

# Committee Agenda



## Epping Forest District Council

### ***Area Planning Subcommittee West Wednesday, 15th August, 2012***

You are invited to attend the next meeting of **Area Planning Subcommittee West**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping  
on Wednesday, 15th August, 2012  
at 7.30 pm .**

**Derek Macnab  
Acting Chief Executive**

**Democratic Services  
Officer**

Rebecca Perrin - The Office of the Chief Executive  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk) Tel:  
01992 564532

#### **Members:**

Councillors Mrs P Smith (Chairman), Ms Y Knight (Vice-Chairman), R Bassett, Mrs R Gadsby, D C Johnson, Ms H Kane, Mrs J Lea, A Mitchell MBE, Mrs M Sartin, Ms G Shiell, Ms S Stavrou, A Watts, Mrs E Webster and J Wyatt

**A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 7.00 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 - 8)**

General advice to people attending the meeting is attached.

**3. APOLOGIES FOR ABSENCE**

**4. MINUTES (Pages 9 - 20)**

To confirm the minutes of the last meeting of the Sub-Committee held on 18 July 2012 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 21 - 44)**

(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):

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'

## Area Planning Subcommittee West 2012-13

Members of the Committee:



Cllr Smith

Cllr Knight

Cllr Bassett

Cllr  
Gadsby

Cllr  
Johnson

Cllr Kane



Cllr Lea

Cllr Mitchell

Cllr Sartin

Cllr Shiell

Cllr Stavrou

Cllr Watts



Cllr Wyatt

Cllr  
Webster

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Subcommittee West   **Date:** 18 July 2012

**Place:** Council Chamber, Civic Offices, High Street, Epping   **Time:** 7.30 - 8.32 pm

**Members Present:** Mrs P Smith (Chairman), Ms Y Knight (Vice-Chairman), Ms H Kane, A Mitchell MBE, Mrs M Sartin, Ms G Shiell, A Watts, Mrs E Webster and J Wyatt

**Other Councillors:**

**Apologies:** R Bassett, Mrs R Gadsby, Mrs J Lea and Ms S Stavrou

**Officers Present:** J Godden (Planning Officer), A Hendry (Democratic Services Officer) and P Seager (Chairman's Secretary)

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### 17. 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.

### 18. 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.

### 19. MINUTES

**RESOLVED:**

That the minutes of the meeting of the Sub-Committee held on 20 June 2012 be taken as read and signed by the Chairman as a correct record.

### 20. DECLARATIONS OF INTEREST

There were no declarations made pursuant to the Member's Code of Conduct.

### 21. ANY OTHER BUSINESS

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

### 22. 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.

**23. 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/0125/12
<b>SITE ADDRESS:</b>	110 Brooker Road Waltham Abbey Essex EN9 1JH
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use on ground and first floor to D1 College/Community Centre.
<b>DECISION:</b>	Deferred

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=534467](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=534467)

Members deferred this item to allow a site visit to take place.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0848/12
<b>SITE ADDRESS:</b>	Abbey View Produce Ltd Galley Hill Waltham Abbey Essex EN9 2AG
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey North East
<b>DESCRIPTION OF PROPOSAL:</b>	Extension of existing packhouse, associated drainage improvements and landscaping.
<b>DECISION:</b>	Refer to District Development Control Committee

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=537220](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537220)

Members agreed to Refer this item to District Development Control Committee with a Recommendation to 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 hereby permitted will be completed strictly in accordance with the approved drawings nos: 3060/1-7
- 3 The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
- 4 The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Statement dated April 2012, reference 231/2011 by EAS and the following mitigation measures detailed within the FRA:
  1. Limiting the surface water run-off to the calculated Greenfield run-off rate for the site.
  2. Provision of on site surface water storage to attenuate all events up to and including the 1 in 100 year critical storm event, including a 30% allowance for climate change.
  3. Surface water attenuation to be provided through the existing reed pond.

The mitigation measures shall be fully implemented prior to occupation of the building and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

- 5 The landscape scheme shall be carried out in accordance with Tim Moya Associates Soft Landscape Specification, Method Statement and Landscape drawing number 210607-P-01 dated July 2011. 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 in writing.
- 6 The packing and processing of foodstuffs other than those grown on this nursery shall not take place other than between the hours of 7am to 7pm Monday to Fridays and 7am to 1pm on Saturdays and Sundays and at no other times.
- 7 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 8 Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 The development hereby approved shall form part of a mixed use of the site for horticultural purposes and for the packing, processing and distribution of foodstuffs (in accordance with condition 9 below) and shall not replace, supersede or otherwise operate separately from the commercial growing of horticultural crops from this nursery.
- 9 The packing and processing facilities hereby approved shall be used solely for the handling of fresh horticultural products and shall not be used for the handling of any other goods or foodstuffs.
- 10 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 11 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems,

archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 12 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 13 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 14 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0937/12
<b>SITE ADDRESS:</b>	Woodside Bury Road Sewardstonebury E4 7QL
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>DESCRIPTION OF PROPOSAL:</b>	New detached dwelling. (Amended application)
<b>DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=537485](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537485)

Members were notified that 3 additional objection letters were received from Sansegal, Farm End; Hawkswood House, Woodman Lane and The Great Hall, Farm End.

**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 hereby permitted will be completed strictly in accordance with the approved drawings nos: GS12-06-SK2 Rev: A, GS12-06-SK3 Rev: A, GS12-06-SK4
- 3 No development shall have taken place until details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B, D and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 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) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping 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 minor artefacts and structures, including lighting and functional services above and below

ground. The 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 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
- 8 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.
- 9 All construction/demolition works and ancillary operations, including vehicle movement on site 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.
- 10 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 11 Prior to first occupation of the development hereby approved, the proposed window opening(s) in the first floor flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.



**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1017/12
<b>SITE ADDRESS:</b>	100 High Street Roydon Harlow Essex CM19 5EE
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>DESCRIPTION OF PROPOSAL:</b>	Extension of time limit to EPF/2233/08. (Demolition in part of existing Chemist Shop and construction of Health Centre, comprising Chemist Shop, Dentist and Doctors surgery.)
<b>DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=537868](http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537868)

**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 hereby permitted will be completed strictly in accordance with the approved drawings and image nos: 17\_0708\_01, 17\_0708\_02, 17\_0708\_03, 17\_0708\_04, 17\_0708\_05, 17\_0708\_06, Existing Panoramic, Proposed Panoramic.
- 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 No demolition or preliminary groundworks of any kind 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 in writing by the Local Planning Authority.

A brief outlining the level of investigation will be issued by Essex County Council on request.

- 5 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 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.

- 6 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 7 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 8 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 9 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of

the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 10 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 11 Prior to commencement of development additional drawings that show details of proposed new windows, doors and shopfronts, by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved by the local planning authority. Work shall be carried out in accordance with such plans.
- 12 The premises shall be used solely for a chemist and combined doctor/dentist surgery and for no other purpose (including any other purpose in Class D1 of the Town & Country Planning (Use Classes) Order 2005 or shall be reverted to A1 retail use at ground floor with ancillary storage/floorspace above.

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## AREA PLANS SUB-COMMITTEE 'WEST'

15 August 2012

### INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/1276/12	149 Roundhills Waltham Abbey Essex EN9 1TF	Refuse Permission	23
2.	EPF/0125/12	110 Brooker Road Waltham Abbey Essex EN9 1JH	Grant Permission (With Conditions)	27
3.	EPF/0925/12	Ricotta Transport Epping Road Nazeing Essex EN9 2DH	Grant Permission (With Conditions)	33
4.	EPF/0926/12	Ricotta Transport Epping Road Nazeing Essex EN9 2DH	Grant Permission (With Conditions)	38

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1276/12
<b>SITE ADDRESS:</b>	149 Roundhills Waltham Abbey Essex EN9 1TF
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey Honey Lane
<b>APPLICANT:</b>	Mr William Rex
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/16/91 T1 - Acacia - Fell
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=539019](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=539019)

**REASON FOR REFUSAL**

- 1 Insufficient reasons have been provided to justify the removal of this tree. The loss of the tree's existing and potential visual amenity is therefore contrary to policy LL10 of the Council's Adopted Local Plan and Alterations..

*This application is before this Committee since it is an application to fell preserved trees and is recommended for refusal (Pursuant to Section P4, (3) of the Council's Delegated Functions)*

**Description of Proposal:**

**T1. Robinia pseudoacacia 'Frisia'** – To fell to ground level, and not replace.

**Description of Site:**

This is a young tree, 10 years old, standing around 8 metres tall. It stands in a visually significant location in the front garden of one of a short terrace of 4 dwellings.

**Relevant History:**

There are detailed records of the history surrounding this tree. Originally, an order was served on a Norway maple at this address at the request of the then owner but that tree was damaged in 1995. Notes taken at the time gave details of 19 holes drilled into the lower stem up to 1.1 metres above ground level. In November 2001 it fell over. The then owner planted the Robinia to replace it in a more central location in her garden. It was also protected by order, because of its potential value in this locally prominent location.

No records of works to this young tree are on file but photographs show that the tree has doubled in size since 2005.

## **Relevant Policies:**

LL9 Felling of preserved trees.

## **SUMMARY OF REPRESENTATIONS**

2 neighbours were consulted but no responses have been received at the time of writing this report.

WALTHAM ABBEY TOWN COUNCIL objected to the proposal but added the following comments: Whilst committee objects to the felling of this tree as no justifiable reason has been put forward to do so, would not object to reducing the size of the tree, provided that was done with the appropriate controls in place regulating the amount of tree reduction.

## **Issues and Considerations:**

### **Issues**

The reasons given for this application are made as follows:

- i) The tree has been planted in the middle of the front garden, preventing the use of this area for extra car parking spaces, which are likely to be wanted for the applicant's three sons, when they each become car drivers.
- ii) The tree is neither rare or particularly pretty and quite common locally.
- iii) The previous owner planted the tree to 'snub' her neighbour
- iv) If permission was granted the applicant would seek professional arboricultural help, e.g. a tree surgeon
- v) The applicant does not intend to replace the tree but would not pave over the whole area but is willing to keep a strip of about 3 feet nearest to the house for planting

### **Consideration of the reasons given**

#### **i) Car parking need**

The reason is speculative. No evidence is provided of consideration of alternatives to paving the front garden. There is no evidence of any attempt to consider adding further parking spaces with the tree retained. It was noted that there is a 6 square metre 'lay by' with an 8 metre long front drive and garage also available for parking. This space could reasonably accommodate at least four cars without disturbing the tree. Therefore, there does not appear to be an immediate and justifiable need to lose the tree on these grounds.

#### **ii) Rarity and visual appeal**

The applicant considers the tree to be neither rare nor pretty. In the context of the immediate locality, however, it is the only one of this species. It has bright and colourful foliage and is a visual asset in landscape terms to local amenity.

#### **iii) The previous neighbour dispute.**

There is no evidence to substantiate the statement that this tree was deliberately chosen to cause maximum offence to the neighbour. The loss of the previous tree required a replacement under the Order and this was agreed by the Council's Landscape Officer.

#### **iv) Professional arborist**



To seek professional services is to be encouraged but can bear no weight on the argument to remove the tree.

v) No intention of replacing tree if allowed to remove.

This "offer" makes the point that the amenity that the tree currently provides would be lost irrevocably as a result of the proposal.

### **Conclusion**

There is every chance that, if left, this tree could grow to maturity as a significant local landscape feature. Robinias are relatively short lived trees, so consideration could be given to an application to replace this specimen with a semi mature tree with different visual characteristics and a longer life expectancy

It does limit the potential to park cars in front of the house, as happens at neighbouring properties but that in itself is not sufficient reason to accept the permanent loss of amenity its removal would cause. It is, therefore, recommended to refuse permission to this application on the grounds that the reasons given for the felling fail to justify the need for the tree's removal. The proposal is contrary to Local Plan Landscape Policy LL9

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

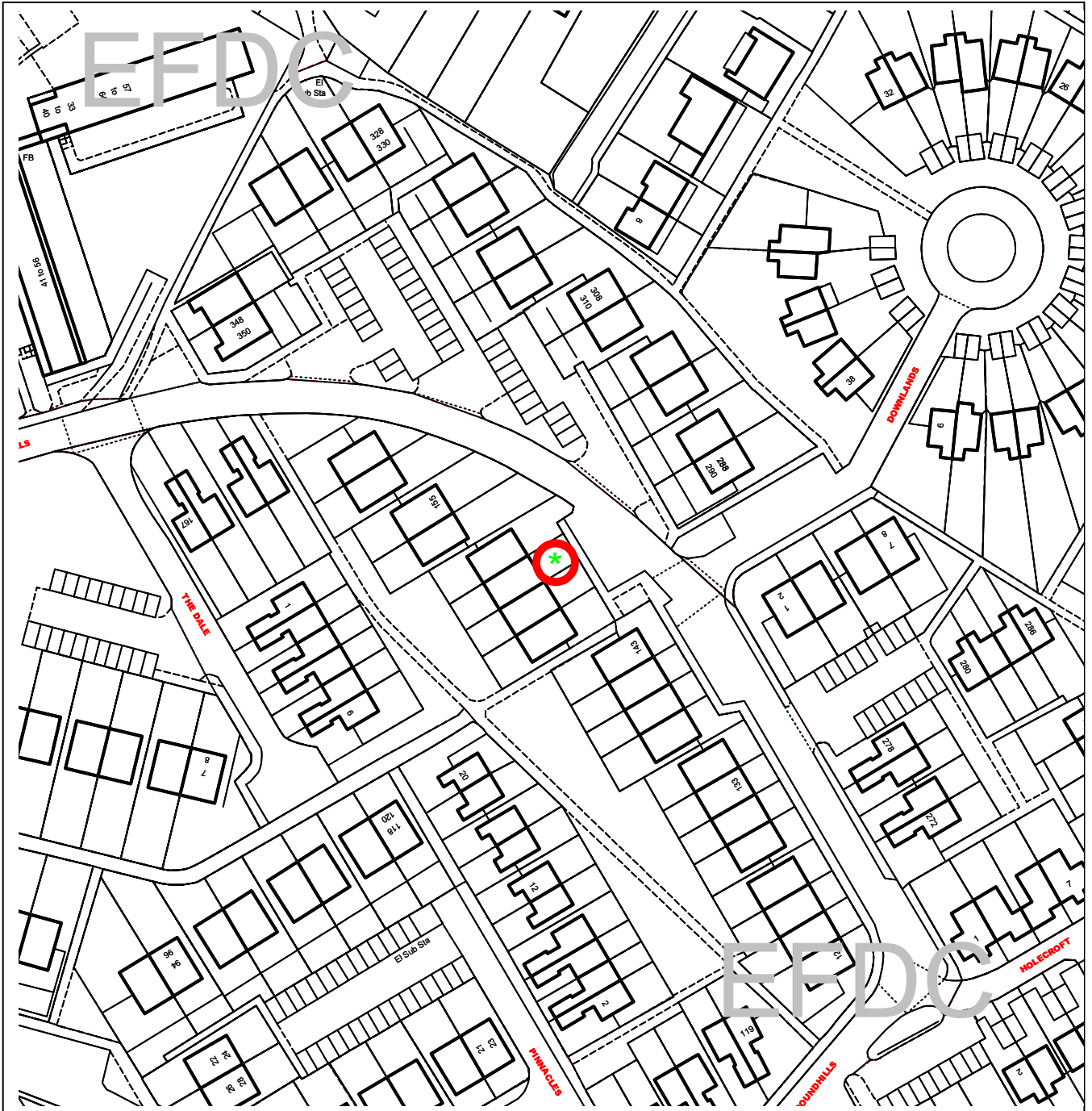
***Planning Application Case Officer: Robin Hellier  
Direct Line Telephone Number: 01992 564546***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	1
Application Number:	EPF/1276/12
Site Name:	149 Roundhills, Waltham Abbey EN9 1TF
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0125/12
<b>SITE ADDRESS:</b>	110 Brooker Road Waltham Abbey Essex EN9 1JH
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>APPLICANT:</b>	English Rose Estates Limited
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use on ground and first floor to D1 College/Community Centre.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=534467](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=534467)

**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 hereby permitted will be completed strictly in accordance with the approved drawings nos: Ordnance Survey Location Plan date stamped 18/01/12, W01, W02, W03 (Existing plans), W03 (Proposed plans), W04
- 3 The premises shall be used solely for D1(c) and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 4 The use hereby permitted shall not be open to students outside the hours of 09:00 to 18:00 on Monday to Saturday and at no time on Sundays and Bank/Public Holidays.
- 5 No more than 20 students shall be on site at any time.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

## ADDITIONAL INFORMATION:

The application was deferred from the Area Plans Sub Committee West meeting dated 18<sup>th</sup> April 2012 for further information to be obtained and so that a Members site visit could take place. Whilst the below information was provided no site visit was able to be arranged. The application was subsequently deferred again from Area Plans Sub Committee West meeting dated 18<sup>th</sup> July 2012 for a site visit to be arranged and to request that the applicant attend the next Committee to answer questions. A Members Site Visit has now taken place.

It was also requested further details of the marketing evidence for this property be provided. Unfortunately, as stated within the below report, no marketing evidence has been specifically provided for this application, but instead the lack of demand is based on the previous marketing undertaken on this site, and as the site was still been advertised on at the time of writing the report. The particulars of these advertised one office of 378 sq. ft. for £252pcm, and the larger 21,000 sq. ft. office at POA. Other office buildings were also being marketed in Brooker Road for £37,500 pa (5,000 sq. ft. office), £10,720 pa (1,340 sq. ft. office), and £14,400 pa (1,800 sq. ft. office). These all indicate that there are several vacant offices within this estate and support the lack of market demand previously accepted on this site.

### Previous information sought:

- Age of the children using the site? *13 - 16 10am - 3pm. YR9, YR10, & YR11 then 17 - 21 5pm - 8pm*
- Where will they come from? *Majority will be from Essex and a small number from Enfield*
- How are the children supervised (both during school hours and during break times)? *Young people are supervised by professional qualified support workers, mentors and teachers both in lessons and at break times.*
- Types of activities that are to be carried out on site? *Education: Maths & English. Vocational: Motor Go Kart project, Hair & Beauty, Cooking, Food Hygiene, Fitness Coaching, Music Production, life skills and support in work apprenticeships. All subjects are supplied with qualified teacher and supported by a college of further education*
- Who will be running and managing the site? *The HECP (Howard Edward Community Project) Charity who will be commissioning all the above mentioned activities, Not for Profit, will employ a qualified and experienced site manager.*
- Will it be run by the Local Education Authority or a Private Company? *It will be run by the HECP Charity under the guidance and regulation of Local Education Authorities*
- What security measures are around the site (Councillors are concerned as there are vulnerable people on site)? *Young people are picked up and dropped off from their homes, and/or schools and brought to the site. At no time are young people allowed to leave site without a key worker present with them, all meals are provided for on the site. The centre has state of the art CCTV installed together with door security and an admin officer who checks all incoming and outgoings of visitors. The alternative education centre will be above the legal requirements, which is needed at this time. This is to insure that we are ready when the law changes sometime this year with alternative provision. It means that for a P.R.U (Pupil Referral Unit). We are already preparing for our Ofsted inspection once the law changes and are striving to be a example of good practise. All young people are risk assessed before coming onto the project and whilst they are with us If*

*through this process we feel that a young person may be of harm to themselves or others we would not be able to take the referral.*

- What are the requirements for staff with regards to CRB checks? *All staff are subject to a fully enhanced CRB check before they can start working with young people, this is renewable every 2 years after their start date.*

The above information has not changed the Officer's recommendation on this application, which is to approve subject to conditions.

## **ORIGINAL REPORT:**

### **Description of Site:**

The application site is a three storey commercial property located on the southern side of Brooker Road. The site is located within the Brooker Road industrial estate and is designated as an employment area in the adopted Local Plan. The change of use relates to the ground and first floor office area, with the second floor remaining as B1 use. The entire building is served by parking areas to the front and rear of the building. Access to the industrial estate (and the site) is via Cartersfield Road to the east (vehicular and pedestrian) and Brooker Road to the north (pedestrian).

### **Description of Proposal:**

Consent is being sought for the change of use of the ground and first floor B1 offices to a D1 College/Community Centre. The intended use of these premises would be for 'unengaged individuals' who struggle to fit in their schools. The supposed plan is that such individuals would undertake Maths and English classes at their respective schools and will be transported by minibus to the application premises to engage in vocational courses before being transported back to their schools.

### **Relevant History:**

EPF/0335/88 - New light industrial building to replace abattoir – approved/conditions 06/06/88  
EPF/0278/09 - Change of use of ground floor office to A3 use – approved/conditions 30/06/09  
EPF/1449/11 - Change of use on first floor to D2 Gymnasium – approved/conditions 05/09/11

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
CP7 – Urban form and quality  
E1 – Employment areas  
E4B – Alternative uses for employment sites  
E5 – Effect on nearby developments  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking

## **Summary of Representations:**

A Site Notice was displayed on 01/02/12.

TOWN COUNCIL – Object as there is already one youth facility in the area that previously caused problems. The area is of a very mixed use (leisure, retail and commercial) and the Town Council feels it is not a suitable use of site and that it should be considered for commercial use, rather than D1 College/Community Centre use.

## **Issues and Considerations:**

The key issues in relation to this application are the impact on the existing employment area, the surrounding area, and with regards to highways and parking provision.

The application site is within a designated employment area. Local Plan policy E1 states that *“the redevelopment of existing sites or premises or their change of use to uses other than business, general industry or warehousing will not be permitted”*. However policy E4B nonetheless addresses ‘alternative uses for employment sites’ and states:

**Where it can be proven that there is no further need for employment uses on a particular site, the Council will permit alternative uses which fulfil other community needs and which satisfy other policies of the plan.**

The site is located within a designated employment area on the edge of the built up area of Waltham Abbey, which is a large predominantly residential town that is served by, albeit limited, sustainable transport. As confirmed by the Town Council, Brooker Road Industrial Estate has diversified over the years to include a mix of uses including leisure, community use and retail and also serves as the vehicular access into Town Mead recreation ground. Due to this it has clearly been accepted that alternative uses are acceptable in this estate.

The first floor section of the building has previously been approved for a change of use to a gymnasium (D2) as it was considered that sufficient marketing had taken place to justify the loss of this part of the site. Whilst no marketing evidence has been specifically provided with this application, the previous decision clearly considered that sufficient marketing had taken place on the site at that time (September 2011) and included a letter from Duncan Phillips Ltd. (Estate Agents) dated 26<sup>th</sup> August 2011 that stated *“despite marketing the above premises on your behalf over the last 2 years we have been unsuccessful in securing long term tenants”*. It goes on to specify that *“market conditions are difficult at present and Waltham Abbey does have a dearth of empty offices which are being offered at competitive prices”* and confirms that *“we will continue to offer these offices on your behalf and advise of any interest shown”*. Since this date the site has continued to be marketed as a B1 Office building, with the details currently still available on As such, this is considered to clearly prove that there is no further need for commercial B1 use on this site. Additionally, there are other office units within Brooker Road currently being marketed for commercial purposes, which shows further lack of market demand for office use in this locality.

As stated within policy E4B, if it is proven that there is no further need for employment uses on a site then alternative community uses should be considered. With regards to the proposed use as a school/community centre (D1), it is stated that the intention of the proposed use would be to provide vocational courses to unengaged individuals. This would involve a minibus transporting said individuals from their local schools (where they would conduct their Maths and English classes) to the site where they will engage in vocational courses before being transported back. The number of students would be relatively low (between 10 and 20 at any one time) and the school would be used between the hours of 10am and 3pm three or four days per week. No information has been received with regards to the proposed ‘community centre’ aspect of the development, however it is presumed that the applicant considers the type of use to fall between

the classifications of a school and a community centre, rather than this forming a separate use. Such a proposed use would be considered to constitute a 'community use' and would therefore be considered acceptable as an alternative use to this site.

Whilst the Town Council do not consider this site as being suitable for the proposed use and feel that this may cause 'problems' (although the suspected problems are not defined), there have been several units converted in Brooker Road Industrial Estate in recent years, including provision of a day care centre, karate academy, and the gymnasium on this site. None of these uses would traditionally be 'suitable' within an industrial estate, however the nature and character of Brooker Road has diversified over the years into a more mixed use estate. As such it is not considered that the provision of a community college facility would be unsuitable for this location.

The proposed college would still retain an element of employment and would offer training in vocational courses, which consists of training in a craft, trade, or professional position and would be broadly in line with the commercial uses of the industrial estate. As such the proposed use is considered to be acceptable in this location. Tight restrictions on the use of the building could be imposed to ensure this unit is not used as a general school which, if unrestricted, could result in a high number of students visiting this site and could cause traffic, parking, and/or safety concerns. However a restriction on the number of students on site at any one time would successfully protect against this. Furthermore a restriction of the hours of use could be imposed to control unsocial opening times, although this may not be considered as essential.

There are currently 36 parking spaces associated with this site, which would serve the college/community centre and any existing B1 element retained on the second floor. Whilst there are known issues with parking problems within this industrial estate the low number of students proposed would not result in a requirement for significant off street parking provision.

### **Conclusion:**

The site has been marketed for B1 business purposes for a period of at least two and a half years without any interest, and planning permission has previously been granted for a change of use of the first floor as a gym. The proposed vocational college would constitute a community use, which is the preferred alternative use stated within policy E4B, and subject to restrictions would be suitable to this site. As such the application complies with the requirements of the relevant Local Plan policies and is therefore recommended for approval.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

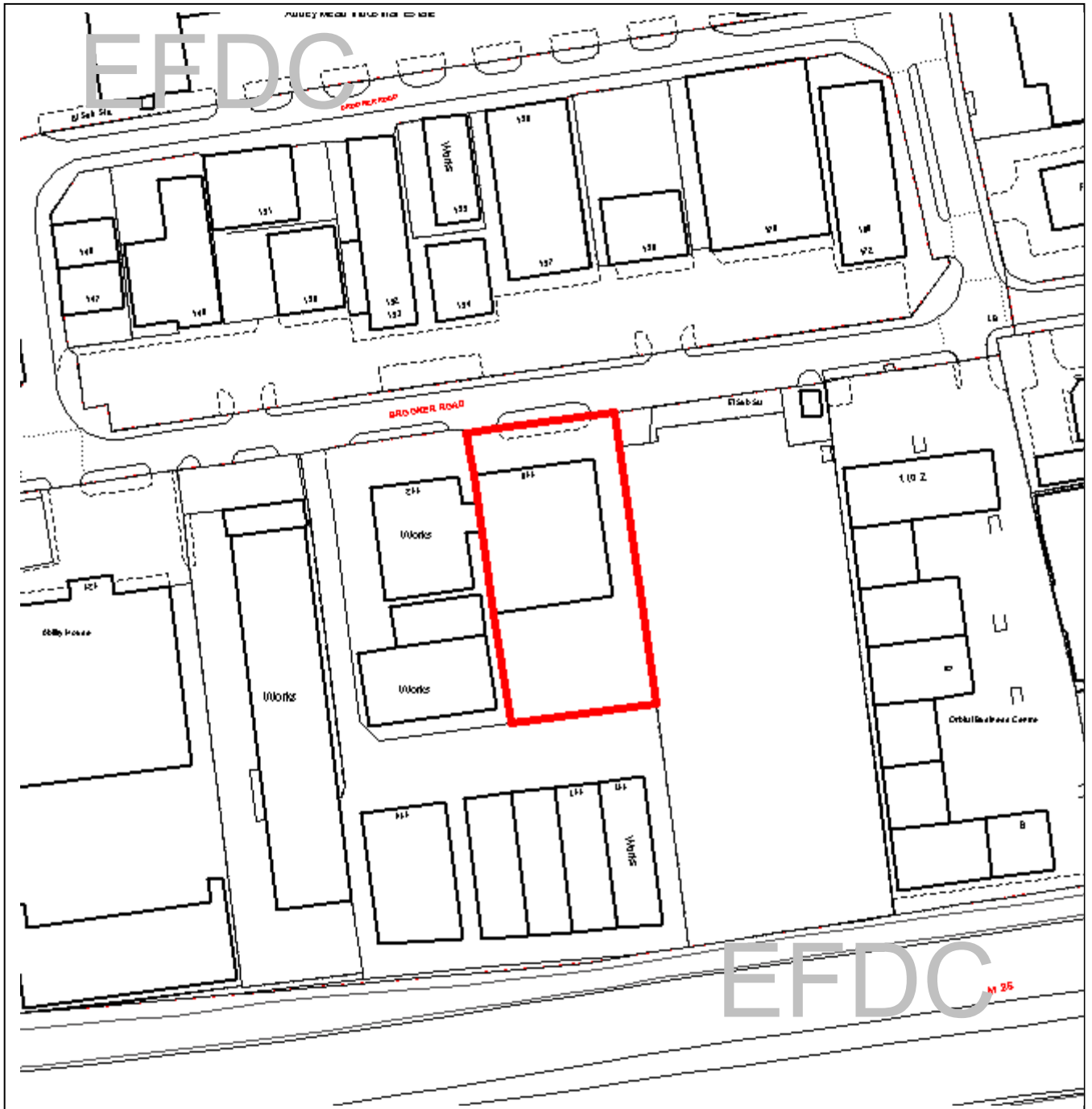
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	2
Application Number:	EPF/0125/12
Site Name:	110 Brooker Road, Waltham Abbey EN9 1JH
Scale of Plot:	1/1250



**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0925/12
<b>SITE ADDRESS:</b>	Ricotta Transport Epping Road Nazeing Essex EN9 2DH
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr Joe Ricotta
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective consent for the extension of the existing hardstanding for the parking of vehicles.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=537465](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537465)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 3218/2
- 2 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 3 The approved hardstanding shall be retained free of obstruction for the parking of vehicles related to the transport use of the site known as Ricotta Transport, Epping Road, Nazeing and for no other purposes, and shall not be sold off or used separately from the area of land outlined in blue on Plan Ref: 3218/2.
- 4 Within 3 months from the date of this decision, a scheme of soft landscaping and a statement of the methods, including a timetable for its Implementation (linked to the development schedule), shall be submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. 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 in writing.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

### **Description of Site:**

The application site is an established transport yard located within the former nursery site of Tyler's Cross, Tyler's Road, which now primarily consists of small scale horticultural nurseries, disused glasshouses, light industrial uses, and several Gypsy and Traveller plots. The site is predominantly laid to hardstanding and used for the parking of vehicles, however the northern section was/is vegetated land. There is a large building in the southern section and a temporary structure to the northwest of this. The temporary structure is the subject of enforcement investigations. A second building previously stood adjacent to that currently on site, however this has recently been demolished.

The application site is located within the Metropolitan Green Belt and within a designated E13 Glasshouse area, however the draft emerging plan has recognised that the central section of Tyler's Cross Nursery (where the application site and Gypsy pitches are located) should be removed from this designation. Whilst this plan has not been adopted by the Council at this stage, it is a material consideration.

### **Description of Proposal**

Retrospective consent is being sought for the laying of hardstanding towards the north of the site to extend the existing hardstanding. The area of hardstanding was formally a vegetated area of land, however has been used for the past year for the parking of buses and coaches.

### **Relevant History:**

There is a long history with regards to the former Tyler's Cross Nursery site, however no applications are directly relevant to this proposal with the exception of:

EPF/0926/12 - Outline consent for the erection of storage building to replace former permanent buildings and existing temporary structure – currently under consideration

### **Policies Applied:**

CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development  
E13B – Protection of glasshouse areas  
E13C – Prevention of dereliction of new glasshouse sites  
ST4 – Road safety

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

### **Summary of Representations:**

4 neighbouring properties were consulted and a Site Notice was displayed on 22/06/12.

PARISH COUNCIL – Object as this is Metropolitan Green Belt, is excessive development, and due to access/highway concerns.

## **Issues and Considerations:**

The main issues to determine are the impact on this Green Belt location, on the surrounding area, and with regards to highway safety.

### **Green Belt:**

The application site is a long established transport company located fairly central within the Tyler's Cross Nursery site. The development under consideration here is an engineering operation as it consists of the laying of hardstanding. The National Planning Policy Framework (NPPF) outlines what does not constitute inappropriate development, and states that:

*“Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:*

...

- *Engineering operations”.*

The proposed development can therefore be considered as ‘not inappropriate development’ provided the proposed development *“would preserve the openness of the Green Belt”*. Although large areas of hardstanding such as this do urbanise the Green Belt and are often considered harmful to the openness, the site is surrounded by large structures, including operating and redundant glasshouses, residential Gypsy pitches and light industrial buildings. The majority of the site is already laid to hardstanding, as are the majority of the surrounding sites within Tyler's Cross Nursery. The previous use of this site was a large scale horticultural nursery, whereby it would be expected for large expanses of hardstanding to be laid. The area of land is surrounded by other forms of development and screened to the north by existing planting, which can be strengthened by additional landscaping. Due to this it is considered that the proposed development would not have any detrimental impact on the openness of the Green Belt.

The other material considerations in this application are the benefits that the proposed development would have on the established business use on the site and the surrounding area. The site is currently occupied by Ricotta Transport and Logic Travel, who have been operating from the site for over 20 years. The business has recently amalgamated with another local transport company called Galleon Travel. Logic Travel/Galleon Travel operate approximately 26 vehicles at present, with about 6 coaches devoted to long distance travel, about 15 to school bus runs and about 5 to local bus routes.

The company currently operates the L3 weekday bus service, which transports passengers from Cuffley Station through to Harlow Bus Station and provides an important sustainable transport service. The company provides school transport, with 8 school contracts, along with work for some 95 other schools. A full list of the schools served has been submitted with the application, which includes schools in Abridge, Loughton, Buckhurst Hill, Ongar, Epping, Fyfield, Epping Green, Waltham Abbey, High Ongar, Roydon, and Theydon Bois. The proposed hardstanding is essential to accommodate the additional buses and coaches on this site to serve these services. As such, the existing business serves an important local (and wider) sustainable transport service and meets a social need within the district.

The NPPF puts great emphasis on promoting sustainable economic growth and supporting existing businesses and states that *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth”* and that planning should *“support existing business sectors, taking account of whether they are expanding or contracting”*. Furthermore, it also seeks to *“promote the retention and development of local services”* and to *“guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs”*. As such, the benefits of ensuring the

continuance and viability of this established business, which provides a key sustainable transport service to the District and surrounding areas would outweigh any small scale harm to the Green Belt that would result from this development. Due to the above, it is considered that the proposed development would not constitute inappropriate development in the Green Belt.

Impact on surrounding area:

The application site is located within a designated E13 glasshouse site, despite it not being in horticultural use for at least 20 years. Due to this, and as there are a number of permanent residential Gypsy pitches within Tyler's Cross Nursery, the central section of the wider site is proposed for removal from this designation within the new Local Plan. Whilst this is not yet adopted, it is a material consideration. Due to this long established use of the application site it is not considered that the laying of additional hardstanding in association with the existing transport business would be contrary to policies E13B or E13C.

The hardstanding would not be particularly visible outside of the Tyler's Cross Nursery site and therefore would have no impact on the visual amenities or character of the wider area and would be a form of development common to such horticultural sites.

Impact on highways:

The Parish Council have raised an objection with regards to 'access/highway concerns'. The access into the Tyler's Cross Nursery site is directly off of Epping Road and is fairly poor, however this is in existence and serves a large mixed use site consisting of horticultural nurseries, light industrial uses, and residential Gypsy pitches. The laying of the hardstanding does not alter the existing access to the application site or to the wider Tyler's Cross Nursery site, and would therefore have no direct impact on this.

Whilst the extension of the existing hardstanding is to accommodate the additional buses and coaches that have resulted from a recent amalgamation with Galleon Travel, the intensification of use and growth of the business is not under consideration here and could not be controlled or refused by this application. Were the application to be refused and the hardstanding to be removed, this would not necessarily result in a decrease in vehicles on site (although it would invariably affect the business as there would be more conflict and difficulties in vehicle parking). However, it is not considered that the application in itself would have any direct detrimental impact on the highway safety on Epping Road or the internal roadway within Tyler's Cross Nursery. No objections have been raised by Essex County Council Highway Officers with regards to the proposal.

**Conclusion:**

The proposed development would not constitute inappropriate development and would not detrimentally impact on the openness of the Green Belt. The development would assist in the continuation and vitality of a long established employment site that provides a valuable sustainable transport service to the local area. Therefore, the application is considered acceptable and is recommended for approval.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

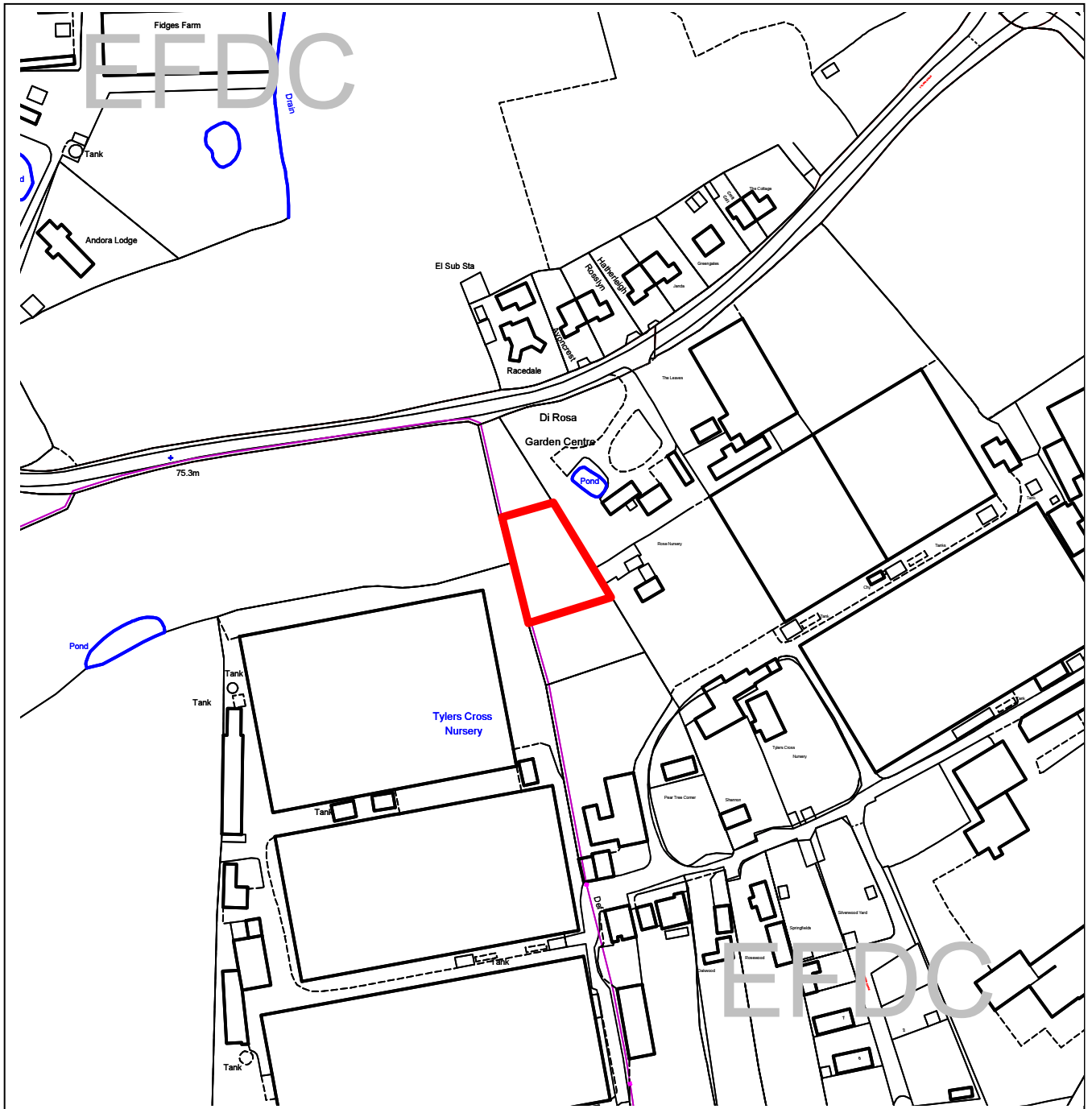
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# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/0925/12
Site Name:	Ricotta Transport, Epping Road Nazeing, EN9 2DH
Scale of Plot:	1/2500

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0926/12
<b>SITE ADDRESS:</b>	Ricotta Transport Epping Road Nazeing Essex EN9 2DH
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr Joe Ricotta
<b>DESCRIPTION OF PROPOSAL:</b>	Outline consent for the erection of storage building to replace former permanent buildings and existing temporary structure.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=537466](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537466)

**CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
- 2
  - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
    - (i) appearance;
    - b) The reserved matters shall be carried out as approved.
    - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 3218/1, 3218/3, 3218/4
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 6 The building hereby approved shall be used solely in connection with the transport use of the site known as Ricotta Transport, Epping Road, Nazeing and for no other purposes, and shall not be sold off or used separately from the area of land outlined in blue on Plan Ref: 3218/1.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to*

**Description of Site:**

The application site is an established transport yard located within the former nursery site of Tyler's Cross, Tyler's Road, which now primarily consists of small scale horticultural nurseries, disused glasshouses, light industrial uses, and several Gypsy and Traveller plots. The site is predominantly laid to hardstanding and used for the parking of vehicles, however it does contain a large building in the southern section and a temporary structure to the northwest of this. The temporary structure is the subject of enforcement investigations and is proposed to be removed and replaced by this proposal. A second building previously stood adjacent to that currently on site, however this has recently been demolished.

The application site is located within the Metropolitan Green Belt and within a designated E13 Glasshouse area, however the draft emerging plan has recognised that the central section of Tyler's Cross Nursery (where the application site and Gypsy pitches are located) should be removed from this designation. Whilst this plan has not been adopted by the Council at this stage, it is a material consideration.

**Description of Proposal**

Outline consent is being sought for the erection of a storage building to replace a previous building recently removed and an unlawful temporary structure. All matters with the exception of the appearance of the building are under consideration here, which includes the scale of the building. The proposed structure would be 11.5m in width and 18.5m in depth with a shallow pitched roof to a maximum height of 5.5m, to match that of the existing adjacent building.

**Relevant History:**

There is a long history with regards to the former Tyler's Cross Nursery site, however no applications are directly relevant to this proposal with the exception of:

EPF/0925/12 - Retrospective consent for the extension of the existing hardstanding for the parking of vehicles – currently under consideration

**Policies Applied:**

- CP2 – Protecting the quality of the rural and built environment
- CP3 – New development
- GB2A – Development in the Green Belt
- GB7A – Conspicuous development
- DBE1 – Design of new buildings
- DBE2 – Effect on neighbouring properties
- DBE9 – Loss of amenity
- E13B – Protection of glasshouse areas
- E13C – Prevention of dereliction of new glasshouse sites
- ST4 – Road safety

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

**Summary of Representations:**

6 neighbouring properties were consulted and a Site Notice was displayed on 22/06/12.

PARISH COUNCIL – Object as this is Metropolitan Green Belt and is excessive development.

### **Issues and Considerations:**

The main issues to determine are the impact on this Green Belt location, on the surrounding area, and with regards to any impact on neighbouring properties.

#### **Green Belt:**

The application site is a long established transport company located fairly central within the Tyler's Cross Nursery site. Whilst the erection of a storage building in connection with a transport yard is not recognised as being 'not inappropriate development' within the Council's Local Plan policies, the recently published National Planning Policy Framework (NPPF) now allows for the following exceptions:

*"The extension or alteration of a **building** provided that it does not result in disproportionate additions over and above the size of the original building"* (my emphasis).

*"The replacement of a **building**, provided the new building is in the same use and not materially larger than the one it replaces"* (my emphasis).

And,

*"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development"*.

The NPPF has widened the scope of development to now include all buildings rather than the previous guidance contained within PPG2, which only allowed for extensions and replacement of dwellings. The proposed development could be viewed against all three of the above exceptions for the following reasons.

1. The proposed building would be attached to the existing storage building on the site, which is used by the transport yard. Whilst there is no direct link between the proposed new building and that existing, this application could still be considered as an 'extension' to the existing building. The proposed development would replace a recently demolished building that previously adjoined the existing building on site, which had a floor area of 130 sq. m. The proposed new building would have a floor area of 210 sq. m., which is 80 sq. m. larger than that which it would replace. If the previous building, which has already been removed from site, is taken into account, then the proposed new development would result in a 16% increase in floor area, although it would be higher than the previous building. This would be considered a 'limited extension'. If however the previous building that is now no longer on site is **not** taken into account, then this proposal would result in a 60% increase over and above the existing building, which is pushing the boundaries of a 'limited extension'.
2. As stated above, the proposed development would replace a recently demolished building and would be 62% larger in floor area than that which it would replace. This would be considered 'materially larger' than the previous building. Furthermore, as the previous building has already been removed it could be argued that this development does not constitute a 'replacement'.



3. The application site is a 'previously developed site' and therefore can be infilled or redeveloped provided the proposed development "*would not have a greater impact in the openness of the Green Belt*". Although the proposed building would be larger than the building previously removed, it would be smaller than the existing (retained) building on site and would be in a fairly concealed location behind this structure. The site is surrounded by large structures, including operating and redundant glasshouses, residential Gypsy pitches and light industrial buildings, and the building would not be visible from any point outside of the Tyler's Cross Nursery Site. Due to this it is considered that the proposed development would not have any detrimental impact on the openness of the Green Belt.

There is currently a large temporary structure erected on the application site, which is primarily constructed out of scaffolding poles and sheet plastic. This structure is currently subject to enforcement investigations and is also being assessed by the Health and Safety Executive. Whilst the proposed development is to replace this structure, limited weight is attached to the removal of this temporary structure as it is understood that the relevant action will be taken by Planning Enforcement to have the structure removed regardless of the outcome of this decision. Therefore this would not be considered as a 'trade off' for any permanent new building on the site.

The only other material consideration in this application is the benefit that the proposed building would have on the established business use on the site. The site is currently occupied by Ricotta Transport and Logic Travel, who have been operating from the site for over 20 years. The proposed storage building is required to allow for loading and unloading of lorries and the storage of pallets. The recently removed building was unable to meet the needs for the business due to its limited height, which is why the scaffolding structure was erected as a temporary measure. This temporary structure clearly shows that there is a need for an additional building on site to accommodate the loading and unloading of vehicles and storage of pallets, and as such it is considered that the proposed development would be reasonably required for the vitality and viability of the existing business.

The NPPF puts great emphasis on promoting sustainable economic growth and supporting existing businesses and states that "*the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth*" and that planning should "*support existing business sectors, taking account of whether they are expanding or contracting*". As such, the benefits of ensuring the continuance and viability of an established business would outweigh any small scale harm to the Green Belt that would result from this development. Due to the above, it is considered that the proposed development would not constitute inappropriate development in the Green Belt.

Impact on surrounding area:

The application site is located within a designated E13 glasshouse site, despite it not being in horticultural use for at least 20 years. Due to this, and as there are a number of permanent residential Gypsy pitches within Tyler's Cross Nursery, the central section of the wider site is proposed for removal from this designation within the new Local Plan. Whilst this is not yet adopted, it is a material consideration. Due to this long established use of the application site it is not considered that the erection of the storage building would be contrary to policies E13B or E13C.

The building would not be visible outside of the Tyler's Cross Nursery site and therefore would have no impact on the visual amenities or character of the wider area.

Impact on neighbouring properties:

The proposed building would be located between the existing building on site and the large neighbouring glasshouses. The height of the new development would match that of the adjacent building and therefore would have no impact on any of the nearby residential Gypsy pitches.

**Conclusion:**

The proposed building would not constitute inappropriate development and would not detrimentally impact on the openness of the Green Belt. The development would assist in the continuation and vitality of a long established employment site and would have no detrimental impact on neighbouring properties or the wider surrounding area. Therefore, the outline application is considered acceptable and is recommended for approval.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

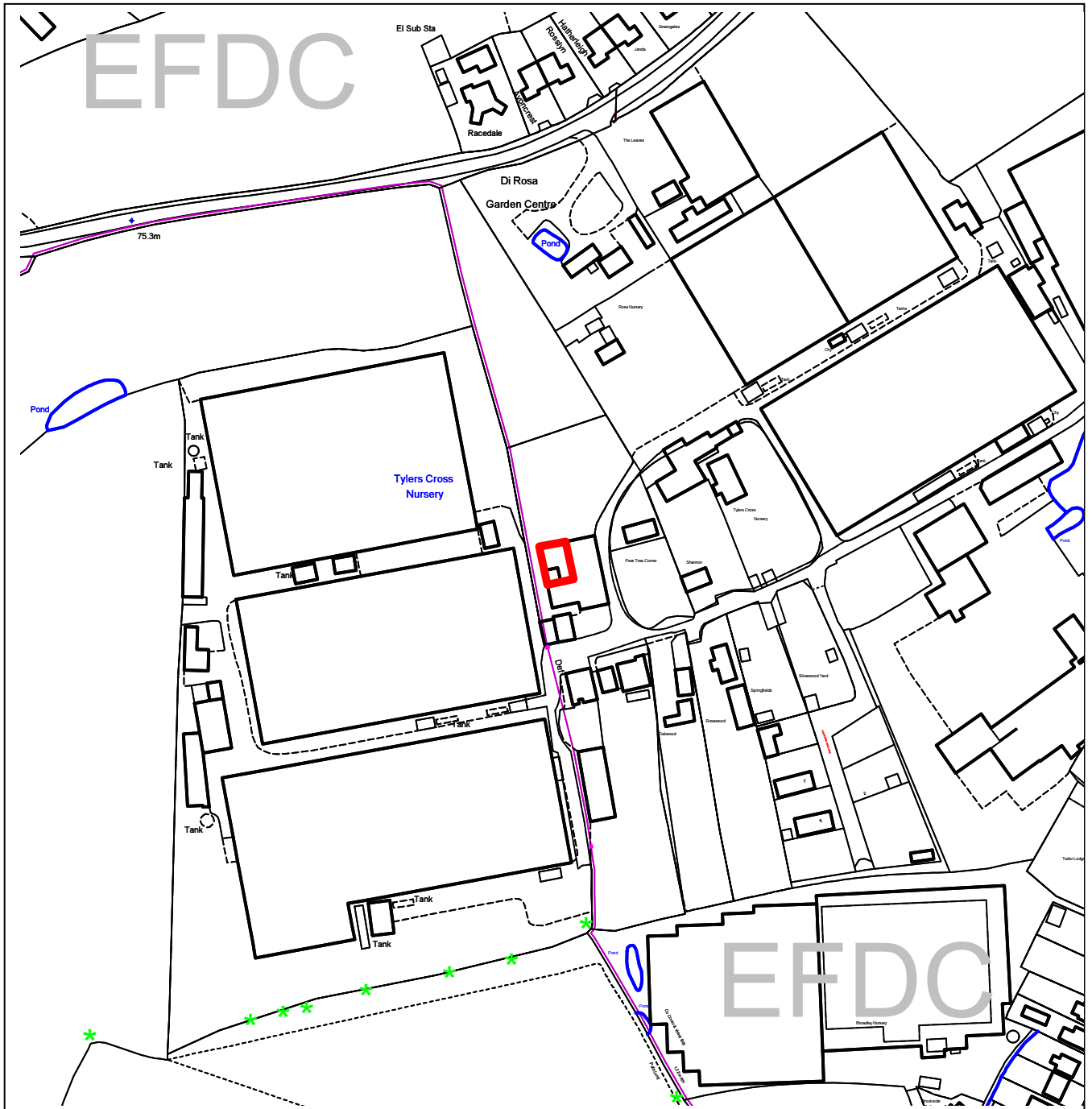
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/0926/12
Site Name:	Ricotta Transport, Epping Road Nazeing, EN9 2DH
Scale of Plot:	1/2500

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