

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0364/09
<b>SITE ADDRESS:</b>	Land to rear of 114 Old Nazeing Road Nazeing Essex EN10 6QY
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mr Lorenzo Minichiello
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a four bedroom detached house with associated parking to the rear of No. 114 Old Nazeing Road.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development shall be carried out in accordance with the amended plans received on 15/07/09 unless otherwise agreed in writing with the Local Planning Authority.
- 3 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

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

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

- 7 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

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

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

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

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

- 9 Prior to the commencement of the development details of the proposed surface materials for the driveway and hardstanding areas on site shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.
- 10 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 11 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The approved measures shall be carried out prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment..
- 12 All construction/demolition works and ancillary operations which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 13 During the period between the commencement and the completion of the development hereby approved there shall be no deliveries to the site and no movement of commercial vehicles to or from the site outside the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, There shall be no such deliveries or movements of commercial vehicles during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 14 No development approved by this permission shall be commenced until details of the existing and proposed finished floor levels have been submitted to and approved by the Local Planning Authority. Finished floor levels shall be sited no lower than 25.02mAOD. The scheme shall be completed in accordance with the approved plans.
- 15 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

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

#### Additional Information

The application was deferred at the previous committee to allow for further negotiations to be undertaken with the applicant to reduce the size of the proposed dwelling. A meeting was held with the Agent on 28<sup>th</sup> August 2009 and the requirement to reduce the size of the dwelling discussed. The following is the response to Planning Officers received on the 8<sup>th</sup> September 2009:

We thank you for taking time to discuss this application with us at our recent meeting at your offices.

I have now been able to view the web cast of the meeting, and like my clients are disappointed that the committee chose a route to defer the application, seeking further discussions with regards to the scale of the application.

We are all aware that a successful Outline Application preceded this application, and I am sure all equally aware that this application was submitted as, and dealt with as a Full Plans Application. The reasons for it being a Full Plans Application are also quite clear in that there are tangible differences in the submitted full plans application to that agreed in the Outline Application.

These changes have come about due to changes in the site ownership, which is now into its third generation of owners, who backed by the principle of development on the site are seeking to achieve a family dwelling suited to their own individual requirements, and within the Planning Authorities remit of policies and guidance for such developments.

It would seem that the submitted application having been prepared by myself with due regards to current planning policy, and having been duly considered against those relevant policies by yourself and your more senior colleagues, presented as an acceptable form of development on this site.

The application was not prepared without due thought for the outline application, and it was clearly understood that the relationship of the proposed building with that of its most immediate neighbour at 7 North Barn, was a critical element in both this and the outline application, in order to protect the amenity of the existing building.

It was clearly pointed out in both your officers report to committee, and at the meeting itself that this relationship has not changed, and the only increase in size of the proposed dwelling is confined to the far flank of the building whereby a previously proposed garage space has been replaced by a two storey element of the same width.

This has resulted, as once again quite clearly presented both in writing and verbally to committee, in a gross footprint increase of the building from 79m<sup>2</sup> to 91m<sup>2</sup>, equating to a 15% overall increase. It is noted from your report to committee that comments raised by Nazeing Parish Council refer to a 35% gross footprint increase, and this differential will obviously not help members in making an informed decision. I would therefore respectfully ask that this figure be amended by them or corrected at the next presentation to committee in order to remove any confusion.

The planning process allows for good open democratic discussion of applications, and as a planning authority you are supported by a number of experts throughout the consultation process. You will therefore recall that due to the proximity of the building to the nearby trees in an adjoining property that an amendment was made to the submitted plans, removing the garage from this proposal in order to afford more separation space to the trees. The proximity to the trees was questioned by objectors; however I am in firm agreement with Chris Nielan your arboricultural officer, that the development can be successfully accommodated within this site and without causing any adverse affects to those trees which are now protected by TPO's.

Indeed I am happy to see that such concerns are addressed, and the applicants are left in no uncertain terms, of their responsibility to protect the trees, and the penalties for causing wilful damage to them, as detailed in the very specific conditions attached to the suggested decision notice in your report.

Further to the specific tree related conditions, we are also happy to accept the other suggested conditions of this permission, which rightly control infill developments such as these. The size of the building proposed is compliant with all aspects of the policy under which it has been judged, and whilst not identical to those around it, will present as a simple gable ended form of dwelling consistent in character with those in the existing street scene.

Indeed it is noted that extended forms of the existing dwellings within North Barn, now present as larger properties than the one proposed in this application, and that these extended dwellings are all compliant with the policies under which they have been judged, contributing in their own way to the diversification of the otherwise Monotype houses within the Close.

We therefore respectfully request that this application be put back to your committee at your earliest convenience, and that the application be judged upon its merits as submitted to you.

Yours Faithfully

Ian Wood

### **Original Report**

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

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

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

#### **Description of Site:**

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

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

#### **Relevant History:**

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

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

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

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

**Policies Applied:**

CP2 - Protecting the quality of the rural and built environment  
CP3 - New development  
DBE1 - Design of new buildings  
DBE2 - Effect on adjoining properties  
DBE3 - Design in urban areas  
DBE8 - Private amenity space  
DBE9 - Loss of amenity  
LL10 - Adequacy of provision for landscape retention  
LL11 - Landscaping schemes  
ST1 - Location of development  
ST2 - Accessibility of development  
ST4 - Road safety  
ST6 - Vehicle parking  
H2A – Previously Developed Land  
U2A – Development in Flood Risk Areas  
U2B – Flood Risk Assessment zones

**Summary of Representations:**

26 neighbours were consulted and a Site Notice was displayed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Issues and Considerations:**

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

### **Design and appearance:**

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

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

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

Highway and parking considerations:

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

The application was referred to Essex County Council Highways, who advised that they had no objections to the application subject to conditions. The design and layout of access and vehicle parking arrangement would not cause traffic congestion nor have an impact to the highway and pedestrian safety. Whilst there have been several objections regarding the loss of general parking at the turning area at North Barn the dropped kerb does not require planning permission and as such could be implemented (to give rear access to No. 114 Old Nazeing Road) simply through the submission of Highways Consent. As the crossover would not adversely affect the intended use of this area, which is for the turning of vehicles, it is unlikely that ECC Highways would withhold consent, and in fact by keeping the turning head clear of parked cars this would be an advantage from a highways point of view to the use of this turning area.

Landscaping:

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

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

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

Impact on adjoining properties:

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



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

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

**Flood Risk:**

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

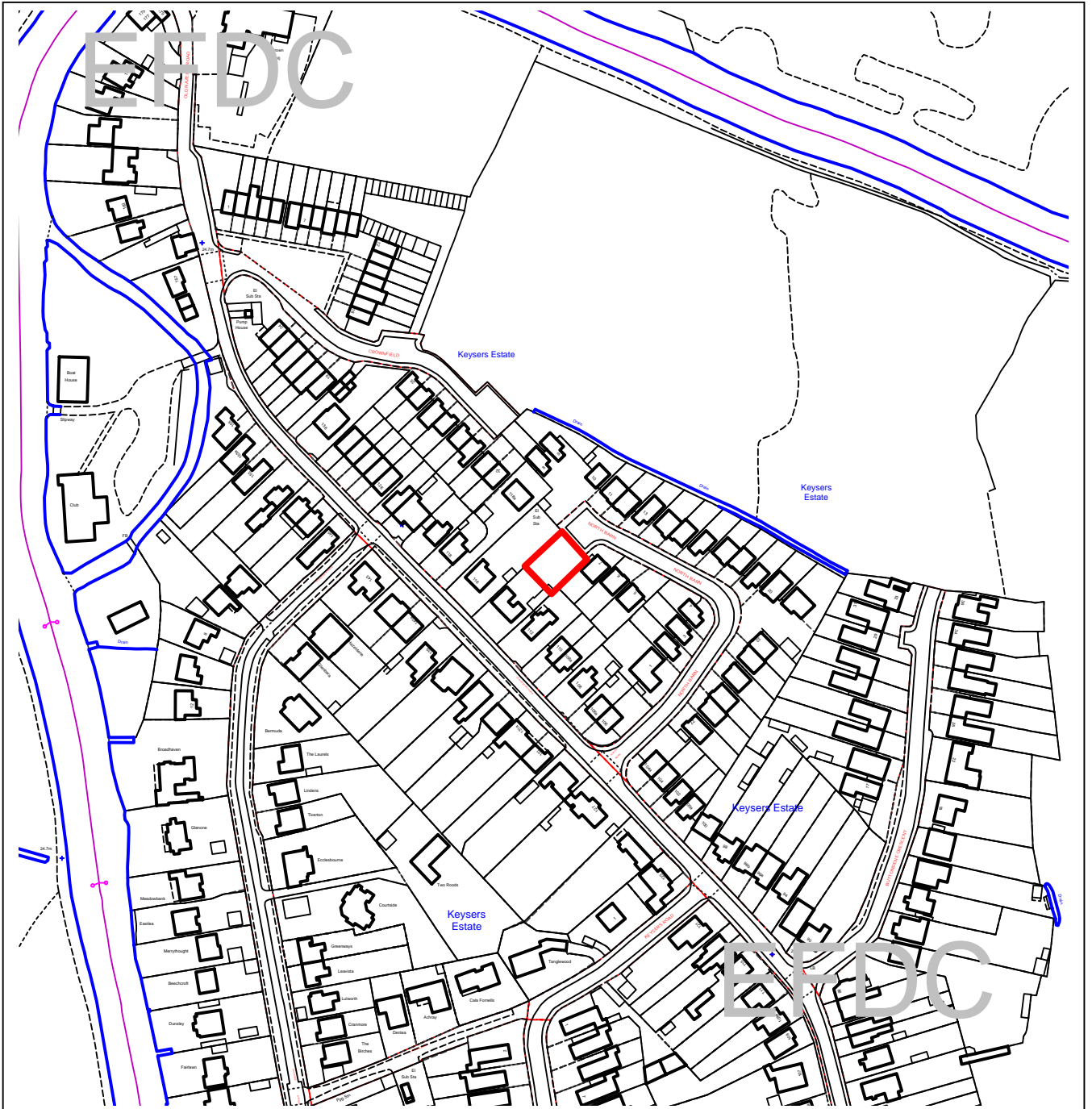
**Conclusion:**

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



# Epping Forest District Council

## Area Planning Sub-Committee West



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

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1382/09
<b>SITE ADDRESS:</b>	The Printworks Nursery Road Nazeing Waltham Abbey Essex EN9 2JE
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mr Michael Stephens
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for 2.4m high security fencing around the perimeter including hard and soft landscaping scheme with marked parking spaces.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 Within 3 months of the date of this approval a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

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

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

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

- 2 The security fencing hereby approved shall be painted in a dark green colour within 3 months of the date of the decision and retained as such thereafter. The colour shall be submitted for approval by the Local Planning Authority prior to commencement.

*This application is before this Committee since it is an application for commercial 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 2.4m high security fencing around the perimeter including hard and soft landscaping scheme with marked parking spaces.

**Description of Site:**

The Printworks is a single storey work unit on the west side of Nursery Road at the edge of a linear stretch of development. The Printworks is the last building on Nursery Road before the road is blocked to prevent through traffic. Nursery Road is predominantly residential with this building and the Broxlea Nursery adjacent the only non-residential properties. The application site is within the Lee Valley Park and the Metropolitan Green Belt but not a conservation area.

**Relevant History:**

EPF/0580/95 - Change of use of agricultural building to a design studio – Refused but allowed at appeal with conditions

**Policies Applied:**

Epping Forest District Local Plan and Alterations

GB2A – Development within the Green Belt  
GB10 – Development in the Lee Valley Regional Park  
CP2 – Protecting the Quality of the Rural and Built Environment  
DBE9 – Impact on amenity

**SUMMARY OF REPRESENTATIONS:**

NAZEING PARISH COUNCIL: No response received

NEIGHBOURS

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

THE PLOWMAN, NURSERY ROAD – Objection out of keeping with the openness of the area

COSY NOOK, NURSERY ROAD – Objection out of keeping and too high

2 NURSERY ROAD – Objection alien to the site and area

**Issues and Considerations:**

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

- Impact on neighbouring amenity
- Appropriateness of Design within the Green Belt and Lee Valley Park

### Amenity

It is not considered that the proposal will impact on neighbouring amenity as the application site is to the north of the Broxlea Nursery complex with the nearest residential property some 85m to the south. The application site is also well screened from the south by existing evergreen trees along the road side.

### Appropriateness of the Design within the Green Belt and Lee Valley Park

The proposal replaces earlier fencing of similar design but of a lower height of 1.8m. The main concern is whether the increase in height has a detrimental impact on the visual amenity or openness of the area.

Three residents have objected to the fencing due to its alien appearance in the wider area. It is acknowledged that the proposal appears at present somewhat stark, however the proposal also includes the addition of a hard and soft landscaping scheme which has not yet been implemented and it is proposed to impose a condition requiring the painting of the fence to improve its appearance and reduce its visual impact.

Lee Valley Park Authority has no objection to the proposal subject to the fence being painted in a dark green colour. This can be controlled by condition and it is considered that this will also soften the impact of the fence to the wider area and remove the industrial feel to the fencing.

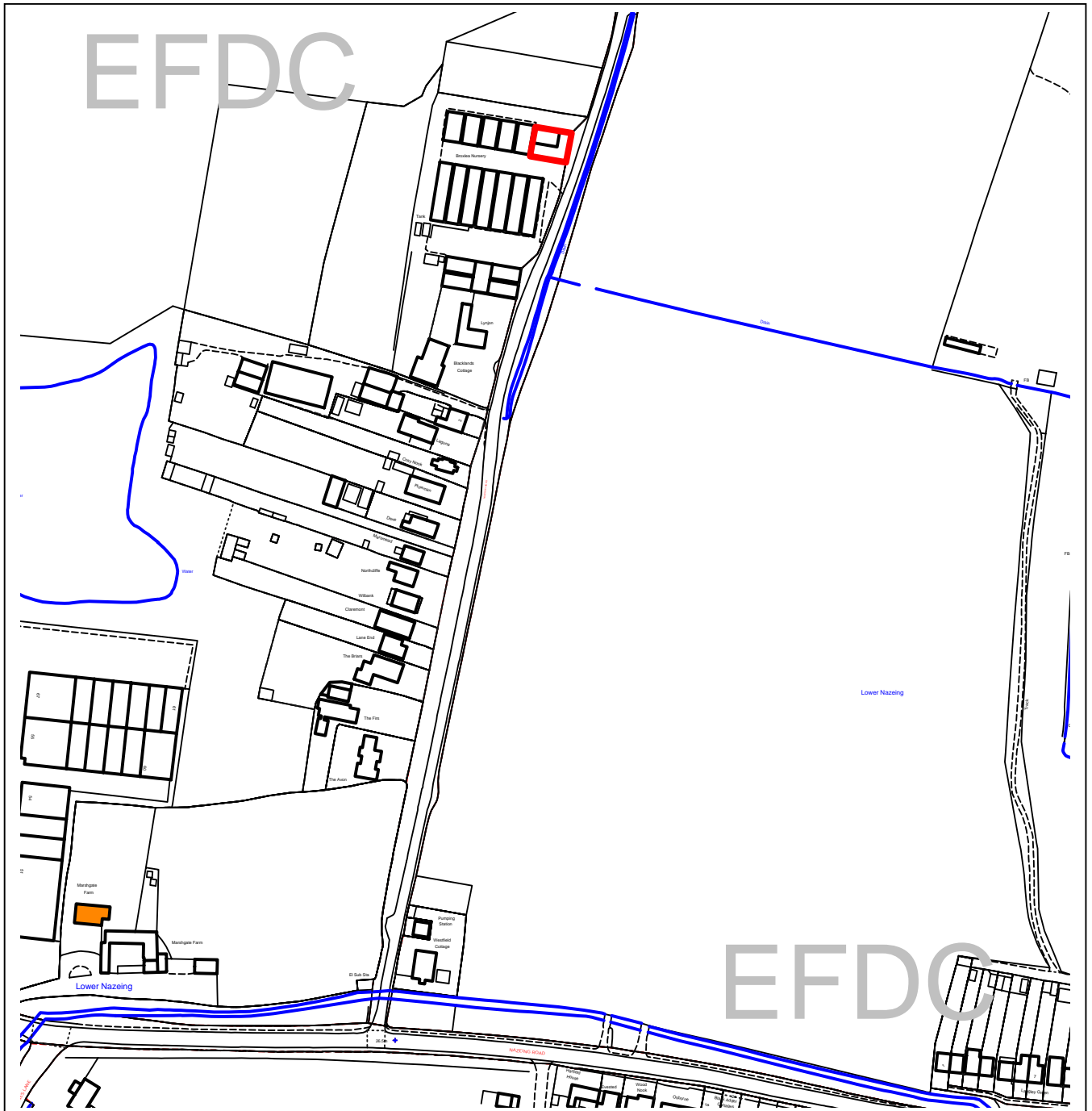
### **Conclusion:**

Given the particular setting of the development and the type of previous fencing that existed, it is considered that when the landscaping has been carried out and the painting completed, the scheme will not have a materially harmful impact on the character, amenity or openness of the site, and the application is therefore recommended for approval.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>2</b>
Application Number:	EPF/1382/09
Site Name:	The Printworks, Nursery Road Nazeing, Essex, EN9 2JE
Scale of Plot:	1/2500

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1095/09
<b>SITE ADDRESS:</b>	Roydon Mill Leisure Park High Street Roydon Harlow Essex CM19 5EJ
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>APPLICANT:</b>	Roydon Mill Lodges LLP
<b>DESCRIPTION OF PROPOSAL:</b>	Variation of condition 5 (seasonal use) of EPF/2230/07 (Introduction of new bases where 82 static caravans are to be replaced with 53 Log Cabins - single unit caravans, reconfiguration of area set aside for touring caravans, erection of replacement clubhouse and revocation of use of eastern field for camping) to enable holiday occupation of the caravans at any time of the year.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 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.

- 3 No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

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

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

- 4 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.

- 5 The bases hereby approved shall be used only for the stationing of caravans and for no other purpose. Caravans stationed within the site shall be occupied for holiday purposes only and shall not be occupied as a person's main or sole place of residence. That is, no caravan shall be occupied by the same person for more than 6 months in total in any one calendar year and on the dates of occupation the occupants shall be on holiday and not engaged in any paid work, activity, or school or further/higher education attendance. The owners/operators of the site shall maintain an up to date register of the names of all owners and occupants of 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 licence, utility bill or council tax bill or other such proof as agreed in writing by the Local Planning Authority and shall forward this information to the Local Planning Authority annually on or before the 31st January each year.
- 6 There shall be no camping of any kind carried out within the field hatched blue on the approved plan.
- 7 Prior to commencement of development a detailed scheme for the landscaping and management of the area hatched blue on the approved plan to create a wildlife precinct including a wetland feature, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in accordance with the approved timetable and maintained in accordance with the agreed details.
- 8 Details of the types and colours of the external finishes of the proposed clubhouse 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.
- 9 Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority before any work commences and the development shall be implemented in accordance with such agreed details.
- 10 Prior to commencement of development details of any external lighting required in connection with the development shall be submitted to and agreed in writing by the Local Planning Authority. Only the agreed lighting shall be installed unless the Local Planning Authority gives its written consent to its variation.
- 11 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.

- 12 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.
- 13 No static caravans shall be sited anywhere within the application site except on the bases hereby approved, unless otherwise agreed in writing by the Local Planning Authority.
- 14 Notwithstanding the approved plans, the central area adjacent to the residential caravan site shown to be for touring vans shall not be used for that purpose, but shall be retained as a landscaped amenity area.

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

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

This application is for the variation of condition 5 of EPF/2230/07. That application was for the introduction of new bases where 82 static caravans are to be replaced with 53 log cabins - single unit caravans, reconfiguration of areas set aside for touring caravans, erection of replacement club house and revocation of use of eastern field for camping. Condition 5 restricted the use of the caravans at the site to recreational use only and restricted the times of year that the caravans could be occupied. This application is to amend that condition which would enable the caravans to be occupied for holiday purposes only but at any time of the year.

#### **Description of Site:**

The site is within the long established Roydon Mill caravan park that has been recently redeveloped with larger static caravans of more modern design. The site lies to the west of Roydon High Street and to the south of the railway line.

#### **Relevant History:**

The site has a long planning history of development for camping/caravanning and related leisure uses.

## **Policies Applied:**

### **Epping Forest District Local Plan and Alterations**

GB2a Green Belt.

## **Summary of Representations:**

A Site Notice was displayed and the following representations were received;

PARISH COUNCIL - Object. The owners bought the site knowing that the holiday use restriction was in place. Perhaps the selling price for the lodges should reflect this. Removing the restriction could set a precedent for other holiday properties in the area.

LEE VALLEY REGIONAL PARK AUTHORITY -No objection to the revised condition, subject to revised wording to ensure:1) the inclusion of a standard clause in each contract made between the management of the Leisure Park and occupants of each unit stating that the caravan/chalet shall not be occupied as a person's sole, or main place of residence.2) that the condition binds all future owners in retaining an accurate register and the presentation of its contents on a quarterly basis to the Local Planning Authority.

## **Issues and Considerations:**

Condition 5 of EPF/2230/07 states: "The bases hereby approved shall be used only for the stationing of caravans and for no other purpose. Caravans stationed on the site shall not be used for permanent residential purposes but only for recreation. They may be occupied only during the period March to October inclusive each year and at weekends from 1700 hours Friday to 1000 hours Monday during November and December and during the period 1700 hours Christmas Eve to 1000 hours 2<sup>nd</sup> January each year."

The reason given for the condition is "For the avoidance of doubt. The condition reiterates the existing condition relating to static caravans on the site and no application has been made to vary this. The site is within the Green Belt wherein additional residential development is inappropriate but short term holiday use in connection with outdoor recreation is appropriate. The condition is necessary to ensure that the site is not used for permanent residential purposes while allowing reasonable recreational use."

The application before us is not for the removal of this condition to enable year round residential use of the site, which would be clearly contrary to Green Belt policy, but to amend the condition such that the use would remain for holiday purposes only but would allow the units to be occupied for holiday purposes at any time of the year.

The applicant is suggesting that the condition should be amended to include;

- (i) The caravans are to be occupied for holiday purposes only
- (ii) The caravans shall not be occupied as a person's sole or main place of residence
- (iii) The owners/operators shall maintain an up to date register of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority

The main issue therefore is whether this proposed amendment or some variation of it would result in any significant harm to the locality from use of the caravans for holiday purposes during the winter months and additionally whether the condition which is clearly necessary is also sufficiently precise and enforceable to ensure that the caravan site will not over time be utilised for permanent residential purposes, which would have considerable knock on effects with regard to, for instance,

traffic movements and parking requirements, as well as being contrary to Green Belt and sustainability policies.

Harm from holiday use in winter.

Traditionally seasonal occupancy conditions have been placed on caravans, partly as a way of ensuring that they are not used residentially and partly because traditional caravans were considered unsuitable for winter accommodation, being poorly insulated and heated. The units now developed at Roydon Mill meet high specifications and will provide comfortable accommodation in the winter months. The use of the site for holiday purposes all year round will not have any significant adverse impacts on the environment or on the Green Belt. As the units are static and have never been removed from the site during the winter, there is no benefit to the openness of the Green Belt from the seasonal use condition.

Circular 11/95 details how conditions can be used in planning and states it may be reasonable for the local planning authority to grant planning permission for holiday accommodation ...with a condition specifying its use for holiday accommodation only.

Enforceability.

The advantage of a seasonal use condition in relation to holiday use is that it is clear and relatively easy to establish when there is a breach. If someone is in the caravan out of season then they are breaching the condition. This was seen as making it easier for Planning Enforcement to ensure that the units do not become residentially occupied. However this is by no means foolproof and it has been possible for people to establish residential use of a "holiday" caravan or chalet, as it may be proven to be their main home even if they do not occupy it for a few months of the year. They could for instance vacate the unit for the winter months to occupy a holiday home in a warmer climate.

An alternative condition which requires details to be kept of the owners and occupiers main place of residence could potentially prove a better way of controlling the use, it would require Planning Enforcement or Compliance Officers to check the records rigorously and check the validity of the main addresses given, on a regular basis, but this may be no more time consuming than visiting each caravan in the closed season would be.

Advice has been sought from Legal services and whilst there is, as with Planning Officers, a reluctance to move away from the standard condition, because of concerns over misuse of the site, there do not seem to be sound planning reasons to resist an alternative condition, allowing holiday use at any time of year provided it can be enforced.

**Conclusion:**

In conclusion, there appears to be no reason to resist the use of the caravans at the site during the winter months other than to prevent residential occupation. It is therefore considered that a variation of condition 5 is acceptable and the following wording is suggested,

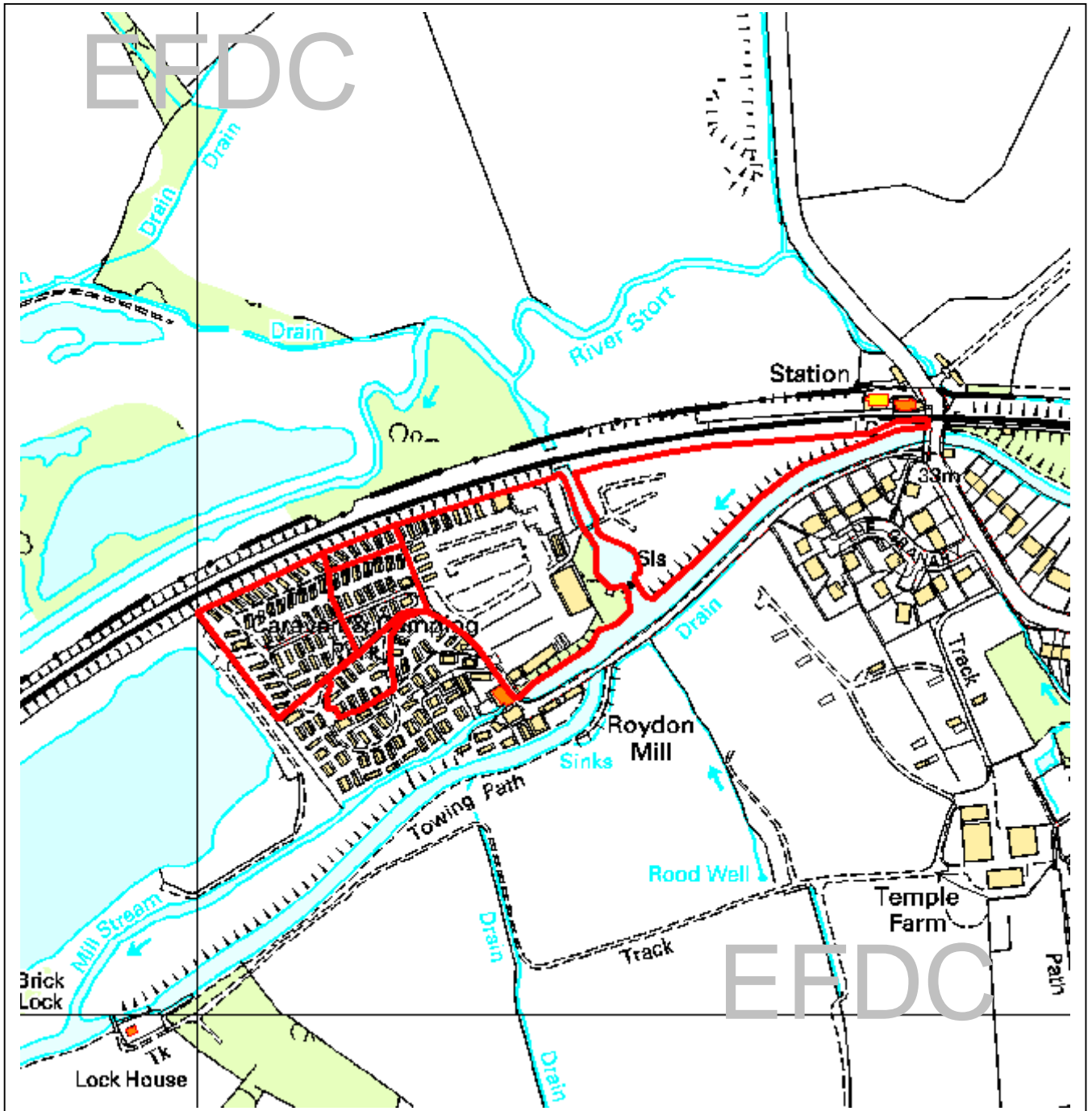
The bases hereby approved shall be used only for the stationing of caravans and for no other purpose. Caravans stationed within the site shall be occupied for holiday purposes only and shall not be occupied as a person's main or sole place of residence. That is, no caravan shall be occupied by the same person for more than 6 months in any one calendar year and on the dates of occupation the occupants shall be on holiday and not engaged in any paid work, activity, or school or further/higher education attendance. The owners/operators of the site shall maintain an up to date register of the names of all owners and occupants of 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 licence, utility bill or council tax bill or other such proof as agreed in writing by the Local Planning Authority and shall forward this information to the Local Planning Authority annually on or before the 31<sup>st</sup> January each year.

The suggested amended condition is i. necessary; ii. relevant to planning; iii. relevant to the development permitted; iv. enforceable; v. precise; and vi. reasonable in all other respects, which are the tests for conditions as set out in Government Circular 11/95 and it would satisfactorily prevent permanent residential use of the site. As such the proposal is considered acceptable and the application is recommended for approval. Apart from this amendment to condition 5, all the original conditions set out in Planning permission EPF/2230/07 are reapplied.



# Epping Forest District Council

Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/1095/09
Site Name:	Roydon Mill Leisure Park, High Street Roydon, CM19 5EJ
Scale of Plot:	1/5000

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1506/09
<b>SITE ADDRESS:</b>	The Lodge Gunpowder Mill Powdermill Lane Waltham Abbey Essex EN9 1BN
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>APPLICANT:</b>	Mr Andy Hill
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed security gates and entrance signage to secure car parking area on the boundary of Gunpowder Mill.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The entrance sign hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Within 3 months of the date of this decision notice a landscape scheme indicating the landscaping to be retained, along with the additional landscaping to be installed, shall be submitted to and agreed in writing by the Local Planning Authority, and the agreed scheme shall be implemented thereafter.
- 3 Within three months of this decision notice the gate hereby approved shall be finished in a dark grey colour (RAL 7011), unless otherwise agreed in writing by the Local Planning Authority,

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

**Description of Proposal:**

Consent is being sought for the retention of security gates and proposed signage at the entrance to the Gunpowder Mill site. The entrance gate and signage would be located on the existing access from Flagstaff Road. The entrance gate has already been installed and reaches a height of 2.4m and stretches the entire width of the vehicle and pedestrian access (3.8m). When open the gate slides behind the existing greenery, which is to be further supplemented with new planting. The proposed sign would be to the east of the gate and would be 2.4m high and 2.5m wide. This

would be a similar grey in colour to that proposed on the gates, and would also offer a map of the Gunpowder Mill site.

**Description of Site:**

The application site comprises a 1.64ha site located on the northern end of Powdermill Lane, Waltham Abbey. The site has a commercial use and is located within the Royal Gunpowder Factory Conservation Area. The Lodge is also a Grade II listed building, with other listed buildings being located within the Gunpowder Mill complex.

**Relevant History:**

EPF/0625/93 - Outline application for use of land for:- A) 63 hectares for heritage, leisure and recreation uses with supporting commercial uses, and; B) 3.64 hectares of residential development – approved 27/03/97

EPF/0194/98 - Erection of boundary fence with associated groundworks and landscaping – approved/conditions 23/06/98

EPF/0021/04 - Variation of condition 1 of EPF/625/93 for extension of time by two years for submission of details in respect of the 1000 sq. m. of supporting commercial uses in area A6 – approved/conditions 03/03/04

EPF/0500/07 - Reserved matters application for the development of supporting commercial uses (B1 office accommodation) approved under EPF/21/04. (relating to original outline permission, reference EPF/625/93) – approved subject to S106 14/09/07

EPF/0501/07 - Conversion and change of use of the Power House and Water Tower into office accommodation (Class B1) – approved subject to S106 06/11/07

EPF/0731/08, LB/EPF/0732/08 and CAC/EPF/0733/08 - Restoration of grade II listed building including partial demolition of later additions and new build extension comprising single storey link and two storey office (B1) , including external works, car parking and landscaping – approved/conditions 30/05/08

EPF/0816/99 - Change of use of residential dwelling to office use – approved/conditions 20/08/99

**Policies Applied:**

CP2 - Protecting the quality of the rural and built environment

DBE3 - Design in urban areas

ST4 - Road Safety

HC6 - Character, appearance and setting of conservation areas

HC7 - Development within conservation areas

HC12 - Development affecting the setting of listed buildings

**Summary of Representations:**

14 neighbours were consulted and a Site Notice was displayed on 3<sup>rd</sup> September. Due to the date displayed, any additional comments received after the writing of this report will be put to Members verbally.

TOWN COUNCIL – No objection.

1 FLAGSTAFF ROAD – Object as it is an unsightly development.

3 FLAGSTAFF ROAD – Object as the gates are large and unsightly. No objection in principle to automatic gates but feel they should be designed more in fitting with the surrounding area. Also the signage should be located inside the gates as it gives an industrial appearance to the site.



9 FLAGSTAFF ROAD – Object as the gates are out of character with the conservation area. Whilst gates were previously on the site these were in line with Powdermill Lane rather than across it. The gates are also too high. The proposed sign would given the appearance of an industrial estate and would result in vehicles stopping on the bend to view the signage.

15 POWDERMILL LANE – Object as the gates are out of keeping with the area.

18 POWDERMILL LANE – Object as the gates are out of keeping with the conservation area, they are noisy when opening and closing, and the colour does not blend in with the environment. However no objection to the signage as this has been tastefully designed.

### **Issues and Considerations:**

The main considerations in this application are with regards to the design, the effect on the conservation area and setting of the listed building, and the impact on the highway.

Objections have been received from neighbours with regards to the unsightly appearance of the gates and the impact on the historic setting of the area. The gates are of a simple metal design, appropriate to their function as security gates at an established commercial site. Whilst it is accepted that the site is now adjacent to housing, it must be remembered that historically the site was a gunpowder mill and simple functional security gates are entirely appropriate to the historic interest of the site. Domestic scale or ornate design would not be considered appropriate in this location. A consultation response was received from the Council's Conservation Officer, who considers that the design and proposed colour (which is slightly darker than the gates currently visible on site) are in keeping with the context of the Royal Gunpowder site and draws from details visible elsewhere on the site. As such the gates would not be detrimental to the character or appearance of the conservation area or the setting of the listed building.

Further to the above, the gates would remain open throughout the majority of the day, and whilst open would be located behind a vegetated screen. The gates would generally only be closed at night, and therefore would be even less visible within the street scene at key times.

The majority of neighbours have no objection to the proposed signage, however some concerns have been raised. The proposed signage would be designed in keeping with the gates and similarly would not be detrimental to the character and appearance of the conservation area. Although concern has been raised with the 'industrial appearance' of this sign it is considered that, given the location adjacent to the established vegetated area and its setting on the edge of the Gunpowder Mill site, this sign would not be detrimental to the overall appearance of the street scene.

The gates would be automatic and would remain open during the opening hours of the site. Due to this they would not upset the free flow of traffic into or out of the site.

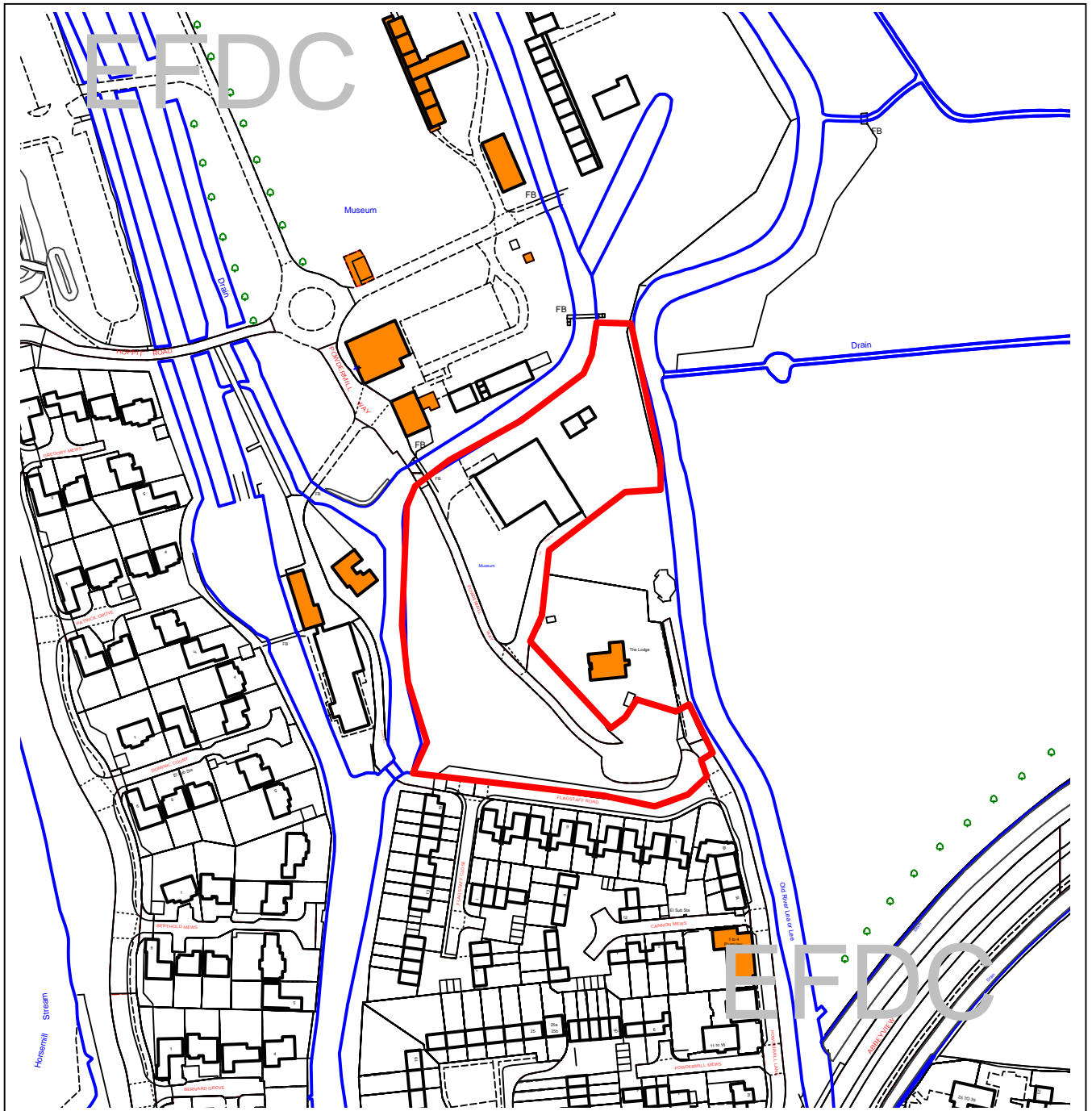
### **Conclusion:**

The retrospective gate and proposed signage would not be detrimental to the character and appearance of the conservation area, the street scene, or the setting of the listed building. It would have no impact on the free flow of traffic to and from the site, and therefore complies with all relevant Local Plan policies. As such, subject to conditions, the application is recommended for approval.



# Epping Forest District Council

## Area Planning Sub-Committee West



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**Agenda Item Number:**

4

**Application Number:**

EPF/1506/09

**Site Name:**

The Lodge, Gunpowder Mill, Powdermill Lane, Waltham Abbey, EN9 1BN

**Scale of Plot:**

1/2500