX	Change of use of buildings to Class B1 and B8 uses.
EPF/0940/07	1 LARSONS COTTAGE, HAMLET HILL, ROYDON ESSEX	Removal of agricultural occupancy condition.
EPF/0796/07	EAST PARK LODGE, FOREST HALL, NORTON LANE, HIGH ONGAR, ESSEX	Two storey side extension and demolition of existing garage.
EPF/1151/07	8 HOMEFIELDS, CHURCH LANE, MATCHING, ESSEX	Two storey side and rear extensions and porch.
EPF/0902/07	THRESHERS, HASTINGWOOD ROAD HASTINGWOOD, NORTH WEALD, ESSEX	Change of use of disused former agricultural land to storage as part of existing waste transfer station and retention of metal palisade security fencing and gates.
EPF/2342/07	BARKERS FARM, MOUNT END, THEYDON MOUNT, ESSEX	Change of use from farm office/ice cream parlour to supervisory residential unit for goat farm.
EPF/0332/07	ASHVIEW, HAMLET HILL, ROYDON, ESSEX	Certificate of Lawfulness of an existing use for the sighting of a mobile home for residential purposes.
EPF/1772/07	LAND TO THE NORTH BOUNDARY OF GRANGE FARM, OFF HIGH ROAD, CHIGWELL, ESSEX	Outline application for the construction of 116 dwellings (60% for rent and 40% for shared ownership).
EPF/1754/06	LAND TO THE REAR OF 8 CONNAUGHT AVENUE, LOUGHTON, ESSEX	Erection of two storey detached house with partial basement (revised application).
EPF/1274/06	LAND AT THE MEADOWS WALTHAM ROAD, LONG GREEN, NAZEING ESSEX.	Change of use of land to a residential caravan site for twenty-two gypsy families, each with two caravans.
EPF/1762/07	LAND AT BILDAKIN, TATSFIELD AVENUE	Demolition of existing detached bungalow and erection of replacement

	NAZEING, ESSEX	dwelling.
EPF/1745/07	DAHMOI, SEWARDSTONE ROAD, WALTHAM ABBEY, ESSEX	Proposed new roof extension and dormers to front and rear, proposed garage conversion, widening of existing vehicle crossover and new crossover and erection of new boundary wall and electric gates (revised application).
EPF/1860/07	1-3 COOPERS HILL, ONGAR, ESSEX	Change of use for the retention of car valeting & hand car wash and retention of canopy.
EPF/1648/07	64 FOREST EDGE, BUCKHURST HILL, ESSEX	Two storey side and single storey rear extension (revised application).
EPF/2021/07	45 TOWER ROAD, EPPING, ESSEX	Retention of safety railing to rear balcony.
EPF/2124/07	15 LIME CLOSE, BUCKHURST HILL, ESSEX	New attached dwelling.
EPF/1876/07	MINX BAR & SHEESHA RESTAURANT 126 HIGH ROAD, LOUGHTON, ESSEX	Single storey first floor extension to restaurant.
EPF/0440/07	12 -14 HIGH ROAD, BUCKHURST HILL, ESSEX	Demolition of two bungalows and replacement with two blocks of flats (14 in total) with 100% parking and disabled bay.
EPF/0106/07	4 THE HEIGHTS, BUMBLES GREEN LANE, NAZEING ESSEX	Erection of a storage building for garden furniture and maintenance machinery (retention of existing but with reduced ridge height).
EPF/1869/07	12 -14 HIGH ROAD, BUCKHURST HILL, ESSEX	Demolition of two bungalows and replacement with block of flats (12 in total) with 100% parking.
EPF/1147/07	4 FLAGSTAFF ROAD, WALTHAM ABBEY, ESSEX	Two storey side extension.
EPF/0742/07	THEYDON TOWERS, THEYDON ROAD, THEYDON BOIS, ESSEX	Replacement of House 2.
EPF/1589/07	LAND ADJOINING ELMWOOD, COMMON ROAD, ROYDON, ESSEX	Erection of a four bedroom house.
EPF/1851/07	HOPLANDS, RIVERSIDE AVENUE, NAZEING, ESSEX	Conversion of single storey bungalow to two storey dwelling.
EPF/1227/07	CREEDS FARM, BURY LANE, EPPING, ESSEX	Retention of a storage shed.
EPF/2425/07	THE COACH HOUSE, GRAVEL LANE, CHIGWELL, ESSEX	Change of use of existing coach house to dwelling (revised application).
EPF/1669/07	THE YARD, REAR OF 16 SHEERING LOWER ROAD, SHEERING, ESSEX	Erection of detached garage.
EPF/0620/07	LAURELS, SAWBRIDGEWORTH ROAD, SHEERING, ESSEX	Extension to existing conservatory, installation of front gates and post.
EPF/2088/07	33 PATERNOSTER HILL, WALTHAM ABBEY, ESSEX	Loft conversion with rear dormer window and roof extension with hip to gable.

EPF/1881/07	SUTTONS MANOR, LONDON ROAD, STAPLEFORD TAWNEY, ESSEX	Proposed construction of a three storey side extension to provide 3 no. two bedroom self-contained flats.
EPF/1893/07	SUTTONS MANOR, LONDON ROAD, STAPLEFORD TAWNEY, ESSEX	Grade II Listed Building application for proposed construction of a three storey side extension to provide 3 no. two bedroom self-contained flats.
EPF/2446/07	37 MEADOW WAY, CHIGWELL, ESSEX	Replacement of existing roof with mansard roof with front and rear dormer windows.
EPF/2099/07	75 BEAMISH CLOSE, NORTH WEALD, ESSEX	Erection of detached dwelling.
EPF/1405/07	OAK LODGE, WOOLMONGERS LANE, HIGH ONGAR, ESSEX	Two storey side extension.
EPF/0792/07	157 HIGH STREET, ONGAR, ESSEX	Grade II Listed Building application for additional signage to property.
EPF/2384/07	32 SUN STREET, WALTHAM ABBEY, ESSEX	Conversion to form three flats including first floor additions to rear buildings with pitched roof and retention of ground floor shop (revised application).
EPF/1702/07	LAND AT THE JUNCTION OF CHESTNUT AVENUE WITH HORNBEAM ROAD, BUCKHURST HILL, ESSEX	Erection of a four bedroom house and double garage.
EPF/2403/07	9 RAVENSMERE, EPPING, ESSEX	Ground and first floor extensions, new hipped roof with front and rear dormers and replacement front porch (revised application).
EPF/0775/07	KINGS OAK, NURSERY ROAD, HIGH BEACH, WALTHAM ABBEY, ESSEX	Erection of single storey extensions to side and rear.
EPF/2432/07	215A FOREST LODGE, SMART'S LANE, LOUGHTON, ESSEX	Loft conversion with mansard roof.
EPF/2301/07	PASLOWS FIELD, KING STREET, HIGH ONGAR, ESSEX	Erection of stables, barn and ancillary facilities including a manege.
EPF/2417/07	PIGGOTTS CO LTD, 43 LONDON ROAD, STANFORD RIVERS, ESSEX	Retention of two mobile homes for staff accommodation.
EPF/2601/07	LITTLE THORBENS BARN, TOOT HILL ROAD, ONGAR, ESSEX	Double bay extension to existing double garage.
EPF/2726/07	WAITROSE, 27-43 QUEENS ROAD, BUCKHURST HILL, ESSEX	One advertisement measuring 1710mm x 1160mm.
EPF/1837/07	27 UPPER PARK, LOUGHTON, ESSEX	Side dormer window.
EPF/2196/07	LAND TO REAR OF 67 LOWER QUEENS ROAD, BUCKHURST HILL, ESSEX	Erection of new three bedroom dwelling (revised application).
EPF/1871/07	17 BARN HILL, ROYDON, ESSEX	Single storey rear extension (revised application).
EPF/1880/07	136 MANOR ROAD, CHIGWELL, ESSEX	Loft conversion, ground and first floor front extension.

EPF/2097/07	24 SUN STREET, WALTHAM ABBEY, ESSEX	Grade II Listed Building application for a ground floor extension to both shops and first and second floor rear addition to form four flats (revised application).
EPF/2089/07	24 SUN STREET, WALTHAM ABBEY, ESSEX	Ground floor extension to both shops and first and second floor rear addition to form four flats (revised application).
EPF/1858/07	9 NEW FOREST LANE, CHIGWELL, ESSEX	Two storey rear and single storey front extension.
ENF/0337/07	1-3 COOPERS HILL, ONGAR, ESSEX	Change of use of the car park area to a hand car wash centre and the erection of a canopy in connection with the said use.

### **Enforcement Appeals**

1. 1-3 COOPERS HILL, ONGAR – Change of use of car park area to a hand car wash and erection of canopy - DISMISSED
2. LAND AT WILLINGALE AIRFIELD, OFF CANNONS LANE, FYFIELD – Use of land as shooting ground and erection of shooting stands – PART ALLOWED (Use as shooting ground)/ PART DISMISSED (shooting stands)
3. KINGS HEAD GARAGE, HIGH ROAD, NORTH WEALD – Creation of a hand car wash centre and the stationing of portable buildings, erection of a canopy and advertisements – ALLOWED.