

# Committee Agenda



**Webcast  
Meeting**



**Epping Forest  
District Council**

## **Area Planning Subcommittee West Wednesday, 19th August, 2009**

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

**Room:** Council Chamber

**Time:** 7.30 pm

**Democratic Services Officer** Gary Woodhall - The Office of the Chief Executive  
Email: [gwoodhall@eppingforestdc.gov.uk](mailto:gwoodhall@eppingforestdc.gov.uk)  
Tel: 01992 564470

Members:

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

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

### **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.

**3. APOLOGIES FOR ABSENCE**

**4. MINUTES (Pages 7 - 14)**

To confirm as a correct record the minutes of the previous meeting of the Subcommittee, held on 8 July 2009 (attached).

**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. EPF/1305/08 1 CARTERSFIELD ROAD, WALTHAM ABBEY - REVISED APPLICATION - VARIATION OF LEGAL AGREEMENT (Pages 15 - 18)**

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

**8. DEVELOPMENT CONTROL (Pages 19 - 58)**

(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.

**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):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

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

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

**Background Papers:** Paragraph 8 of the Access to Information Procedure Rules of

the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

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

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

## **Advice to Public and Speakers at Council Planning Subcommittees**

### **Are the meetings open to the public?**

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

### **When and where is the meeting?**

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

### **Can I speak?**

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

### **Who can speak?**

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

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

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

### **What can I say?**

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

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

**Yes you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website [www.eppingforestdc.gov.uk](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'

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Subcommittee West   **Date:** 8 July 2009

**Place:** Council Chamber, Civic Offices, High Street, Epping   **Time:** 7.30 - 8.16 pm

**Members Present:** J Wyatt (Chairman), Mrs P Brooks (Vice-Chairman), R Bassett, A Clark, J Collier, Mrs R Gadsby, Mrs J Lea, W Pryor and Mrs E Webster

**Other Councillors:**

**Apologies:** Mrs M Sartin, Mrs P Smith, Ms S Stavrou and A Watts

**Officers Present:** J Shingler (Senior Planning Officer), A Hendry (Democratic Services Officer) and G J Woodhall (Democratic Services Officer)

### 9. WEBCASTING INTRODUCTION

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

### 10. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

### 11. MINUTES

#### RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 17 June 2009 be taken as read and signed by the Chairman as a correct record subject to noting that Councillor A Clark was present at that meeting.

### 12. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors B Pryor, Mrs P Brooks, Mrs R Gadsby, A Clark and J Collier declared personal interest in agenda items 7 (2&3) (EPF/0583/09 and EPF/0625/09, Netherhouse Farm, Sewardstone Road, Waltham Abbey) and 7(4) (EPF/0717/09 – 6, 8 and 8a Sun Street, Waltham Abbey) by virtue of being members of the Waltham Abbey Town Council Planning Committee. The Councillor declared that their interests were not prejudicial and indicated that they would remain in the meeting during the consideration and voting on the items.

**13. ANY OTHER BUSINESS**

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

**14. DEVELOPMENT CONTROL**

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

**RESOLVED:**

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

**15. DELEGATED DECISIONS**

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

**CHAIRMAN**



**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0909/09
<b>SITE ADDRESS:</b>	65 High Street Roydon Essex CM19 5EE
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>DESCRIPTION OF PROPOSAL:</b>	Installation of Automated Teller Machine.
<b>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.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0583/09
<b>SITE ADDRESS:</b>	Netherhouse Farm Sewardstone Road Waltham Abbey Essex E4 7RJ
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of ancillary farm buildings and construction of 41 residential units with parking and associated landscaping. Restoration of listed barn to provide 160sqm (G.E.A) shop/community use. (Revised application)
<b>DECISION:</b>	Refuse Permission

**REASONS FOR REFUSAL**

- 1 The proposal represents inappropriate development within the Metropolitan Green Belt, which by definition is harmful to the openness and the objectives of including land within it. Furthermore the very special circumstances proposed are not considered sufficient to outweigh this harm. As such the development is contrary to Government guidance in PPG2 and policy GB2A of the adopted Local Plan and Alterations.
- 2 The proposed development involves the intensification of the use of the site and the existing access onto Sewardstone Road, which is a Radial Feeder road, the principle function of which is to carry traffic freely between major centres. This development is therefore contrary to policy ST4 of the adopted Local Plan and Alterations.
- 3 The proposed development is in an unsustainable location not well served by public transport or local services. As such the development would result in an increase in vehicle commuting contrary to policies CP1, CP3, CP6 and ST1 of the adopted Local Plan and Alterations.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0625/09
<b>SITE ADDRESS:</b>	Netherhouse Farm Sewardstone Road Waltham Abbey Essex E4 7RJ
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>DESCRIPTION OF PROPOSAL:</b>	Grade II curtilage listed building application for the demolition of buildings and structures and the restoration of listed barn and conversion to shop/community use. (Revised application)
<b>DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 Samples of the types and details of colours of all the external finishes shall be submitted for approval by the Local Planning Authority prior to the commencement of the development, and the development shall be implemented in accordance with such approved detail.
- 3 Additional drawings that show details of proposed new windows, doors, rooflights, eaves, verges, fascias, cills, structural openings and junctions with the existing building, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.
- 4 Prior to commencement a full methodology relating to the demolition of the buildings and reuse of historic fabric shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the agreed methodology.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0717/09
<b>SITE ADDRESS:</b>	6 & 8 & 8A Sun Street Waltham Abbey Essex EN9 1EE
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed redevelopment of 6, 8-8a Sun Street, Waltham Abbey to accommodate 7 x 1 bedroom apartments, 2 x 2 bedroom apartments and two new retail units to rear, and retention of two retail units to the front.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of one year beginning with the date of this notice.
- 2 No development, including demolition, shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
- 3 The development shall be carried out in accordance with the amended plans received on 03/06/09 unless otherwise agreed in writing with the Local Planning Authority.
- 4 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 5 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The approved measures shall be carried out prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment..
- 6 The existing shopfronts and surround to the Sun Street elevation shall be retained, repaired and repainted prior to the first occupation of any part of the development hereby approved.
- 7 Prior to commencement of development detailed drawings of the new windows and doors shall be submitted to and agreed in writing by the Local Planning Authority and the works shall be completed in accordance with the agreed details.

- 8 Prior to commencement of development detailed drawings of the proposed shopfronts in Darby Drive shall be submitted to and agreed in writing by the Local Planning Authority, the shopfronts shall be traditionally designed and detailed in painted timber. The works shall then be completed in accordance with the agreed details.
- 9 No development hereby approved shall take place until measures to help meet the Council's requirements for bus stop improvements in the locality have been secured.
- 10 Prior to commencement of development, a schedule and timetable of works leading to a final completion date shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be completed in accordance with the agreed timetable, unless otherwise agreed in writing by the Local Planning Authority.

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## **Report to Area Planning Sub-Committee West**



**Epping Forest  
District Council**

**Date of meeting: 19 August 2009**

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

**Responsible Officer: Graham Courtney (01992 564228).**

**Democratic Services: Gary Woodhall (01992 564470).**

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### **Recommendation:**

**To vary the required legal agreement in connection with the above planning application to remove the following clause:**

***That the Discount food store must not sell or advertise to sell any of the following products or services unless otherwise agreed by the Council in writing:***

- (a) Fresh meat counter**
- (b) Fresh fish counter**
- (c) Delicatessen/cheese counter**
- (d) Hot food counter**
- (e) Dry-cleaning service**
- (f) Post Office services**
- (g) Lottery sales including scratch cards**
- (h) Photographic shop**
- (i) Café/restaurant**
- (j) Fresh bakery counter**
- (k) Tobacco products**
- (l) Loose confectionary**
- (m) Newspapers or Magazines**
- (n) Greeting Cards**
- (o) Pharmacy**
- (p) Post Office Services**
- (q) Cash Machines (ATM's)**

### **Report Detail:**

1. The above planning application was considered at Plans Sub-Committee West on 2 December 2008, and subsequently recommended approval. This was then referred to District Development Committee, where the application was approved subject to a S106 agreement. This agreement has not yet been signed, so technically planning permission has not yet been granted. The applicant is now seeking to amend the requirements of the legal agreement.

2. The applicant originally submitted a unilateral undertaking with the planning application which offered the following restrictions:

1. *The developer will use all reasonable endeavours to recruit staff resident in the Waltham Abbey High Beach, Waltham Abbey Honey Lane, Waltham Abbey North East, Waltham Abbey Paternoster and Waltham Abbey South West wards.*
2. *The food store will only be operated by Lidl or another 'deep or hard discounter' as defined by Verdict in the Verdict Report on Grocery Retailers 2008, or subsequent updates (these retailers currently include Lidl, Aldi and Netto), unless otherwise agreed by the Council.*
3. *The number of product lines (stock keeping units) available within the food store at any one time shall not exceed 3,000 lines, unless otherwise agreed with the Council.*
4. *The proportion of the net sales area of the food store used for the display of non-food (comparison) goods (excluding household cleaning and cosmetic products) shall not exceed 20% of the total net sales area, unless otherwise agreed with the Council.*
5. *The food store will not provide any of the following services:*
  - (a) *Fresh meat counter*
  - (b) *Fresh fish counter*
  - (c) *Delicatessen/cheese counter*
  - (d) *Hot food counter*
  - (e) *Dry-cleaning service*
  - (f) *Post office services*
  - (g) *Lottery sales*
  - (h) *Photographic shop*
  - (i) *Café/restaurant*

3. The planning application was agreed subject to the above, with additional restrictions required in the legal agreement. Along with the legal agreement Members also requested a condition be added to the planning permission reading:

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

4. As a result of the Members decision one of the changes to the legal agreement put forth to the applicant was to match the list of restricted items to that shown in the imposed condition. The applicant however does not wish to accept such a legal restriction, (with the added restriction on selling greeting cards, magazines, newspapers, tobacco, loose confectionary and preventing the provision of a cash machine and a pharmacy) despite raising at this stage no objection to the wording of the condition.

5. It is considered that this particular obligation can be removed from the legal agreement as the goods to be sold or advertised at the proposed store would still be restricted by the condition. Furthermore, paragraph 12 of Part 1 of Circular 11/95: Use of conditions in planning permission states that, where possible, *"the local planning authority should impose a condition rather than seek to deal with the matter by means of a planning obligation"*.



6. Despite some reservations from Officers, as it seems likely, given the reluctance to sign the legal agreement, that there may be a later application to vary the condition, it is considered that the condition is valid (being reasonable, necessary, precise, relevant to planning and enforceable) and is therefore defensible on appeal and that the imposed condition would successfully restrict the goods sold and the services provided at the application site, as intended, in order to limit harm to the viability of the town centre. The duplication of this restriction within the legal agreement is therefore unnecessary and contrary to the advice in Circular 11/95 and the removal of this particular element of the legal agreement is recommended for approval.

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## AREA PLANS SUB-COMMITTEE 'WEST'

19 August 2009

### INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/1065/09	10 Windsor Wood, Waltham Abbey	REFUSE	21
2.	EPF/0364/09	Land to rear of 114 Old Nazeing Road, Nazeing	GRANT	27
3.	EPF/0941/09	1 Barnfield Close, Nazeing	GRANT	36
4.	EPF/0868/09	1 Larsons Cottage, Hamlet Hill, Roydon	GRANT	40
5.	EPF/1053/09	Kingsmead, Epping Road, Roydon	GRANT	44
6.	EPF/0470/09	Love Apple Farm, 156 Crooked Mile, Waltham Abbey	GRANT	50

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1065/09
<b>SITE ADDRESS:</b>	10 Windsor Wood Waltham Abbey Essex EN9 1LY
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey North East
<b>APPLICANT:</b>	Ms Kelly Harris
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/10/90  A1 (G2) Sycamore - Fell
<b>RECOMMENDED DECISION:</b>	Refuse Permission (Householder)

**REASON FOR REFUSAL**

- 1 Insufficient justification has been provided to necessitate the felling of the tree on the site, contrary to policy LL9 of the Adopted Local Plan and Alterations.

This application is before committee since all applications to fell preserved trees are outside the scope of delegated powers.

**Description of Proposal:**

T1.Sycamore. Fell and replace.

**Description of Site:**

The tree stands approximately 16 metres in height, close to the rear boundary fence of this end of terrace property, which forms part of a staggered residential development following the arc of Monkswood Avenue as it becomes The Cobbins. The property has a small, south facing garden measuring approximately 11 metres in length. Three sycamores stand on a grassed area communal ground to the west and neighbouring properties at 11 and 12 Windsor Wood both have trees from the same original group near their southernmost boundaries. Together these eight trees form an imposing landscape feature when viewed from the north or south along Broomstick Hall Lane. The raised ground level on which they stand, relative to this road, further increases their collective prominence and screening importance in softening views of the modern residential dwellings

### **Relevant History:**

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

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

TRE/EPF/1840/08 granted permission to fell one sycamore at 13 Windsor Wood on condition that a replacement is planted within one month of the removal. A Breach of Condition Notice has been issued in this case due to the failure to comply with this requirement.

### **Policies Applied:**

LL9 Felling of preserved trees

### **SUMMARY OF REPRESENTATIONS:**

3 neighbours were notified and no responses were received

WALTHAM ABBEY TOWN COUNCIL: No objection was made to the application.

### **Issues and Considerations:**

The main reasons to fell the tree put forward are the following:

- Unsuitable tree for location due to size and type.
- Negative impact on daily life.
- Unreasonable burden of repetitive management.
- Tree structural problems likely to be caused from heavy pruning.

The main planning considerations are:

- Visual amenity of the tree
- Life expectancy of tree
- Suitability of tree in current position.
- Planning issues.

### **Applicant issues**

#### **Unsuitable tree for location**

The applicant states that due to the tree's type and size, it and its neighbours are located badly on the applicant's site. The three trees standing to the west of 10 Windsor Wood in the communal plot leading to the car parking area are also considered inappropriate.

This issue was addressed at the planning stage of the current development. Landscape concerns were raised about building too close to large trees and concessions were made in relocating the new dwellings further from them. The separation was deemed acceptable at that time and this view would not change dramatically in the ensuing years, providing the trees are maintained at a contained size.

#### **Negative impact on daily life**

The issues that affect the reasonable enjoyment of day to day life are detailed, as follows:

- a) During spring and summer time the tree reduces light to the house and prevents the enjoyment of the garden in fine weather.
- b) The applicant states that washing will not dry due to the unreasonable degree of shading caused by the tree.
- c) It is claimed that grass and plants are badly affected within the garden due to lack of moisture and tree shade for most of the day. The tree absorbs most of the water available to plants.
- d) Neighbours are also negatively affected by the tree.
- e) Debris in the form of sap and leaves, which cause soiling problems to the fabric of the house both inside and out. Deadwood falling from the tree is a health and safety issue.

These issues are real and legitimate cause for concern but the contained crown spread reduces the direct canopy cover over the garden and the associated drop zone. Leaf fall and sap will remain an issue at certain times of year from neighbouring trees, even if this tree is removed. These various impacts must be weighed against the landscape value of the subject tree in its group context.

#### Unreasonable burden of repetitive management

The applicant states that permission was granted to reduce several trees, including the subject tree, but claims that the trees grew back taller and fuller than before within one year of the work. It is suggested that the need to regularly prune this and neighbouring trees is an unreasonable cost and an unsatisfactory long term management strategy for such vigorous large trees.

It will be necessary to maintain this large tree and its immediate neighbours regularly at a significant financial cost if the original management regime is to be followed and further light loss and associated listed problems are to be prevented.

#### Promotion of structural problems

It is stated that repetitive re-pollarding of a tree will weaken it and render it prone to the possibility of limbs breaking in high winds, which presents further health and safety issues to the applicant's property, person and users of the car park and footpath.

It is not disputed that heavy pruning promotes the opportunity for decay at wound points and new branches are more at risk from failure due to their compromised attachment points. However, the original management of this and all the trees in this group was that of pollarding at around 3 metres in height. This regime has lapsed and full crowns have now developed on old pollard points, which despite being close growing do not appear to be structurally weak. While vigorous, it appears that sycamore is able to remain structurally strong following previous cycles of pollarding.

#### Planning considerations.

##### Visual amenity

This healthy and vigorous tree stands within a mature line of trees, which are clearly visible from Broomstick Hall Lane. Its collective amenity value is high and its loss would be clearly noticed. A tree at the eastern end of this group was recently felled and has weakened this group effect. The subject tree is central within the group and its loss would be far more noticeable in the fragmentation of the group.

##### Life expectancy

The tree has undergone a comprehensive crown reduction in 2003, which has been tolerated well and therefore it is foreseeable that its life expectancy is likely to be 20 years.

There are no obvious physical defects visible on the tree, despite its closely grown stems, which indicate that the risk of tree failure must be considered low and carry little weight in the argument to remove it.

#### *Suitability of tree in current position*

A tree of this size would normally need a considerable amount of space to be allowed to grow to its natural size. There have been repeated requests for reduction works to most of the trees within the gardens of this residential development. The relationship between the house and the tree has become increasingly incompatible. At approximately 7 metres from the stem base the conditions within the house suffers as the tree grows in height and spread.

#### *Planning policy issues*

Previous proposals to develop this site were rejected at appeal based on the unacceptable loss of trees. It was clearly stated then that poor living conditions would exist with houses built at such close range to established trees. Located along the southern garden boundaries the trees shade the houses for most of the day. While every effort was taken to raise this issue in advance, the current position is that it was deemed acceptable to retain the trees in an approved scheme.

It was noted that in December 2008 members approved a proposal to remove a sycamore from this group at 13 Windsor Wood. This may indicate a change in councillor view from that taken in the early 1990s.

There have been illegal tree removals at other addresses within this development, indicating a negative attitude towards the trees, where the risks of facing prosecution with the accompanying fines have been considered worth overriding.

Furthermore a signed petition from 19 neighbouring residents was submitted with the previous application, giving support for the removal of the tree at 13 Windsor Wood. This indicates the strength of feeling in opposition to the trees. It was predicted that, once permission was granted for the removal of one tree, a precedent would be set for future applications to remove other trees of this important group.

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

#### **Conclusion:**

The tree has considerable public value as part of this prominent group, which greatly softens the view into this densely developed site. From this standpoint the tree must be retained to perform its function as a public amenity. It is a healthy tree, despite its harsh pruning history and flawed branch structure. Planning policy demands that tree removal is not simply justifiable but necessary. There is no justification to remove the tree on grounds of its poor health or structure.

The case balances on the several arguments submitted describing the difficult living conditions the applicant and immediate neighbours are living under.

The option to prune the tree again rather than fell it would not excessively diminish the tree's stature and appearance and should be considered as an alternative course of action. Better still, a reduction of the whole group would largely resolve the issues raised.



Members must consider whether the compromise accepted with the approved housing scheme in allowing dwellings with small gardens to be built so close to big trees has been outweighed by the negative attitude towards them from residents who live with the difficulties, described above.

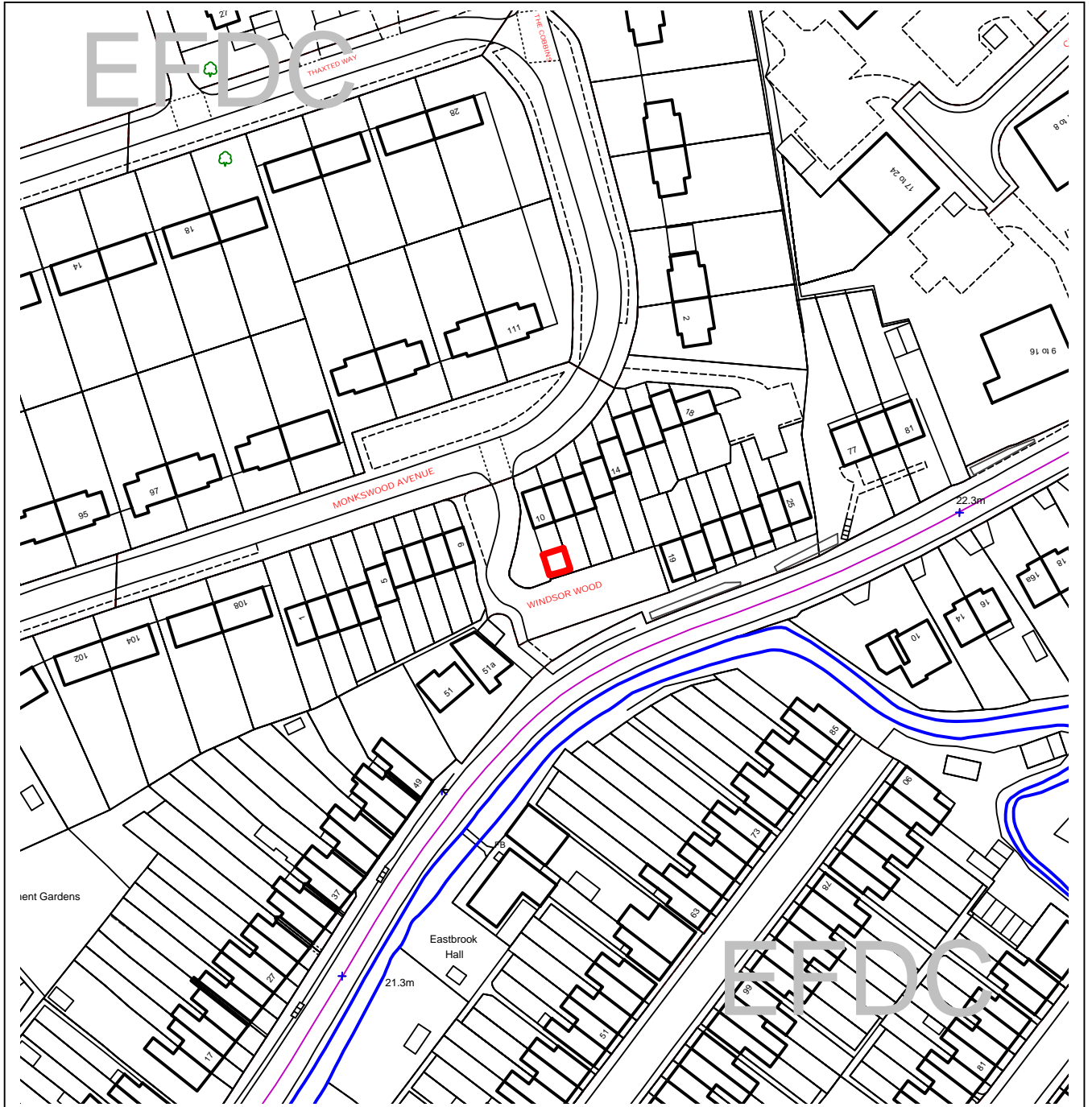
It is recommended to refuse permission to this application on the grounds that the reasons given do not justify the need to remove the tree. The proposal therefore runs contrary to Local Plan Landscape Policy LL9.

In the event of members agreeing to allow the felling, it is recommended that a condition requiring the replacement of this tree and a condition requiring prior notice of the works to remove it must be attached to the decision notice.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	1
Application Number:	EPF/1065/09
Site Name:	10 Windsor Wood, Waltham Abbey EN9 1LY
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0364/09
<b>SITE ADDRESS:</b>	Land to rear of 114 Old Nazeing Road Nazeing Essex EN10 6QY
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mr Lorenzo Minichiello
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a four bedroom detached house with associated parking to the rear of No. 114 Old Nazeing Road.
<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 development shall be carried out in accordance with the amended plans received on 15/07/09 unless otherwise agreed in writing with the Local Planning Authority.
- 3 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 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.
- 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 Prior to the commencement of the development details of the proposed surface materials for the driveway and hardstanding areas on site shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.
- 10 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 11 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The approved measures shall be carried out prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment..
- 12 All construction/demolition works and ancillary operations which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 13 During the period between the commencement and the completion of the development hereby approved there shall be no deliveries to the site and no movement of commercial vehicles to or from the site outside the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, There shall be no such deliveries or movements of commercial vehicles during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 14 No development approved by this permission shall be commenced until details of the existing and proposed finished floor levels have been submitted to and approved by the Local Planning Authority. Finished floor levels shall be sited no lower than 25.02mAOD. The scheme shall be completed in accordance with the approved plans.
- 15 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

*This application is before this Committee since it is an application for 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) and 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:**

Consent is being sought for the erection of a four bed detached house with associated parking to the rear of No. 114 Old Nazeing Road. The property would be predominantly two storey and would be 11m wide and 7m deep with a pitched roof to a maximum height of 7.5m. The dwelling would have a single storey rear element 7m in width and to a depth of 2m with a pitched roof to a maximum height of 4.1m.

Access to the application site would be from North Barn, and would involve the instatement of a new dropped kerb vehicle access. Several trees have been removed from the site, however some of the existing trees will remain. The dwelling would have one garage and one off street parking space.

### **Description of Site:**

The site is located on the southern side and at the end of a cul-de-sac known as North Barn. The site itself is relatively level and has an area of 297 square metres. Recently the rear of the site has been enclosed by hoarding, and the proposed rear boundary has been marked by metal fencing.

The site is located within a well established residential area where the majority of buildings comprise of double storey detached and semi-detached dwellings, all of which are similar in building form, scale, bulk and size. Front setbacks from the highway are consistent and spaces/gaps between building blocks form an important part to the character of the streetscene.

### **Relevant History:**

EPF/0240/64 - Double storey rear extension – approved 19/08/64

EPF/0793/06 - Outline permission for residential development – withdrawn 18/09/06

EPF/0187/08 - Outline permission for the erection of a detached dwelling – approved/conditions 26/06/08

EPF/2193/08 - Development of site to provide two, three bedroom semi-detached houses with associated parking – withdrawn 06/01/09

### **Policies Applied:**

CP2 - Protecting the quality of the rural and built environment

CP3 - New development

DBE1 - Design of new buildings

DBE2 - Effect on adjoining properties

DBE3 - Design in urban areas

DBE8 - Private amenity space

DBE9 - Loss of amenity

LL10 - Adequacy of provision for landscape retention

LL11 - Landscaping schemes

ST1 - Location of development

ST2 - Accessibility of development

ST4 - Road safety

ST6 - Vehicle parking

H2A – Previously Developed Land

U2A – Development in Flood Risk Areas

U2B – Flood Risk Assessment zones

## **Summary of Representations:**

26 neighbours were consulted, a Site Notice was displayed and the following responses were received:

PARISH COUNCIL – Object as the scale of the new application is much larger than original approved application (approximately 35% increase in footprint and 47% floor space). There would be large windows overlooking other residences. The proposed property would not be in standing with surrounding properties. There would be inadequate parking on site and it would take away communal parking area in North Barn. Two large trees that are incorrectly represented on plan would have to be severely cut back at roof level. The previous application had piling to protect trees. The property is in the flood plain which could be affected by damage to trees. Trees on site have already been cut down.

1 NORTH BARN – Object to drainage/flooding implications, as the property would be out of keeping with the rest of North Barn, and as the access should be from Old Nazeing Road.

2 NORTH BARN – Object to the size of the dwelling, potential sewerage and flooding issues, and due to traffic issues.

5 NORTH BARN – Object due to parking problems and the house would be out of keeping with the neighbours.

6 NORTH BARN – Object due to the size of the property, the impact on neighbouring trees, and the burden this would have on the infrastructure of North Barn.

7 NORTH BARN – Concerned about the size of the dwelling and potential flood risk.

9 NORTH BARN – Object to the loss of the parking area through the creation of a vehicle access.

10 NORTH BARN – Object due to the size of the dwelling, potential flood risk, and the impact on the neighbouring trees.

11 NORTH BARN – Object due to loss of privacy and parking issues.

12 NORTH BARN – Object due to a loss of privacy, as it would be out of character with the street scene, would overshadow No. 7 North Barn, would impact on existing trees and vegetation, would be more imposing than the outline consent, would be overdevelopment, and would have highway safety implications.

20 NORTH BARN – Object due to parking and transport issues, the loss of the parking area at the end of the road, and potential disturbance/loss of privacy.

21 NORTH BARN – Object due to parking issues and overdevelopment.

23 NORTH BARN – Object due to potential sewerage and flooding problems and traffic congestion.

104A OLD NAZEING ROAD – Comment that necessary provisions to protect the preserved trees should be undertaken.

112 OLD NAZEING ROAD – Object due to loss of privacy, impact on the neighbouring trees, the enlargement when compared to the outline consent, and as it is overdevelopment.

114 OLD NAZEING ROAD – Object due to the size of the dwelling, potential loss of privacy, and the impact on existing trees and landscape.

116 OLD NAZEING ROAD – Object due to the increase since the outline consent, the impact on amenity, and due to potential impact on the existing trees.

### **Issues and Considerations:**

The application site obtained outline planning permission for a detached house in 2008, which reserved design, landscaping, external appearance and means of access. Whilst this application is a full planning permission rather than a reserved matters application, due to the outline consent the principle of residential development has already been considered acceptable in land use terms and the provision of additional housing is consistent with Policy H2A as the application site is classed as Previously Developed Land.

### **Design and appearance:**

Indicative siting, layout and flank elevation plans were submitted and approved as part of the outline application. Whilst this application is not for reserved matters, in principle the siting and layout of the dwelling complies with the approved indicative plans, however the overall size of the dwelling has increased from a footprint of 79 sq. m. on the outline consent to 91 sq. m. on this application. The height of the building has however dropped by approximately 500mm from the indicative height shown on the outline consent. Whilst the width of the proposed dwelling would be greater than the majority of dwellings in North Barn there are properties in the cul-de-sac that have been considerably extended and, as a result, are of similar footprint to the proposal. These include No's. 9 and 21 North Barn.

In relation to the siting of the development, this has not changed from the indicative outline consent, whereby it was considered that the proposed dwelling would integrate well into the street scene and maintain the existing pattern of spaces between buildings. Although the front façade of the proposed dwelling is not setback as far from the highway as that of other dwellings within the street, this was previously considered to successfully respect the character of the locality while providing sufficient room for landscaping and vehicle parking.

The new dwelling is stated to have approximately 140 sq. m. of private open space located to the rear of the site. Measurements taken from the site plan (including the side access) equate to 147.8 sq. m., which is sufficient to meet the recreational needs of future residents and complies with Local Plan policy DBE8.

### **Highway and parking considerations:**

Policy ST6 of the Local Plan states that the Council will ensure that all new developments make adequate provisions for car parking in accordance with the adopted ECC Parking Standards. Two off street car parking spaces are provided, which are considered to be sufficient to meet the needs of future residents and the requirements of the Parking Standards and Local Plan policy. Although the level of parking provision has been raised by neighbouring properties this is the same level as indicated on the outline consent and as such has in principle been agreed.

The application was referred to Essex County Council Highways, who advised that they had no objections to the application subject to conditions. The design and layout of access and vehicle parking arrangement would not cause traffic congestion nor have an impact to the highway and pedestrian safety. Whilst there have been several objections regarding the loss of general parking at the turning area at North Barn the dropped kerb does not require planning permission and as such could be implemented (to give rear access to No. 114 Old Nazeing Road) simply through the submission of Highways Consent. As the crossover would not adversely affect the intended use of



this area, which is for the turning of vehicles, it is unlikely that ECC Highways would withhold consent, and in fact by keeping the turning head clear of parked cars this would be an advantage from a highways point of view to the use of this turning area.

#### Landscaping:

There is a mature ash and mature weeping willow in the garden of the adjacent property and a hazel and walnut to the rear of the application site. All 4 trees have recently been preserved. An amended plan has been received removing the single storey side garage to bring the building further from the ash and willow tree. Although work would still be undertaken within the tree protection zones the work closest to the trees would be in the nature of hardstanding, the details of which could be such that root systems would not be damaged. Comments have been received from neighbouring properties with regards to the 'inaccuracy of the location of the trees as shown on the submitted plans'. Due to this measurements have been taken on site and reveal that the closest corner of the proposed building would be 4.8m from the trunk of the ash tree. Again, whilst this encroaches slightly within the protection zone it is not considered that the tree would suffer any adverse affect from this.

Furthermore, due to the height of the proposed house, there would have to be some crown lifting of the overhanging branches of the Ash. Whilst this is regrettable it is felt that the shape or form of the tree is such that this minor pruning could be accommodated.

Due to the above, whilst this proposal would be achievable without causing the demise of any of the protected trees, consideration will need to given to the construction of the development and physical protection during the construction process. Furthermore a landscaping scheme will be required to soften this currently vegetated and semi-rural area. As such conditions will be required to ensure this protection and that additional landscaping is undertaken.

#### Impact on adjoining properties:

There would be a distance of 21 metres between the rear façade of the proposed dwelling and the rear façade of number 114 Old Nazeing Road, which is (and was previously) considered to be sufficient to avoid any excessive overlooking to either the existing property or the future occupiers of the new dwelling.

Consideration was previously undertaken with regards to the impact of the proposal on adjacent properties as part of the outline consent, despite the submitted drawings being purely indicative. The distance between the flank wall and the south eastern boundary and the rear wall and rear boundary are identical to the previously approved outline consent. The closest neighbour would be No. 7 North Barn, which contains no flank windows and is set in at first floor level from the shared boundary with the application site. Given the 2m gap between the side boundary and the proposed dwelling and lack of flank windows, it is considered that there would be no undue loss of light or privacy to this neighbour. Also the orientation of the site and the siting of the dwelling means there would be no excessive overshadowing to the adjoining property.

The proposed dwelling has extended further northwest than originally shown on the outline consent. Notwithstanding this, the proposed dwelling would be set back 3m from the shared boundary and would contain no flank windows.

#### Flood Risk:

The application site lies within the Environment Agency flood zones 2 and 3, and due to this a Flood Risk Assessment has been submitted with this application. Subject to conditions regarding finished floor levels, there is no objection from the Environment Agency.

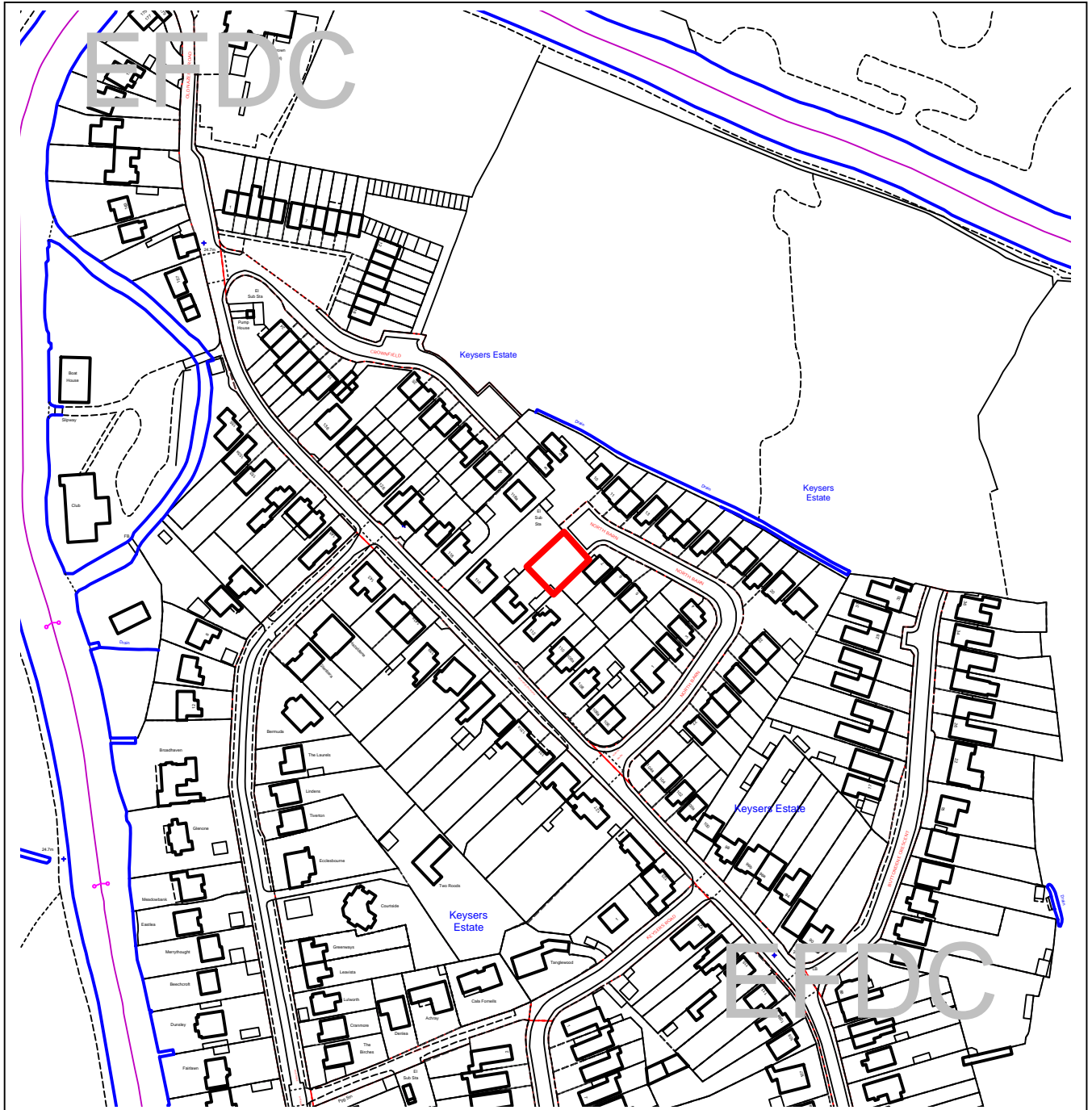
**Conclusion:**

The principle of the development has been previously agreed under outline planning consent Ref: EPF/0187/08, and previously submitted indicative plans resulted in several specific issues being addressed and agreed. As such, and in light of the above, the proposed dwelling under consideration here complies with all relevant Local Plan policies and is therefore recommended for approval.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	2
Application Number:	EPF/0364/09
Site Name:	Land to rear of 114 Old Nazeing Road, Nazeing, EN10 6QY
Scale of Plot:	1/2500

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0941/09
<b>SITE ADDRESS:</b>	1 Barnfield Close Nazeing Waltham Abbey Essex EN9 2RE
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mrs Susan Wass
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of land to rear to garden use.
<b>RECOMMENDED DECISION:</b>	Grant Permission

**CONDITIONS**

None

*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:**

Retrospective consent is being sought for a change of use of land to garden use and involves the erection of a standard height close boarded fence with trellis on top.

**Description of Site:**

Two storey end terrace property located on the western side of Barnfield Close, Nazeing. The site sits on the corner plot of Barnfield Close and Hoe Lane.

**Relevant History:**

None

**Policies Applied:**

CP2 – Protecting the quality of the rural and built environment  
DBE3 – Design in urban areas  
DBE9 – Loss of amenity  
LL10 – Adequacy of provision for landscape retention

**Summary of Representations:**

PARISH COUNCIL – Object as taking Green Belt into garden contrary to Local Plan policy. There is no indication on application as to ownership of land.

2 neighbours were consulted on this application and the following response was received:

HOPE COTTAGE, HOE LANE – Object as the position of the new fence is forward of the building line of Hoe Lane and is unsightly. This development is detrimental to the local environment and out of keeping with the original planned development.

### **Issues and Considerations:**

The main issues here relate to the impact on the street scene, with regards to the retention of the existing landscape features, and the impact on neighbouring amenities.

The previous use of the land was as open public green space formed as part of the estate when originally developed. Local Plan policy DBE3 requires that “spaces are of individual identity and character and are satisfactorily enclosed” (ii) and “public, private and semi-private spaces are clearly discernable to their intended users”. The green area between the edge of the highway and the original residential boundary was enclosed to the north and west by high level vegetation and to the east by the boundary of No. 1 Barnfield Close. Due to this the area was unused by members of the public for any form of recreational purposes and became overgrown and a ‘dumping ground’. To overcome the unsightly nature of this area the management company in charge of the estate agreed to sell the majority of this land to the occupiers of No. 1 Barnfield Close to be incorporated into their garden. A 1.22m strip of land has been retained directly adjacent to the highway, which ensures that the existing landscape screening is retained.

The property directly opposite the site, No. 18 Barnfield Close, has their side boundary to a point a similar distance from the highways as this proposal. Given that the high level vegetation is to be retained as screening, and the extended garden and fence erected are similar to that directly opposite, it is not considered that this proposal would detrimentally impact on the street scene.

The new fence has been erected to a sufficient distance from the vegetated area so that it has no detrimental impact on the health and wellbeing of the existing trees, and as this is retrospective no tree protection measures could be sought/would be necessary.

An objection has been received by the neighbour with regards to the visual impact of the new fence that adjoins their side boundary. Given the slight change in gradient between the properties the fence is lower when viewed from Hope Cottage, and is adjacent to the neighbour’s front garden. As this appears to predominantly be used for the parking of vehicles it is not considered that the visual impact is as important in this area as it would be to the private rear garden. Furthermore, given that the fence in question is that located between the two properties, and therefore does not run adjacent to a highway, planning permission is not required for its erection. Due to this it is not considered that the new fence or extension of the garden has an unduly detrimental impact on the amenities of this neighbour.

The Parish Council have objected as they state that the taking of Green Belt land into residential garden is contrary to Local Plan policy. The application site is not located within the Green Belt and as such the comment is not relevant. This was raised with the Parish Council clerk who stated that the Parish Council maintains their objection. Further to this comment they also state that there is no indication as to the ownership of the land. Certificate A of the submitted application form clearly states that the applicant is the owner of the land in question.

### **Conclusion:**

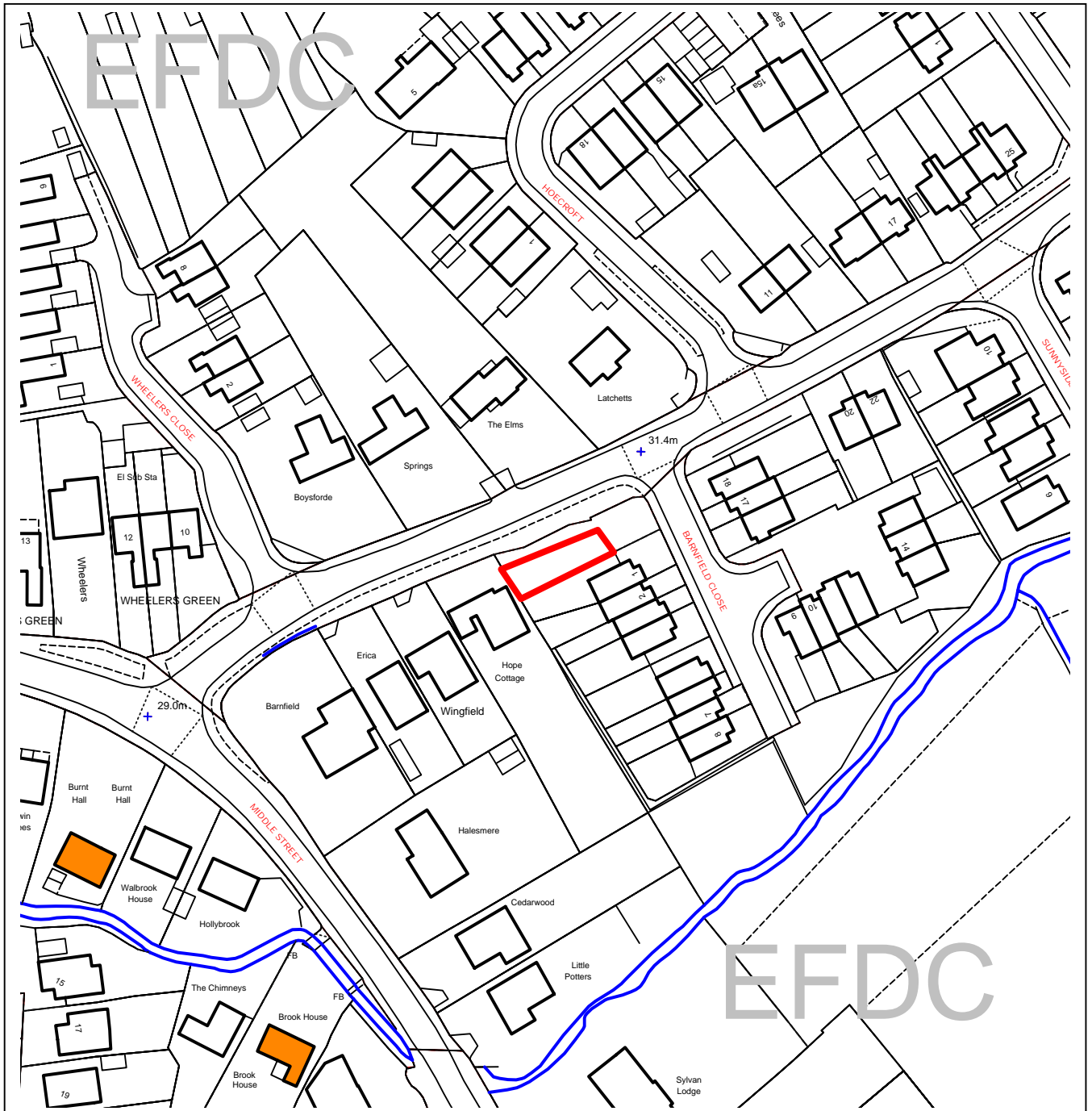
Due to the above, whilst it is regrettable that the works have been carried out prior to obtaining planning consent, the extension of the garden and erection of the fence complies with the relevant

Local Plan policies and is therefore deemed acceptable. As such the application is recommended for approval.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/0941/09
Site Name:	1 Barnfield Close, Nazeing, EN9 2RE
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0868/09
<b>SITE ADDRESS:</b>	1 Larsons Cottage Hamlet Hill Roydon Essex CM19 5JU
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr & Mrs G McDonnell
<b>DESCRIPTION OF PROPOSAL:</b>	Removal of agricultural occupancy condition.
<b>RECOMMENDED DECISION:</b>	Grant Permission

**CONDITIONS**

None

*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:**

Consent is being sought for the removal of an agricultural condition placed upon the grant of consent for the dwelling.

**Description of Site:**

Semi-detached dwelling with an agricultural occupancy condition imposed upon it. The dwelling is situated to the north of Hamlet Hill and is located within the Metropolitan Green Belt.

**Relevant History:**

EPR/0040/51 - Two pairs of cottages – approved/conditions 15/05/51

EPR/0040A/51 - Formation of vehicle access – approved 26/07/66

EPR/EPF/0040/51 - Occupation of dwelling without compliance with agricultural occupancy condition – refused 02/02/90

EPO/0579/71 - Application for vehicular access – approved/conditions 12/10/71

EPF/0091/93 - Occupation of property without compliance with agricultural occupancy condition – refused 22/06/93 (appeal dismissed 22/11/93)

EPF/1797/01 - Erection of single storey side and rear extension – approved/conditions 16/11/01

EPF/0940/07 - Removal of agricultural occupancy condition – refused 21/06/07 (appeal dismissed 07/04/08)

EPF/0072/08 - Removal of agricultural occupancy condition – refused 27/02/08



### **Policies Applied:**

GB2A – Development within the Green Belt  
GB17B – Removal of agricultural occupancy conditions

### **Summary of Representations:**

PARISH COUNCIL – Object as this property was bought with the restriction known. The market is generally difficult for selling. All properties need to be realistically priced to achieve a sale including those with agricultural occupancy restrictions.

BELMONT, HAMLET HILL – Feels the house should be left as it is. There is also concern that the property, along with the attached neighbour and a large summerhouse at the bottom of the rear gardens, could be converted into 12 flats, which would be out of character with the area.

### **Issues and Considerations:**

The main issue with this application is whether or not a sufficient case (with the appropriate justification) has been made to establish whether or not the agricultural occupancy condition should be removed from the property.

Policy GB2A of the Local Plan establishes the general principles of development within the Green Belt and allows for the erection of a dwelling for an agricultural, horticultural or forestry worker where it has been proven that such a dwelling is required. Policy GB17B sets the principles for removal of an agricultural occupancy condition. This sets out four requirements that must be undertaken/justified before the removal of an agricultural occupancy condition is permitted. These are the following:

- (i) There is no longer a functional need for the dwelling on the holding.
- (ii) There is no longer a need for this type of dwelling in the locality.
- (iii) The dwelling has been marketed with its agricultural occupancy condition status made clear throughout for a minimum of one year. The marketing must include:
  - (a) 'For Sale' signage visible from the highway;
  - (b) Local newspaper advertising on a regular basis throughout the marketing period,
  - (c) National or regional advertising in specialist agricultural publications on a regular basis throughout the marketing period,
  - (d) The asking price for the dwelling being at least 40% below its general housing market value.
- (iv) A survey of the agricultural community is carried out to assess the existing agricultural need in the locality for the dwelling.

The previous application (EPF/0072/08) was refused on the following grounds:

*Due to deficiencies in the marketing of the property, the Local Planning Authority is not satisfied that it has been clearly demonstrated that need for an agricultural workers dwelling no longer exists in the locality. The proposal is therefore contrary to Policy GB17B of the adopted Local Plan and Alterations.*

This is identical to the reason for refusal on EPF/0940/07, which was also dismissed on appeal. The deficiencies identified in the 2007 proposal were as follows:

- It was considered that the asking price of the dwelling did not reflect at least a 40% discount for a period of at least 12 months.
- No alternative forms of occupancy were investigated (such as possible subdivision, rented accommodation or multiple occupancy).

- The 'For Sale' board displayed at the property was not prominent and gave no details regarding the property (i.e. the agricultural tie).

The 2008 proposal was refused prior to the 2007 appeal decision being dismissed, and the specific issues were the same as those raised by the Inspector.

Taking into account the Inspectors comments and further refusal the dwelling was put on the market in April 2008 at a guide price of £237,000, was reduced in August 2008 to £232,000 and again in December 2008 to £225,000. Based on the latest market valuation of the dwelling (August 2007) at £400,000 this equates to an initial 40% discount, dropping to 42% and 44%. Evidence has been provided with regards to the extent of advertisement in Farmers Weekly, Farmers Trader, and in the Local Guardian, as well as on the agents own website.

This marketing is now in line with the requirement of a 40% discount under GB17B, and appears to follow the market trend of the crash in house prices in late 2008 (and hence the reduction in asking price). As such Officers are now satisfied that the asking price is sufficient and that the dwelling has been continuously marketed for a period of 12 months at a realistic value.

The sales particulars were amended to include the option of subdivision/conversion to '2/4 self contained flats – subject to planning permission'. This potential subdivision was explored with EFDC Planning Services and Essex County Council Highways Officers prior to the advertisement, both of whom confirmed that in principal this may be acceptable.

Further to the previous refusals a 'For Sale' sign was erected in April 2008 in a more prominent position than previous with the sign reading "subject to an Agricultural Occupancy Condition". This board has been displayed throughout the entire marketing process.

As the previous applications complied with all other requirements of policy GB17B it is considered that the latest marketing evidence is now sufficiently discounted to allow for the removal of the Agricultural Occupancy Condition. Whilst loss of an agricultural dwelling is to be regretted, in the light of the above evidence it would be unreasonable to insist that the condition remains.

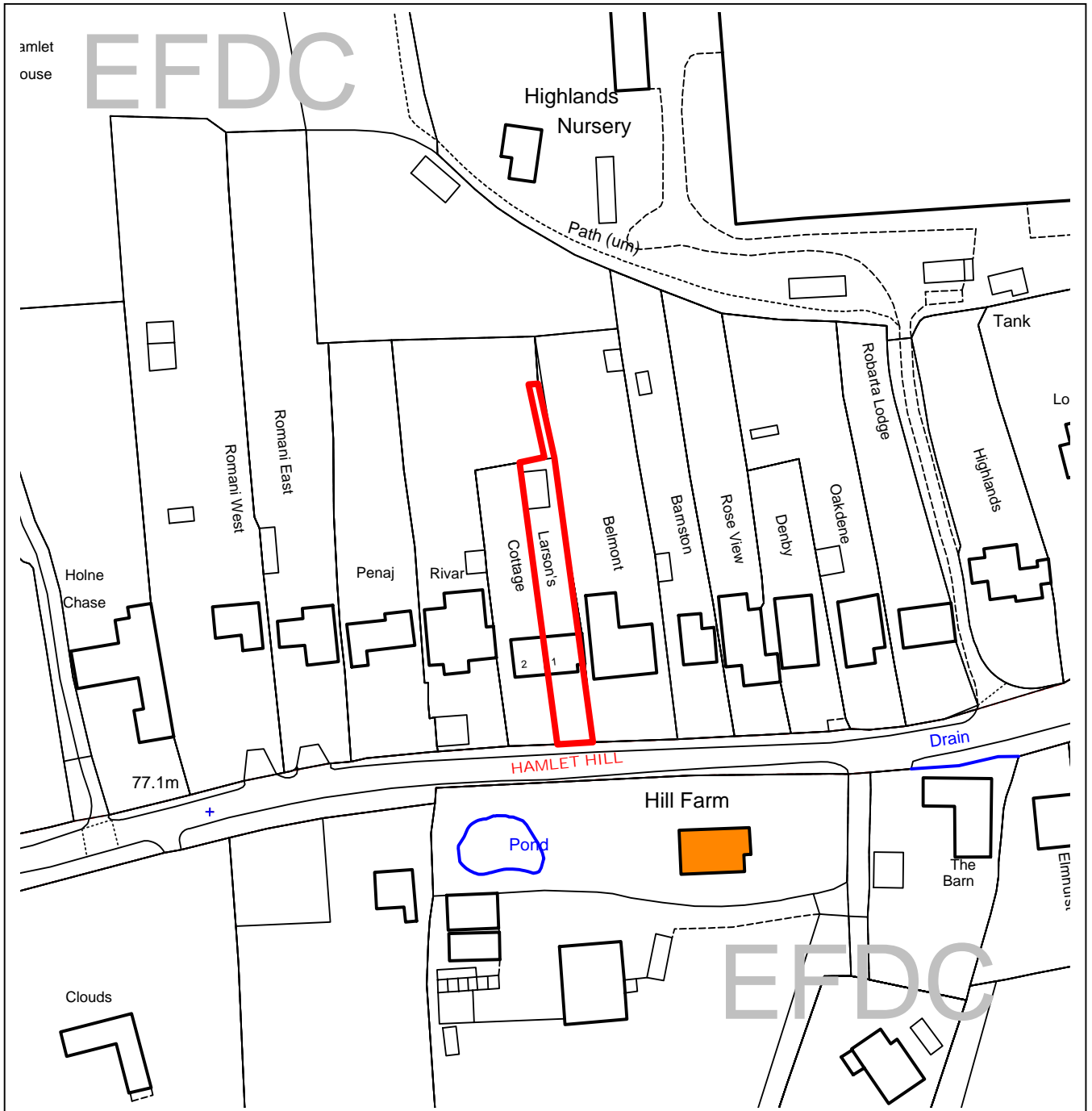
**Conclusion:**

The proposed application complies with the requirements of Local Plan policy GB17B and is therefore recommended for approval.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/0868/09
Site Name:	1 Larson's Cottage, Hamlet Hill Roydon, CM19 5JU
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1053/09
<b>SITE ADDRESS:</b>	Kingsmead Epping Road Roydon Harlow Essex CM19 5HU
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>APPLICANT:</b>	Continuum Care & Education Group
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from offices to non-residential school - (D1 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 Prior to the erection of any screen walls, fences, gates or such similar structures, details shall be submitted and agreed in writing by the Local Planning Authority and shall be erected and maintained to the agreed detailing and positions.
- 3 The premises shall be used solely for a non-residential school and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 4 The school hereby permitted shall not be open to students outside the hours of 08:30 to 17:45 on Monday to Friday.
- 5 The development 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.

- 6 No more than 30 pupils shall be on the school role at any time.
- 7 Prior to commencement of development details of covered cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. The agreed facility shall be provided prior to the first use of the site as a school.

*This application is before this Committee since it is an application for 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).*

### **Description of Proposal:**

The application seeks planning permission for the change of use of the building from offices (B1) to a school (D1). There would be no external alterations to the building or the remainder of the site.

### **Description of Site:**

The application property is a detached two-storey building with rooms in the roof space. The current use of the building is for office purposes; however consent has been granted for residential use. The site is accessed by a road which enters onto the east side of Epping Road, south of Kingsmead Close and falls within the Metropolitan Green Belt.

### **Relevant History:**

EPR/0271/67 - Use of school as data processing management and computer training centre – refused 12/09/67  
EPR/0389/70 - Change of use – approved/conditions 08/09/70  
EPR/0236/71 - Change of use – approved/conditions 08/06/71  
EPO/0131/72 - Conversion of premises to 8 flats and erection of 8 garages – approved/conditions 13/06/72  
EPO/0162/72 - Use of premises as offices/conference centre/laboratory/staff recreation/visitors accommodation and caretakers flat – allowed on appeal 15/11/74  
EPF/1620/80 - External staircase between first and second floors of existing offices – approved/conditions 05/12/80  
EPF/1014/81 - Extension of office car parking – approved/conditions 07/09/81  
EPF/0699/89 - Three storey extension and ancillary parking – approved 26/06/89  
EPF/0091/90 - Two storey extension together with ancillary parking – refused 20/04/90  
EPF/1209/05 - Change of use from offices to a boarding school for approximately 100 pupils – withdrawn 07/09/05  
EPF/0137/07 - Change of use of existing offices to 9 flats involving external alterations and extensions. Extension to existing building to create 3 houses and erection of detached carports – refused 20/04/07 (appeal dismissed 01/10/07)  
EPF/1576/07 - Change of use of existing offices to 9 flats involving external alterations – refused 21/09/07  
EPF/2145/07 - Change of use of existing offices to 9 flats involving external alterations – approved/conditions 24/01/08

EPF/0449/09 - Change of use of vacant office space to single residential dwelling and removal of fire escape – approved/conditions 12/05/09

**Policies Applied:**

CP1 – Achieving Sustainable Development  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP6 – Achieving Sustainable Urban Development Patterns  
CP8 – Sustainable Economic Development  
CP9 – Sustainable Transport  
GB2A – Development in the Green Belt  
GB8A – Change of Use or Adaptation of Buildings  
RP5A – Adverse Environmental Impacts  
E4A – Protection of Employment Sites  
E4B – Alternative Uses for Employment Sites  
ST1 – Location of Development  
ST2 – Accessibility of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
DBE9 – Loss of Amenity  
LL2 – Rural Landscape  
LL3 – Edge of Settlement  
LL10 – Adequacy of Provision for Landscape Retention  
LL11 – Landscaping Schemes  
H2A – Previously Developed Land

**Summary of Representations:**

12 neighbours were consulted on this application, a site notice was displayed and the following responses were received:

PARISH COUNCIL – None received.

ALVAND, EPPING ROAD – Object due to impact on highway safety, parking provision, and impact on surrounding environment.

THREEWAYS, EPPING ROAD – Object due to impact on highway safety.

KINGSVIEW, EPPING ROAD – Object as there is insufficient evidence with regards to the attendance and proposed use of the school and as it would result in increased traffic movements.

REGENTS HOUSE, EPPING ROAD – Object as there is a question as to whether the school would be non-residential, due to highway and traffic concerns, the impact on the rural character of the area, the lack of pedestrian access to the site, and due to the impact on the local services.

7 KINGSMEAD CLOSE – Concerned with regards to traffic movements and the impact on local services.

**Issues and Considerations:**

The issues for consideration in the assessment of this proposal are the resultant loss of an employment generating use, the impact of the development on the Metropolitan Green Belt and parking, access, highways, design, character, and impact on neighbouring properties.

The last two previous applications (Ref: EPF/2145/07 and EPF/0449/09) were granted planning permission for the change of use of the building to residential use. Due to this the principal of the loss of the employment site and reuse of the building for alternative uses has been accepted. The application site was previously used as a school until it was converted in the 1970's to office use.

Objection has been received about the impact that the proposed change of use would have in this Green Belt location. It is proposed that there would be some 27 students ranging in age from 11 to 17 that would be catered for by 10 members of full-time staff and 2 members of part-time staff. As the proposed school would be specifically for young people with special educational needs the number of students would be relatively low.

Reuse of existing dwellings is considered appropriate within the Green Belt, subject to several requirements. These criteria are that:

- The building is of permanent and substantial construction.
- There would not be a materially greater impact on the Green Belt.
- The use and traffic generation would not detrimentally impact on the surrounding area.
- No works within the last 10 years have been undertaken with a view to securing the proposed use.
- There would be no impact on the vitality and viability of local shopping facilities.

The building has been granted consent for change of use in 2007 and 2009, and there is no question over its permanence. As there are no external changes to the building proposed, and the access road, parking areas, and green areas would all remain as existing, it is not considered that the change of use would have a materially greater impact on the Green Belt. The traffic generation issue is covered below, however it is not considered that this would have more impact on the surrounding area than previous uses of the site. No works have been undertaken on the building in the last 10 years specifically to obtain the proposed use, and there would be no impact on local shopping facilities. Due to this it is not considered that the proposed change of use would detrimentally impact on the openness or character of the Green Belt.

It is stated within the submitted application forms that there are 8 car parking and 4 motorcycle parking spaces on site, however the car park area is informal and has no demarcation. Furthermore, the site contains other large areas of hardstanding which have been used for vehicle parking for several years, particularly when the building was fully occupied for office use. Given the unsustainable location of the site maximum parking spaces should be sought.

The vehicle parking standards in relation to schools and educational facilities is somewhat vague as it gives a 'general guide' rather than actual requirements. The suggested parking provision for all schools is 1 parking space for every 2 members of daytime teaching staff, and for further/higher education the standards suggest 1 space for every 15 students. Furthermore, waiting facilities and provision for public/school transport should be considered. Given the type of facility proposed, catering for 11 to 17 year olds, the requirement for parking provision to serve students would be unnecessary, however regardless of this the proposed 8 spaces comply with the guidance according to the above figures (including provision for student parking) with the bonus of providing 4 motorcycle spaces. The large areas of hardstanding situated to the west of the building would be more than adequate to allow for drop off and pick up points, and could also serve a school transportation bus should one be employed.

The access to the site would be via the existing access road served by a vehicle crossover on Epping Road. Although the track is somewhat narrow there has been no objection from Essex County Council Highways officers. The transport movements related to the proposed use would be limited to predominantly three times a day (early morning drop-off, late afternoon pick-up, and potentially midday drop-off/pick-up if half day sessions are undertaken) and would be fairly limited due to the low number of students proposed. Given the previous use of the site as a residential

property, a school and offices it is not felt that this change of use, back to a school, would be any more detrimental in terms of transport movements and highway safety.

Concern has been raised with regards to the lack of pedestrian access to the site. Given the lack of public transport and local facilities it is not predicted that there would be large numbers of pedestrian movements to and from the site as the majority of students and staff would likely arrive by car. As stated above there is no concern with regards to parking provision or highway safety, however impact on neighbouring properties needs to be considered in terms of noise nuisance, etc.

The application site is located behind residential dwellings on Epping Road, with the building itself being a considerable distance from the shared boundaries. As previously stated it is not considered that the transport movements resulting from this change of use would be any more detrimental than the previous uses of the site. Furthermore, given the limited hours of use of the site any vehicle movements would be confined to the daytime periods where less impact would be caused to neighbours. Although there would be a certain level of noise resulting from the proposed school, predominantly during outdoor recreation times, again this would be during the day at times when less neighbouring residents would be around, and would not be unduly detrimental given the low number of students attending the school.

Concern has been raised with regards to the site being used as a residential educational facility (i.e. a boarding school). The submitted application forms clearly state that the opening hours for the school would be 08:30 to 17:45 Monday to Friday with no occupation at weekends, which is in line with a standard non-residential school. These hours of use can be enforced via a planning condition and as such any further use of the building would require further planning permission.

### **Conclusions:**

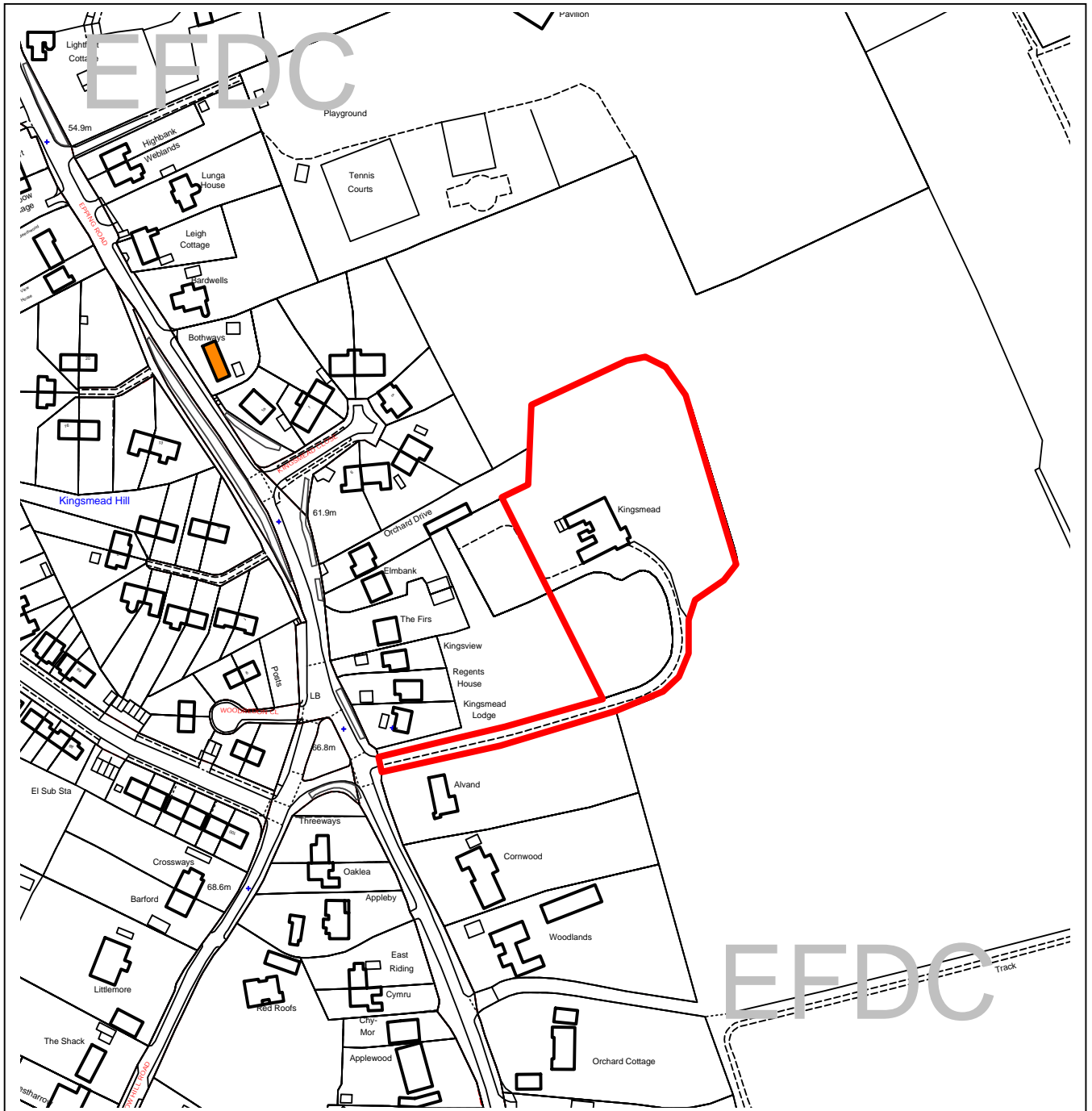
Given the previous uses of the site and previously approved planning permissions it is considered that the use of the existing building as a school would comply with the relevant Local Plan policies and is therefore recommended for approval.





# Epping Forest District Council

## Area Planning Sub-Committee West



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Agenda Item Number:	5
Application Number:	EPF/1053/09
Site Name:	Kingsmead, Epping Road Roydon, CM19 5HU
Scale of Plot:	1/2500

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0470/09
<b>SITE ADDRESS:</b>	Love Apple Farm 156 Crooked Mile Waltham Abbey Essex EN9 2ES
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey North East
<b>APPLICANT:</b>	Mr S Downs
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of the existing buildings and construction of a proposed riding school with disabled facilities and livery.
<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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 The premises shall be used solely for a riding school for people with disabilities with private livery in no more than 12 stables and for no other purpose at any time.
- 4 Prior to commencement of work details of lighting, fencing and means of enclosure and finishes shall be submitted to and approved in writing by the Local Planning Authority. Lighting details shall include type and specification of the light and illumination, hours of use and a plan demonstrating the area to be illuminated.
- 5 The development, including site clearance, must not commence until a scheme of landscaping has 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 landscaping must be carried out in accordance with the agreed scheme , unless the Local Planning Authority has given its prior written consent to any variation.

- 6 No additional hardsurface shall be provided onsite beyond that approved on drawing number Drg 1479/02 rev A without prior written consent from the Local Planning Authority.
- 7 On or before the expiration of 28 days from the date of the first occupation of the new stables, all existing structures at present located on the site and any associated base, dwarf wall or ancillary works shall be removed..
- 8 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

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

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

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

- 9 Details of surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the new stables. Details shall include the method for disposing of foul yard water.
- 10 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 11 Burning of manure and other animal waste should not take place on the site.
- 12 All animal feed should be stored in vermin proof containers and any spillages or discarded food should be cleared away to minimise the attraction to vermin.
- 13 Should the primary use of the indoor riding facility cease to be related to the needs of those with disabilities, then the structure shall be removed in its entirety and the footprint returned to landscape within 3 months of this cessation. This is considered a sufficient time for the occupier to arrange full removal and reinstatement of the land.

The use shall be deemed to have ceased should the indoor riding facility be used for purposes not primarily relating to those with disabilities for a continuous period of more than 3 calendar months.

- 14 The staff accommodation area indicated on the approved plans shall not at any time be used for residential purposes.
- 15 Prior to the first use of the site for a disabled riding facility, a green travel plan and details of internal traffic management, parking, lesson timetables and maximum class sizes shall be submitted to and agreed by the Local Planning Authority. the facility shall operate thereafter in accordance with the agreed details.

*This application is before this Committee since it is an application contrary to the provisions of the approved Development Plan, and is recommended for approval (Pursuant to Section P4, Schedule A (a) of the Council's Delegated Functions).*

#### **Description of Proposal:**

The application seeks permission to demolish existing buildings and construct a riding school with disabled facilities and livery.

The application site was extended on 12<sup>th</sup> June 2009 to include an existing paddock area for which the applicant has demonstrated they have arranged a formal, long term, rolling lease. This area is indicated for grazing use.

The applicant seeks consent for 19 stables and an isolation box in a continuous single storey building with two storey components incorporated as a storage, hay store and loft area and office/staff facilities building. This building is a roughly linear 'E' shape measuring 67m in length with projections 17m in depth at the maximum. The single storey components of the stable reach 6m in height at the maximum pitch. The Office facilities and storage areas reach 7m and 9m in height respectively with a pitched roof. 12 of the proposed stables would be used for livery purposes, with remaining boxes used in direct association with the disabled riding school or being the isolation box.

The proposals also incorporate a fenced floodlit manege 40m x 20m, a fenced assisted ride area 76m x 18m and an indoor riding facility, (a 'T' shaped block 31m x 21m reaching a height of 7m at the maximum pitch).

The application proposes a bonded shingle car park for 9 parking spaces, 2 of which would be disabled bays and a separate horse box bay. The bonded shingle surface then leads into a riding yard between the stable block and indoor riding facility where a mounting block is provided, before leading into the remainder of the yard. Opposite the car park and indoor riding school is the office accommodation and staff facilities. The remainder of the yard accommodates the private livery alongside the storage building and adjacent to the fenced manege. Beyond the livery area is access to the adjacent grazing area under lease by the applicant. The assisted ride area is positioned at the furthestmost point of the site along the eastern boundary before the grazing area.

Access into the site would be achieved from a shared access with neighbouring plots on the northern side of the site and a private access shared with the property 156 Crooked Mile on the southern side of the site. The applicant has indicated that the southern access would be most frequently used due to better sight lines available.

## **Site Description**

The application site is in use for equestrian purposes and has an equestrian related history. Furthermore there is a smallholding onsite, an existing manege area and a number of buildings, most of which are in a state of poor repair and which are in use as either storage or stabling.

## **Relevant History:**

WHX/0051/57 – Bathroom and extra living room – Approved  
WHX/0131/73 – Residential development – Refused  
WHX/0319/73 – Residential infilling – Refused  
EPF/1262/75 – Proposed residential development - Refused  
EPF/0293/79 – Change of use of seven stables to livery and yard – Refused  
EPF/0191/85 – Use of 5 stables, storeroom & tackroom for horsekeeping – Refused  
EPF/1215/07 – Replacement Dwelling - Approved

## **Policies Applied:**

### Epping Forest District Local Plan and Alterations

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the quality of the Rural and Built Environment  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development in the Green Belt  
RST4 – Horse Keeping  
RST5 – Stables  
DBE1 – Design of New Buildings  
DBE4 – Design in the Green Belt  
DBE9 – Loss of Amenity  
LL1 – Rural Landscape

## **SUMMARY OF REPRESENTATIONS:**

WALTHAM ABBEY TOWN COUNCIL: No objection. Insufficient parking. To assume only 1 horse box for 12 liveries is optimistic. Lighting should be directed away from residential properties. All horse riding activities should be kept to east side of Crooked Mile and avoid highway.

5 properties were consulted, a site notice displayed and the following responses were received:

WALTHAM ABBEY RESIDENTS ASSOCIATION: Support the proposals and provide a 397 person petition in support. The Residents Association also note they have further support from families outside of the District.

152 CROOKED MILE: Support for the proposals

150, 158,160, 162 and 164-166 CROOKED MILE (one letter): Owner of all properties listed, objects on Green Belt grounds, with commercial enterprise being inappropriate, highway concerns, traffic issues, insufficient drainage and conflict with the Gypsy and Traveller Consultation process.

## **Issues and Considerations:**

The main issues that arise with this application are considered to be the appropriateness of the development in the Green Belt, the design, layout and appearance of the proposed stables, access and highway issues and potential impact upon neighbouring properties. Other issues for

Members to consider include matters relating to horse welfare, provision of facilities for those with disabilities, land contamination and environmental health issues.

### Green Belt

Policy GB2a seeks to prevent development within the Green Belt unless a number of criteria are met. Outdoor participatory sport and recreation development is permitted alongside essential small scale buildings. Open character uses are recognised in supporting policy text as usually acceptable as long as associated structures are not intrusive in the Green Belt, in which instance urban areas are more appropriate. The proposals can be considered as enabling outdoor sport/recreation, namely the manege, and assisted ride and the stables can be considered essential small scale ancillary buildings but the larger facilities cannot. The scale of the indoor facility has been considered by Officers and in this instance the proposals are screened from the roadside by existing properties and when viewed from surrounding open space, would be seen in the context of existing development. Additionally, for the facility to be used by riders with disabilities, there need to be indoor facilities for winter use to complement the open facilities. For these reasons the proposed use is considered acceptable in the Green Belt, the small scale structures are acceptable and the larger riding facilities may be considered as acceptable due to the specific circumstances of the site and the proposed use amounting to Very Specific Circumstances, sufficient to outweigh the harm, particularly with the loss of existing structures on site.

### Design, Layout and Appearance

Policies RST4 and RST5 deal with the specific requirements for the appearance and use for Horse keeping and Stables. Both policies require that the proposals will not have a significant adverse impact on the character and appearance of the landscape. Policy RST5 further requires that the scale, location, design, materials and landscaping are appropriate, similar to the objectives of policy DBE1 which requires that proposals scale, proportion, siting, height, orientation, roofline and detailing respect the setting.

The proposed facilities are situated behind existing built form when viewed from the western side of the site and the Crooked Mile and as such are largely screened from view. As outlined above, the proposals when viewed from the east are viewed only in the context of the surrounding development. For these reasons the structures and proposals, although large in dimension, are necessary for the intended users of the recreational riding centre proposed. Furthermore the predominant area of development is either single storey or enclosed with post and rail fencing, further reducing the impact of the proposals.

### Highway Matters

The Crooked Mile is a busy highway with routes leading to Waltham Abbey and beyond. The site does not benefit from good access and the proposals would result in an increase in vehicular traffic to the site. However, this would be predominantly outside of core busy periods on the road.

Highways have raised concerns that although the vehicle load would be moderate, the applicants have not provided lesson timing details, this could potentially impact rush hour movements. Furthermore, although the applicants have specified one access would be more frequently used, no detail has been provided to demonstrate how this would be achieved.

The applicants have not provided lesson plans as potentially riding would be provided to suit the user, therefore bookings would primarily be taken on request originally. Furthermore, in respect of the access, the less favourable access to the north is shared with other occupiers and can be gated off. This provides some restriction to encourage use of the south access. It is not reasonable, mindful of the above, to refuse the proposals solely on highway safety grounds with the majority of vehicle movements taking place outside core rush hours. It is suggested however that a condition be added requiring a Green Travel Plan and lesson times and class sizes, and

internal traffic management systems to be agreed prior to commencement to ensure that movements during peak times and use of the northern access are minimised.

#### Other Matters:

##### Equestrian issues

The accommodation provided reflects the British Horse Society minimum standards set out by the Welfare Department. As a result it is not reasonable to request a reduction to stable size to reduce the scale of the scheme.

The paddock area of just over 1 hectare has been provided for turnout, exercise and grazing. This is not sufficient as total grazing for any more than 3 horses at the most, however, as grazing would be supplementary to the main diet, and the turnout area is for exercise purposes, this area is considered sufficient as outlined in the guidance from the British Horse Society Welfare Department.

The applicant has indicated ownership of further land in the Broxbourne area for resting horses on a rota basis. This is beyond the application site so cannot be afforded much consideration in this application. Notwithstanding this, any additional grazing area would only further benefit the welfare of horses kept onsite.

The nearest bridleway is some 600m away leading northeast for a significant distance into the surrounding countryside.

The application satisfies Welfare requirements having sufficient area to stable, exercise and train all the horses onsite.

##### Disability considerations

The Council can place emphasis on the needs of those with disabilities and can take a more proactive approach, attributing positive weight toward the provision of facilities which may be of benefit.

The applicant has indicated that the potential needs of the disabled users would require slightly larger office facilities, with a shower and changing areas on site a requirement for the benefit of users with disabilities such as Downs Syndrome and MS. The applicant has further noted that whilst some users will wish to ride at the facility or watch others do so, many will wish to visit the facility to be around or pet the horses in stables. Recreation of this kind has been suggested to improve quality of life and at times the symptoms of some disabilities. The nature of the disabilities which some riders/users may have also results in the need for the large indoor riding facility. This would provide protection from the elements for those whom outside conditions may prove difficult. Members may consider this sufficient special circumstance to allow this particular structure in the Green Belt in the context of the other built form, subject to strict condition requiring the removal of this building should this use and need cease. The imposition of this condition has been explained to the applicant.

##### Financial issues

The Council notes that whilst all facilities for riding will benefit users with disabilities, a significant proportion of the yard would stable private livery horses. The 12 boxes for livery purposes will be used in part for employees horses/ponies, with a small number of ponies on trial to assess temperament before use with visitors with disabilities. A proportion of these stables will be used solely for private independent livery, this activity is intended to subsidise the main activities onsite financially. The proposed 12 boxes is the maximum the Council will accept as private livery as the main function of the overall site should remain as a riding school, this can be ensured by condition.

### Drainage

No significant concerns are raised by the Council's Land Drainage team, however conditions are requested to cover the disposal of foul and surface waters.

### Contamination

The site is potentially contaminated due to a previous use as a nursery, small holding and car repairs, therefore a condition requiring a phase 1 contamination assessment is requested.

### Environmental Health Issues

Environmental Health has raised a number of issues which can be addressed by condition as follows:

- Permitted hours of construction
- Stable and manege lighting
- Provision of foul water drainage
- Storage and disposal of manure
- Storage of feed
- Use of stables and welfare of horses

### Generic Policy Issues

The Council's policy team have commented that the development is in the Green Belt and may be in conflict with planning policies. The site is also currently under consideration as part of the Council's Gypsy and Traveller consultation process, but at this stage in the process this is not of major weight in considering this application.

### Landscaping

The Landscape team have confirmed that the proposals provide an opportunity to improve external appearance with appropriate planting. A landscaping condition is therefore proposed.

### **Conclusion:**

After extensive consideration of all the issues surrounding the application, it is considered that on balance the proposals are acceptable. The applicant provides a scheme that although resulting in development in the Green Belt maintains the openness with a layout situating the grazing and exercise areas in the open countryside and stable and riding facilities close to the built up area in the place of existing structures.

The proposals provide a facility for people with disabilities which is heavily supported by residents in the local area.

The proposals provide sufficient facilities for the number of horses proposed, with site access that although not ideal, is acceptable given the nature of the existing site activities. Furthermore, the site is located in relatively close proximity to local bridle routes.

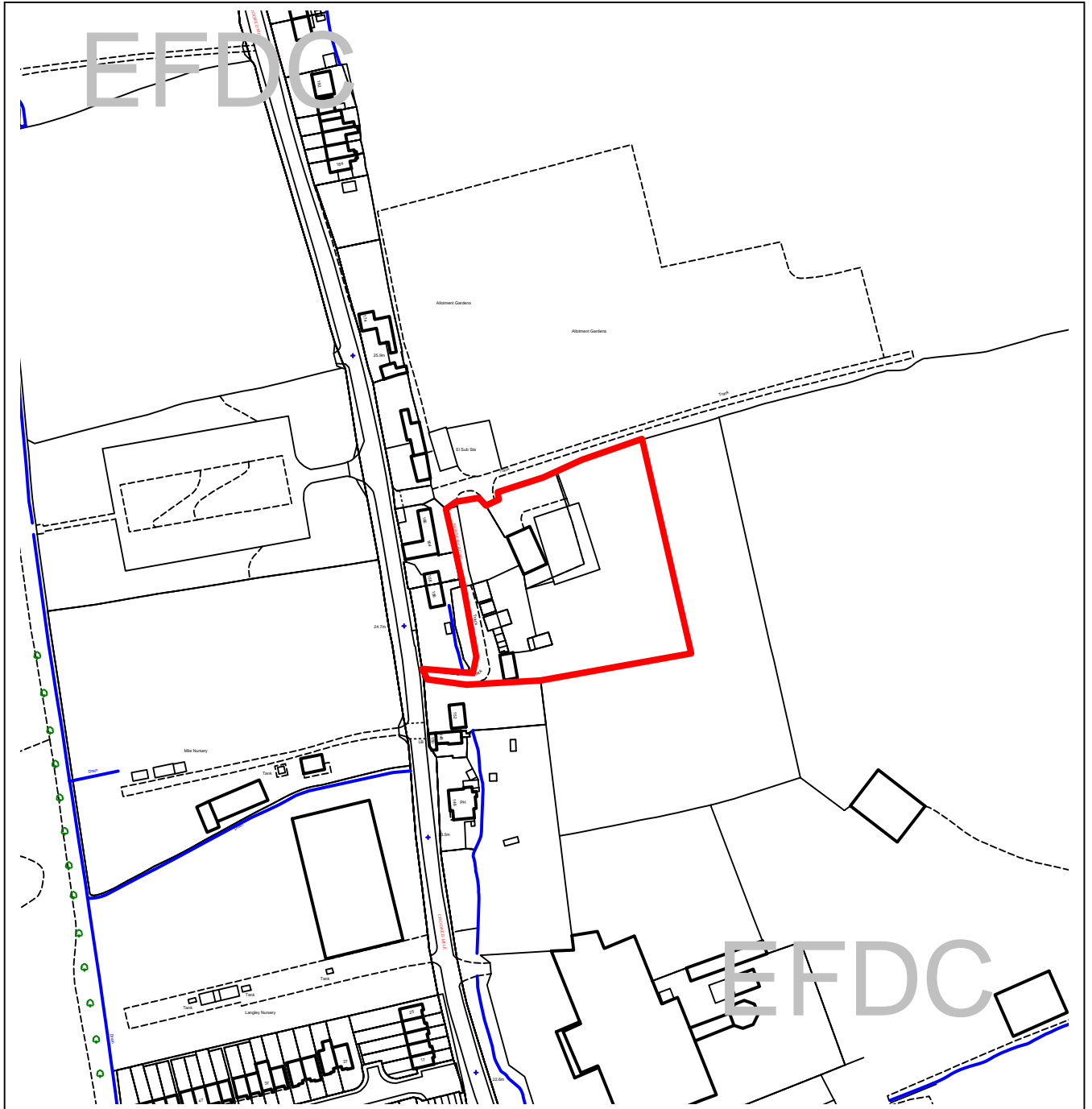
Mindful of the above issues, it is considered that on balance the proposals are acceptable, with no significant harm to Green Belt, Streetscene or neighbouring amenity and the application is therefore recommended for approval subject to a number of conditions.





# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>6</b>
Application Number:	EPF/0470/09
Site Name:	Love Apple Farm, 156 Crooked Mile Waltham Abbey, EN9 2ES
Scale of Plot:	1/2500

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