Committee Agenda





Area Planning Subcommittee West Wednesday, 17th February, 2010

Place: Civic Offices, High Street, Epping

Room: Council Chamber

Time: 7.30 pm

Democratic Services Gary Woodhall (The Office of the Chief Executive)

Officer Email: 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 together with a plan showing the location of the meeting.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 7 - 18)

To confirm the minutes of the last meeting of the Sub-Committee held on 27 January 2010 as a correct record (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. DEVELOPMENT CONTROL (Pages 19 - 32)

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

Background Papers

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

8. DELEGATED DECISIONS

(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.

9. EXCLUSION OF PUBLIC AND PRESS

Exclusion

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

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

Confidential Items Commencement

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

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

Background Papers

Paragraph 8 of the Access to Information Procedure Rules of the Constitution define

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

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

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

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

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

When and where is the meeting?

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

Can I speak?

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

Who can speak?

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

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

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

What can I say?

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

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

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

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

How are the applications considered?

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

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

Further Information?

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

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee West **Date:** 27 January 2010

Place: Council Chamber, Civic Offices, Time: 7.30 - 9.15 pm

High Street, Epping

Members J Wyatt (Chairman), Mrs P Brooks (Vice-Chairman), R Bassett, A Clark, Present:

J Collier, Mrs A Cooper, Mrs R Gadsby, W Pryor, Mrs M Sartin, Mrs P Smith,

Ms S Stavrou, A Watts and Mrs E Webster

Other

Councillors:

Mrs J Lea Apologies:

Officers J Godden (Planning Officer), M Jenkins (Democratic Services Assistant) and

G J Woodhall (Democratic Services Officer) Present:

WEBCASTING INTRODUCTION 64.

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.

65. 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.

66. **MINUTES**

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 2 December 2009 be taken as read and signed by the Chairman as a correct record subject to the following amendments:

That under Item 58 (d) "Declarations of Interest," Councillor A Clark had been wrongly recorded as being a ward member for application EPF/1710/09 Nyumba Nzuri, Sewardstone Road, London E4 7SD. He was not in fact the ward member but had declared at the meeting that the applicant concerned resided in his ward.

Following comments by Councillor Mrs A Cooper, the Chairman explained that the previous decision of the Sub-Committee in respect of Planning Application EPF/1414/09 Hosanna Lodge, Roydon, had been granted subject to conditions and

subject to agreement of the Lea Valley Park Authority (LVRPA). Councillor Mrs A Cooper contended that the proviso regarding LVRPA approval was incorrect procedurally and should not appear in the minutes. The Chairman indicated that, following comments by other members, the Sub-Committee was content with the accuracy of the minutes as they reflected the decision and the correct procedure. Recorded in accordance with Council Procedure Rule 15.5 (as applied to this Sub-Committee by Council Procedure Rule 24) that Councillor Mrs A Cooper did not support the confirmation of Minute 61 of the meeting of the Sub-Committee held on 2 December 2009.

67. DECLARATIONS OF INTEREST

- (a) Pursuant to the Council's Code of Member Conduct, Councillor A Clark declared a personal interest in the following item of the agenda by virtue of the applicant being in his ward as a Town Councillor. The Councillor had determined that his interest was not prejudicial and he would stay in the meeting for the consideration of the application and voting thereon:
 - EPF/1946/09 8 Windsor Wood, Waltham Abbey EN9 1LY
- (b) Pursuant to the Council's Code of Member Conduct, Councillor A Watts declared a personal interest in the following item of the agenda by virtue of the applicant being known to him. The Councillor had determined that his interest was not prejudicial and he would stay in the meeting for the consideration of the application and voting thereon:
 - EPF/1753/09 The Elms Caravan Site, Lippitts Hill, Waltham Abbey IG10 4AL
- (c) Pursuant to the Council's Code of Member Conduct, Councillor Mrs E Webster declared a personal interest in the following item of the agenda by virtue of the applicant being a member of her family. The Councillor had determined that her interest was prejudicial and stated that she would leave the meeting for the duration of the item and voting thereon:
 - EPF/1753/09 The Elms Caravan Site, Lippitts Hill, Waltham Abbey IG10 4AL
- (d) Pursuant to the Council's Code of Member Conduct, Councillor Ms S Stavrou declared a personal interest in the following item of the agenda. The Councillor had determined that her interest was prejudicial and stated that she would leave the meeting for the duration of the item and voting thereon:
 - EPF/1753/09The Elms Caravan Site, Lippitts Hill, Waltham Abbey IG10 4AL
- (e) Pursuant to the Council' Code of Member Conduct, Councillor Mrs R Gadsby declared a personal interest in the following item of the agenda by virtue of her husband acting as solicitor to the applicant. The Councillor had determined that her interest was prejudicial and stated that she would leave the meeting for the duration of the item and voting thereon:
 - EPF/1753/09 The Elms Caravan Site, Lippitts Hill, Waltham Abbey IG10 4AL
- (f) Pursuant to the Council's Code of Member Conduct, Councillor Mrs R Gadsby declared a personal interest in the following items of the agenda by virtue of being the ward councillor. The Councillor had determined that her interests were not prejudicial and that she would stay in the meeting for the consideration of the items and voting thereon:

- EPF/1970/09 1 Cartersfield Road, Waltham Abbey EN9;
- EPF/2187/09 Tesco, Sewardstone Road, Waltham Abbey EN9 1JH; and
- EPF/2194/09 49 Deer Park Way, Waltham Abbey EN9 3YN
- (g) Pursuant to the Council's Code of Member Conduct, Councillor Mrs M Sartin declared a personal interest in the following item of the agenda by virtue of being the ward councillor. The Councillor had determined that her interest was not prejudicial and that she would stay in the meeting for the consideration of the item and voting thereon:
 - EPF/2278/09 Woodbury, Harlow Road, Roydon CM19 5DX
- (h) Pursuant to the Council's Code of Member Conduct, Councillor B Pryor declared a personal interest in the following items of the agenda by virtue of being a member of Waltham Abbey Town Council Planning Committee. The Councillor had determined that his interest was not prejudicial and would stay in the meeting for the consideration of the items and voting thereon:
 - EPF/1946/09 8 Windsor Wood, Waltham Abbey EN9 1LY;
 - EPF/1753/09 The Elms Caravan Site, Lippitts Hill, Waltham Abbey IG10 4AL;
 - EPF/1970/09 1 Cartersfield Road, Waltham Abbey EN9;
 - EPF/2100/09 4 Lamplighters Close, Waltham Abbey EN9 3AE;
 - EPF/2187/09 Tesco, Sewardstone Road, Waltham Abbey EN9 1JH; and
 - EPF/2194/09 49 Deer Park Way, Waltham Abbey EN9 3YN
- (i) Pursuant to the Council's Code of Member Conduct, Councillor B Pryor declared a personal interest in the following item of the agenda by virtue of knowing the applicant. The Councillor had determined that his interest was not prejudicial and he would stay in the meeting for the consideration of the application and voting thereon:
 - EPF/1753/09 The Elms Caravan Site, Lippitts Hill, Waltham Abbey IG10 4AL
- (j) Pursuant to the Council's Code of Member Conduct, Councillor B Pryor, declared a personal interest in the following item of the agenda by virtue of living next to the application site concerned. The Councillor had determined that his interest was not prejudicial and he would stay in the meeting for the consideration of the application and voting thereon:
 - EPF/2187/09 Tesco, Sewardstone Road, Waltham Abbey EN9 1JH
- (k) Pursuant to the Council's Code of Member Conduct, Councillor Mrs P Brooks declared a personal interest in the following item of the agenda by virtue of being a member of Waltham Abbey Town Council Planning Committee. The Councillor had determined that her interest was not prejudicial and that she would stay in the meeting for the consideration of the application and voting thereon:
 - EPF/1946/09 8 Windsor Wood, Waltham Abbey EN9 1LY;

- EPF/1753/09 The Elms Caravan Site, Lippitts Hill, Waltham Abbey IG10 4AL;
- EPF/1970/09 1 Cartersfield Road, Waltham Abbey EN9;
- EPF/2100/09 4 Lamplighters Close, Waltham Abbey EN9 3AE;
- EPF/2187/09 Tesco, Sewardstone Road, Waltham Abbey EN9 1JH; and
- EPF/2194/09 49 Deer Park Way, Waltham Abbey EN9 3YN

68. ANY OTHER BUSINESS

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

69. DEVELOPMENT CONTROL

That, Planning applications numbered 1 - 8 be determined as set out in the annex to these minutes.

70. 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

APPLICATION No:	EPF/1946/09
SITE ADDRESS:	8 Windsor Wood Waltham Abbey EN9 1LY
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
DESCRIPTION OF PROPOSAL:	TPO/EPF/10/90 T1 Birch - Crown lift to 4m T2 Sycamore - Fell
DECISION:	Granted Permission (With Conditions)

CONDITIONS

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

APPLICATION No:	EPF/1753/09
SITE ADDRESS:	The Elms Caravan Site Lippitts Hill Waltham Abbey Essex IG10 4AL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
DESCRIPTION OF PROPOSAL:	To extend the licence to 11 months from 2nd February to 2nd January instead of 1st March to 31st October.
DECISION:	Deferred to District Development Control Committee

CONDITIONS

- i) Any caravans or mobile homes stationed on the site shall be occupied for holiday purposes only and for no other purpose.
 - ii) Caravans stationed within the site shall not be occupied as a person's main or sole place of residence (for the avoidance of doubt, on the specific days of occupation the occupants shall be on holiday and not engaged in any paid work, or school or further/higher education attendance).
 - iii) The owners/operators of the site shall maintain an up to date register of the names of all occupants of the individual caravans on the site and of their main home addresses, together with proof of home address in the form of a copy of a driving license, utility bill or council tax bill or other proof as agreed in writing by the Local Planning Authority. This information shall be kept available for inspection by the Local Planning Authority at all reasonable times and shall be forwarded by the owners/operators of the site to the Local Planning Authority annually on or before the 31st January each year.

APPLICATION No:	EPF/1970/09
SITE ADDRESS:	1 Cartersfield Road Waltham Abbey Essex EN9
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
DESCRIPTION OF PROPOSAL:	Variation of condition 17 on EPF/1305/08 to allow removal of four existing preserved trees and replacement with 8 semi - mature trees.
DECISION:	Granted Permission (Subject to Legal Agreement)

CONDITIONS

The eight trees proposed on Plans Ref: 1050 and 1051 shall be planted prior to occupation of the foodstore hereby approved. If within a period of five years from the date of the planting or establishment of these trees, any tree or its subsequent replacement 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.

Furthermore, a statement shall be submitted to and agreed in writing by the Local Planning Authority detailing the means by which successful establishment of the new trees 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.

And subject to the applicant entering into a legal agreement within 12 months, to provide an agreed sum towards the provision of 25 additional trees throughout Waltham Abbey, as part of the Epping Forest Tree Donation Scheme.

APPLICATION No:	EPF/2100/09
SITE ADDRESS:	4 Lamplighters Close Waltham Abbey Essex EN9 3AE
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
DESCRIPTION OF PROPOSAL:	Erection of a 1.8m high close boarded fence along flank boundary.
DECISION:	Granted Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- The finish of the fence hereby approved shall match that of the existing fence.

APPLICATION No:	EPF/2187/09
SITE ADDRESS:	Tesco Sewardstone Road Waltham Abbey Essex EN9 1JH
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
DESCRIPTION OF PROPOSAL:	Extension to existing retail store to accommodate new bulk storage area and reconfiguration of internal road layout and parking area.
DECISION:	Granted Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed extension shall match those specified within the submitted planning application.
- The extension hereby approved shall not be used as retail floorspace.
- 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.

All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Report Item No: 6

APPLICATION No:	EPF/2194/09
SITE ADDRESS:	49 Deer Park Way Waltham Abbey Essex EN9 3YN
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
DESCRIPTION OF PROPOSAL:	Two storey side extension over and in front of existing garage. (Revised application)
DECISION:	Granted Permission (With Conditions)

CONDITIONS

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

APPLICATION No:	EPF/2230/09
SITE ADDRESS:	Old Ford Water Lane Roydon Harlow Essex CM19 5DR
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Alteration to existing front boundary wall by reducing piers to 2m height, including 1m high infill brick panels with 800mm high, timber, close-boarded fence panels above and hawthorn hedgerow to front. (Revised application)
DECISION:	Granted Permission (With Conditions)

CONDITIONS

- The reduction of the existing wall shall be carried out within 6 months of the date of this decision.
- The landscaping hereby approved shall be implemented within the first planting season following the issue of this consent and shall be maintained thereafter in accordance with the approved drawings unless otherwise agreed in writing by the Local Planning Authority.
- The timber panels shall be erected in a natural stain and maintained thereafter in the same finish.

APPLICATION No:	EPF/2278/09
SITE ADDRESS:	Woodbury Harlow Road Roydon Essex CM19 5DX
PARISH:	Roydon
WARD:	Roydon
DESCRIPTION OF PROPOSAL:	New five bedroomed house with new driveway and new access way onto Harlow Road, and new pitched roof on dormer and alterations to single storey rear protrusion on existing dwelling (Revised application)
DECISION:	Refused Permission

REASONS FOR REFUSAL

- The proposed new dwelling, by reason of its location on the site, in an area of varying ground levels, and its height, bulk and design has an unacceptable impact on the amenities of the street scene and surrounding area contrary to policy DBE 2 and CP2 of the adopted Local Plan and Alterations.
- The site is immediately adjacent to the Metropolitan Green Belt, and has an unacceptable impact on the character and appearance of the Green Belt due to its design, height and bulk, contrary to policy CP7A of the adopted Local Plan and Alterations.

Agenda Item 7

AREA PLANS SUB-COMMITTEE 'WEST'

17 February 2010

INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/1817/09	Land adj to San Segal & Bury Farm, Farm End, Waltham Abbey	GRANT	21
2.	EPF/2376/09	35 Denny Avenue, Waltham Abbey	GRANT	29

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APPLICATION No:	EPF/1817/09
SITE ADDRESS:	Land adjacent to San Segal and Bury Farm Farm End Waltham Abbey Essex E4 7QS
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr Steven Crosby
DESCRIPTION OF PROPOSAL:	Erection of two storey house and detached garage.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2. Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3. Prior to the commencement of development details of screen walls, fences, the proposed bin store, or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of the dwelling hereby approved and maintained in the agreed positions.
- 4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B, D and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 5. No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall include a tree protection plan to show the areas designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be

fenced, in accordance with the British Standard Trees in Relation to Construction-Recommendations (BS.5837:2005) and no access will be permitted for any development operation.

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

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

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

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

- 6. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to an approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers / densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7. 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.

8. 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.

This application is before this Committee since it is an application for non-residential 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:

Consent is being sought for the erection of a two storey house with a detached garage. The dwelling would be a 4 bed detached property in a rough 'H' shape with some additional subservient protrusions (including a two storey front and rear gabled section to the front and rear of the cross-bar section, and a single storey side 'utility room' projection). The dwelling would reach a maximum of 21.8m in width and 13.6m in depth, and would have a total footprint of 205.2 sq. m. The dwelling would be a property in a traditional design, with a pitched roof incorporating gabled projections, overhanging first floor elements, oak frames, and traditional external materials. The maximum ridge height of the dwelling would be 7.6m. Access to the dwelling would be directly off of Farm End, which would lead to the proposed garage and a turning area. The garage would be 5m by 5.6m with a pitched roof to a maximum height of 4.4m and would provide two open fronted carports. A bin store would be located to the rear of the property.

Description of Site:

The application site is an area of land located between the dwelling of San Segal and the Bury Farm complex. Currently the site contains a disused ménage and some small temporary looking buildings formerly used in connection with Bury Farm, which is an equestrian complex. The site is located at the very north-eastern end of Farm Road, which is a private road serving some 14 dwellings and provides access to Bury Farm. The site is located within the Metropolitan Green Belt.

Relevant History:

EPF/0084/92 - Outline application for redevelopment of existing house and stabling – refused 24/04/92

EPF/0284/93 - Outline application for redevelopment of land to provide new house and stable complex – approved/conditions 07/06/93

EPF/0587/96 - Erection of replacement house and 34 stables. Details in compliance with outline planning permission EPF/284/93 – approved/conditions 05/08/96

EPF/0235/00 - Erection of horsewalker - approved/conditions 17/03/00

EPF/0576/01 - Erection of replacement house and 34 stables (renewal of expired consent) – approved/conditions 20/06/01

EPF/1575/03 - Erection of replacement dwelling (amendment to house granted consent under EPF/0576/01) – approved/conditions 12/11/04

EPF/1215/04 - Retention of existing tractor shed including new external cladding – approved/conditions 12/11/04

EPF/0183/05 - Renewal of planning consent EPF/0576/01 for erection of 34 stables and replacement dwelling – approved/conditions 11/04/05

EPF/2163/07 - Erection of replacement dwelling and six stables - approved/conditions 27/10/08

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

DBE1 - Design of new buildings

DBE2 - Effect on neighbouring properties

DBE4 - Design in the Green Belt

DBE8 - Private amenity space

DBE9 - Loss of amenity

LL3 – Edge of settlement

LL10 – Adequacy of provision for landscape retention

LL11 - Landscaping schemes

ST1 – Location of development

ST4 – Road safety

ST6 - Vehicle parking

Summary of Representations:

7 properties were consulted, a site notice erected, and the following responses were received:

TOWN COUNCIL - No objection.

CITY OF LONDON (CONSERVATORS OF EPPING FOREST) – Object. Although the development will not impact directly on the Forest, the proposal is contrary to Green Belt policy as it would be an isolated development that would make more intensive use of the land and does not appear to have any 'very special circumstances' to justify it.

CAMPAIGN TO PROTECT RURAL ESSEX – Object as the site lies within the Green Belt and is contrary to PPG2, and this may set an unfortunate precedent.

FRIENDS OF EPPING FOREST – Object in principle as this would set a precedent for further erosion of Green Belt land which is of vital importance in maintaining the health and future of the Forest.

EWTOR HOUSE, FARM END – Comment that the development does not have legal right of way over the private road.

Issues and Considerations:

Green Belt

The general presumption in relation to the erection of new dwellings within the Green Belt is that they constitute inappropriate development. However there are some exemptions to this, such as the development of 'rural exception sites' relating to affordable housing, or dwellings erected specifically for agricultural, horticultural or forestry workers. A further exception is stated within PPG2 (Green Belts) Para. 3.4 which states that "the construction of new buildings inside a Green belt is inappropriate unless it is for the following purposes: [4th bullet point] limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11". The box referred to lays out the circumstances of such 'appropriate development' and states "if infilling only is proposed, the village should either be "washed over" and listed in the development plan or should be inset (that is, excluded from the Green Belt). The local plan should include policies to ensure that any infill does not have an adverse effect on the character of the village concerned. If the village is washed over, the local plan may need to define infill boundaries to avoid dispute over whether particular sites are covered by infill policies".

With regards to this application, the proposed site is a disused section of the neighbouring equestrian (former agricultural) farm and currently contains a ménage and some small buildings. The site to the south and to the east contain residential properties, and to the north is Bury Farm that contains a farmhouse and stable buildings (and has planning permission for a replacement dwelling and stables). To the west of the site however is open countryside. The site is located on the very edge of the village of Sewardstonebury, which is completely 'washed over' by the Green Belt. However this location has not been designated as being suitable for infilling, nor does the Local Plan have a specific policy relating to infill development. As such the proposed development constitutes inappropriate development that, by definition, is harmful to the Green Belt.

It is accepted within PPG2 however that inappropriate development can be considered acceptable within the Green Belt provided there are very special circumstances sufficient to outweigh the harm caused by this. Although at present the north and west of the site consist of open countryside or equestrian use, to the south and east are residential properties. Furthermore the eastern side of Bury Road (which runs parallel to Farm End) extends a further 300m north in a ribbon development. The immediately adjoining section of Bury Farm contains the farmhouse, which has recently been granted consent for its replacement (with a considerably larger dwelling), and previous permissions to replace this property have proposed the replacement dwelling to sit partially on the application site. Given these circumstances, whilst the site would not constitute a traditional 'infill plot' it would logically 'round-off' this section of the village and would successfully fill the gap between the residential section of Farm End and the dwelling and stables of Bury Farm (both existing and proposed replacement). As such it is considered that, on balance the particular special circumstances of this site would be sufficient to outweigh the principal harm resulting from this development.

Furthermore the proposed development clearly does not contravene four of the five purposes of including land in Green Belts as laid out in Para. 1.5.; these being:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns from merging into one another;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The remaining purpose of the Green Belt is "to assist in safeguarding the countryside from encroachment". Whilst the proposed dwelling would extend the western side of Farm End beyond the current edge of the residential area, and beyond the last dwelling in Woodman Lane, it would not extend beyond the edge of the residential properties on the eastern side of Farm End (opposite) and would be located between San Segal and Bury Farm (equestrian centre). As such it is concluded that the encroachment in the countryside occurs from Bury Farm, and particularly with the recently agreed replacement dwelling that would be located considerably further north than the existing farmhouse, than with this dwelling, which would logically 'round-off' this residential area.

Design and appearance

Policies CP2, DBE1 and DBE4 of the Epping Forest District Local Plan seek to ensure that new development is satisfactorily located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area.

The proposed dwelling would be a fairly large and grand property, however it would be traditionally designed to a high standard. Whilst the adjoining dwelling in Farm End (San Segal) is a bungalow, as is the neighbouring dwelling to that, the properties opposite the application site and adjacent Bury Farmhouse are two storey dwellings. Furthermore the replacement property at Bury Farm (approved in 2008) would be a very large and grandiose property, primarily due to a trade off involving the stables and ex-farm buildings. The remaining properties in Farm End also vary greatly in their design and size, with many dwellings being of a fairly large scale similar to that proposed.

The overall design of the proposed dwelling would be a traditional oak framed property that, whilst of a large scale, on balance would not be detrimental to the character or appearance of the street scene. The proposed detached garage would be of a standard traditional cart lodge style and would not be contrary to the rural character of the area. Although the dwelling is located at the top of a hill, and as such is relatively prominent within the surrounding landscape, it is not considered that it would appear dominant or blight the open nature of the area, particularly given the presence of existing houses and the approval of the larger replacement dwelling at Bury Farm.

Amenity considerations

The main bulk of the proposed dwelling would be located some 5m from the shared boundary with San Segal (with the single storey utility building being some 3m from the boundary), and 3m from the boundary between the new dwelling and Bury Farm. The proposed house would extend approximately 7m beyond the rear wall of San Segal and sit some 11m behind it at the front, however would be two storeys in height in contrast to the single storey neighbouring bungalow. The properties within Farm End do not follow any form of building line, with other properties in existence extending this far to the rear. Whilst the dwelling does sit further back, and is higher, than the neighbouring property, the 10m distance between the dwellings and 5m set back from the shared boundary of the proposal would significantly reduce any impact on this neighbour. Furthermore, due to the orientation of the properties, there would be no loss of sunlight to the neighbouring plot.

The dwelling would be located 3m from the boundary with Bury Farm, with the existing farmhouse being immediately adjacent (but set approximately 10m behind the proposed dwelling). This farmhouse is a two storey property that is slightly angled towards the proposed dwelling. Whilst this development would introduce a new, rather large, building relatively close to this boundary, the set back from the boundary and 6m distance (at its closest point) from the neighbouring house is considered acceptable. Furthermore planning permission has been granted for the demolition of

the adjacent farmhouse and its replacement with a considerably larger house set further into Bury Farm. The new dwelling, if implemented, would be located some 65m from the proposed dwelling and would have a replacement stable block between the two properties.

Policy DBE8 of the Local Plan requires that new dwellings should have at least 20 sq. m. of private amenity space for each habitable room. As this is a large 4 bed property it would require 180 sq. m. of amenity space. However, given the size of the site, the proposed dwelling would have in excess of 800 sq. m. of private amenity space.

Highways/Parking

The application proposes to utilise the existing vehicle access onto Farm End, which is currently used by Bury Farm (along with the access onto Bury Road). Whilst the application site is not considered a sustainable location, as Sewardstonebury is not particularly well served by public transport or local facilities, the site is within an existing built up enclave and as such the lack of sustainable transport would be difficult to justify. Notwithstanding this, due to the problems with public transport, maximum parking standards should be sought on this site. The application site would therefore require at least 2 off-street parking spaces for the dwelling, which would be accommodated within the proposed detached garage. The front garden area would also allow for adequate space to turn a vehicle so that cars could enter and exit the site in forward gear.

In terms of the proposed new access, Essex County Council Highways have raised no objection as this site would be located at the end of Farm End and as such would have no detrimental impact on Highway Safety or traffic congestion. Although Farm End is a private road, and as such permission would need to be sought for its use by the future occupiers of this dwelling, this is a legal matter and as such is not a material planning consideration. One of the original very special circumstances for allowing a larger replacement dwelling at Bury Farm was that access to the site would be via the proposed access relating to this consent rather than the main access to Bury Farm (from Bury Road). Whilst no access to the neighbouring site has been indicated on the proposed plans (as the adjoining development has not yet been implemented), there would be sufficient space between the proposed detached garage and the site boundary to allow for access across the site and into Bury Farm. As such the proposed development complies with Local Plan policy ST4.

Landscaping

The proposed site is bare of vegetation with no trees within the site boundaries, however there are two Oak trees bracketing the entrance and several trees on adjacent sites. Of note are a couple of Monteray Cypress trees within the garden of the neighbouring property (Ewter House). The trees within the neighbouring sites should not be harmed by the proposed development, subject to adequate protection during construction, however care will need to be taken to ensure the two Oak trees are protected and retained as they form a significant feature at the end of the road. Furthermore, additional landscaping can be sought to soften the visual impact of the large new dwelling.

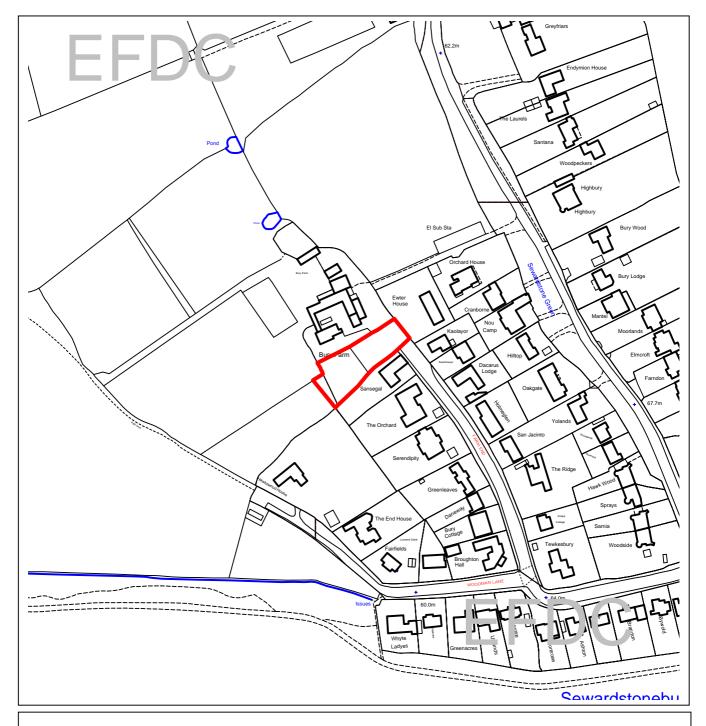
Conclusion:

Due to the particular circumstances of this development, primarily its location on the edge of the built up settlement of Sewardstonebury and previously approved new dwelling on the adjacent Bury Farm, it is considered that on balance the very special circumstances of this proposal are sufficient to outweigh the harm to the Green Belt. Due to this it is considered that the proposed development generally 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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Agenda Item Number:	1
Application Number:	EPF/1817/09
Site Name:	Land adjacent to San Segal and Bury Farm, Farm End, Waltham Abbey, E4 7QS
Scale of Plot:	1/2500

APPLICATION No:	EPF/2376/09
SITE ADDRESS:	35 Denny Avenue Waltham Abbey Essex EN9 1NT
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Mr & Mrs Agathangelou
DESCRIPTION OF PROPOSAL:	Change of use to house of multi-occupancy.
RECOMMENDED DECISION:	Grant Permission

CONDITIONS

NONE

This application is before this Committee since it has been 'called in' by Councillor Wyatt (Pursuant to Section P4, Schedule A (h) of the Council's Delegated Functions), since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions), and 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:

Retrospective application for the change of use from a single residential dwelling into a house of multi-occupancy. There have been no external alterations to the building as part of this development. The dwelling currently consists of seven bedrooms with the kitchen, bathroom, dining room and downstairs toilet being shared.

Description of Site:

The application site is a two storey semi-detached property located on the southern side and eastern end of Denny Avenue, which is a small no-through road off Sewardstone Road. The dwelling has a reasonable sized front and rear garden. The dwelling is located at the end of the street and adjacent to a garage area, however it does not appear to own any of the adjacent garages and has no off-street parking provision.

Relevant History:

EPF/1677/80 - Erection of single storey rear extension - approved 09/01/81

EPF/0066/93 - Single storey rear extension (utility room, kitchen, dayroom) & 2 storey side extension (garage, WC, bedroom, bathroom) and new vehicular access – approved/conditions 09/03/93

EPF/1169/98 - Single storey rear extension and two storey side extension (incorporating integral garage) – approved/conditions 08/03/99

EPF/1169/02 - Detached garage at the rear – approved/conditions 15/07/02

Policies Applied:

CP1 – Achieving sustainable development objectives

CP3 - New development

DBE3 – Design in urban areas

DBE9 - Loss of amenity

ST1 – Location of development

ST6 - Vehicle parking

Summary of Representations:

13 Neighbouring residents were consulted and a Site Notice displayed. Due to a delay in the posting of the Site Notice this report has been produced prior to the expiry of the consultation period, however any further comments received will be put to Committee verbally.

TOWN COUNCIL – Object as there is insufficient parking within this congested parking area, it's out of keeping with the current family occupation of the area, and due to road safety concerns.

25 DENNY AVENUE – Object due to impact on existing parking problems.

26 DENNY AVENUE – Object as even if whole garden is utilised for parking it would still be insufficient, and due to structural and drainage issues (not material to this planning application).

Issues and Considerations:

The key issues in relation to this are the impact on neighbours amenities and regarding parking implications.

The lawful use of the application site is for a single residential dwelling, however it is now being used as a six bed house of multiple occupancy. Whilst this report will solely focus on the planning merits of the proposal, a letter has been sent to the applicant by Housing Services reminding them that the current covenants on the property states that the occupiers may not:

"Trade or carry on business upon premises or part thereof nor use the same otherwise than as a private-dwelling house for single family occupation".

or

"Erect or place on the premises any new or additional buildings, walls, fences or any advertisement hoardings, shed or temporary erection of any kind, nor carry out any structural alterations to the existing building unless the consent of the council first have been obtained on application made to the council in writing accompanied by a plan and specification in duplicate".

The letter further states that "it is with regret that the Council [referring to Housing Services] is unable to grant permission for the above alterations". As such, whilst this does not prejudice

any decision made on the planning merits of this application, it does ensure that action should be taken by Housing Services to cease the use of the site as a house of multiple occupancy.

Based on the material planning considerations of the proposed change of use to a house of multioccupancy, this development would result in more pedestrian and vehicle movements and potential disturbance to the surrounding dwellings than a single family house. However, given the site's location just outside of Waltham Abbey town centre and within such a close proximity to the Tesco's superstore, the level of pedestrian and vehicular movements in the surrounding area are fairly high. As such, the increased footfall and vehicular use of this property (in terms of noise and general disturbance) is not considered unduly detrimental to neighbouring properties or the area as a whole.

There has been no alteration to the external appearance of the dwelling. The multiple occupants share the kitchen, dining room, bathroom and WC, and as such there is no requirement to 'split' the dwelling and add any further entrance doors. Furthermore, as a house of multiple occupancy the dwelling would not benefit from permitted development rights and as such any extensions, alterations or outbuildings would require planning consent. Due to this the proposed change of use does not adversely impact on the appearance of the street scene.

The multiple occupancy dwelling proposes a bedroom on the ground floor adjacent to a neighbour's habitable room, and as such may result in a loss of amenity due to noise disturbance to any occupiers of this ground floor bedroom. However, there are methods of retrofitting additional insulation, etc. (which would be dealt with under Building Regulations) that would protect against any adverse impact from noise disturbance.

The biggest concern in relation to this proposal (from a planning point of view) is with regards to off-street parking provision and the potential impact on the on-street parking within Denny Avenue. The Essex County Council Vehicle Parking Standards do not have parking regulations specifically relating to houses of multiple occupancy, and as such the parking requirements would be based on those for a standard dwelling house. The requirement of this is 2 spaces for any dwelling house with 2+ bedrooms. Whilst at present there is no parking provision on the site, previous consent has been granted for a rear garage and there is space to the side and front of the dwelling for off-street parking provision for at least 2 vehicles. Whilst there is no vehicle crossover on the site at present, and the frontage is bounded by a low brick wall, planning consent would not be required for the removal of this wall and the installation of a vehicle crossover. Further to this, as the site is located adjacent to the designated Waltham Abbey town centre boundary, and is in close proximity to the Tesco's superstore (which has a large free car park and provides most day-to-day shopping needs) this application would constitute a "developments within an urban area (including town centre locations)" and as such reductions in the vehicle standards may be considered. Therefore the change of use would comply with Local Plan policy ST6.

Conclusion:

In light of the above it is considered that there are no planning grounds to which the proposed change of use to a house of multiple occupancy can be refused, and as such the development is recommended for approval.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	2
Application Number:	EPF/2376/09
Site Name:	35 Denny Avenue, Waltham Abbey EN9 1NT
Scale of Plot:	1/1250