

Report Item No: 1

APPLICATION No:	EPF/1477/09
SITE ADDRESS:	25 Windsor Wood Waltham Abbey Essex EN9 1LY
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
APPLICANT:	Mrs Colquitt
DESCRIPTION OF PROPOSAL:	TPO/EPF/10/90 G4 T1 and T2 Sycamore - Fell
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 Insufficient justification has been provided to necessitate the removal of the trees contrary to policy LL9 of the Council's Adopted Local Plan and Alterations.

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

Description of Proposal:

T1.Sycamore. Fell and replace.
T2.Sycamore. Fell and replace.

Description of Site:

The trees are approximately 14 metres tall, close to the rear fence of this end of terrace property, in a 1990s residential development facing on to Broomstick Hall Lane. The garden is small, north facing and approximately 11 metres in length.

These trees are part of a visually prominent line of Sycamores along the crest of the ridge between Broomstick Hall Lane and Monkswood Avenue, retained as part of the development of Windsor Wood in the early 1990s. As a result of several tree removals there is now a gap between the group of 3 containing the application trees and the eight sycamores to the west. There is then a further gap for the access road to the westernmost group of three Sycamores. The application trees are less visually important than the trees to the west of them, being partially screened from direct views from Broomstick Hall Lane.

Relevant History:

TRE/EPF/0576/06 granted permission to crown reduce these two trees by 30%.

TRE/EPF/1840/08 granted permission at committee to fell one sycamore at 13 Windsor Wood, subject to replacement planting. A Breach of Condition Notice had to be issued to secure compliance, and a cherry was subsequently planted.

TRE/EPF/1065/09 refused permission at committee to remove a sycamore at 10 Windsor Wood.

TRE/EPF/1476/09 grant permission to crown reduce 3 trees by 35%

Policies Applied:

Epping Forest District Local Plan and Alterations:

LL9 Felling of preserved trees

SUMMARY OF REPRESENTATIONS:

3 neighbours were notified and no responses were received

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

Issues and Considerations:

1. The main reasons to fell the tree put forward by the applicant are the following:

- Excessive honeydew.
- Effect on neighbours' gardens

Excessive honeydew affecting applicant's and neighbouring gardens

The applicant states that honeydew is causing staining and damage to items within the applicant's and neighbours' gardens.

Sycamores attract aphids, which extract sap from leaves. This causes a sticky fine spray to coat everything within range and to which dust particles adhere and form a staining coat.

Honeydew drip is particularly difficult to manage when the gardens are relatively small, as both the applicant's and the neighbours' are. Pruning can contain but not eliminate the problem.

2. The main planning considerations are the following:

- Visual amenity.
- Potential for compensation by replacement.
- Life expectancy.
- Suitability for the location.
- How the issues affecting this decision may benefit from a more strategic consideration of the potential future of the line of trees as a whole.

Visual amenity.

These are vigorous trees and form the majority of a three tree group. They have moderately high amenity value and felling would clearly be detrimental in terms of public amenity.

Potential for compensation by replacement

While replacement planting could be conditioned, no realistic choice of tree would compensate, even in the long term.

Life expectancy

The trees have undergone a comprehensive crown reduction within the last 4 years, which has been tolerated well; their life expectancy (with continued management) is very likely to exceed 20 years.

There are no obvious physical defects visible, despite the history of pruning to them and the risk of failure is considered low. There are therefore no safety issues to consider.

Suitability in the location

Sycamores ideally need a considerably greater amount of space to be allowed to grow to their natural size, and here cause the particular issues of honeydew drip, as well as the more general problems of loss of light, with the consequent expense of the necessary periodic reductions.

Strategic Considerations

Members may wish to consider the potential strategic approaches within which individual applications, including this, might be considered, in the light of their relative impacts on public amenity. It is suggested that, broadly, these are:

1. to insist on retention for the sake of the visual importance of the trees, with the understanding that requests for continued crown reductions will be supported;
2. to allow selective felling of what appear to be the worst cases, particularly where there is more than 1 tree in any garden, but also to keep the most important trees, allowing suitable management; or
3. to allow felling whenever owners wish, subject to suitable replacement planting.

Discussion

The basis of the Council's approach up to now has been the first, based on the balanced view that the general visual importance of the trees, taken as a whole, to public amenity should take precedence, and that at least some relief can be achieved by pruning. This continues the view taken by Members in granting consent for the development, when the issue was foreseen.

The second approach has been taken in at least 1 other case elsewhere in the district, but there would be likely to be a difficulty here in deciding how to apply the principle with fairness in individual cases, particularly east of the access road. In the current case however members might wish to consider granting consent for the felling of 1 tree, but not both.

Consideration of the third option should be in the context that TPO replacement powers are relatively weak and time-consuming, and would in any case come into play only ad hoc, when applications to fell were received. In this case the suggested species would be cherry, preferably the native form, or birch, being medium sized choices minimising the problems likely to be experienced while being attractive trees providing a degree of public benefit in the medium term.

Conclusion:

While recognising the force of the applicant's arguments, loss of the trees would constitute an unacceptable loss of public amenity, inconsistent with LL9. The option to continue to prune the trees would not excessively diminish their stature and appearance and would constitute a more

appropriate balance between the visual value to the community as a whole as against the difficulties to the owners and their neighbours.

In the event of members agreeing to allow the felling of either or both sycamores it is recommended that any consent be conditional upon suitable replacement (of either or both) being agreed prior to felling and on prior notice of the felling being given, to ensure that replanting can be secured.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	1
Application Number:	EPF/1477/09
Site Name:	25 Windsor Wood, Waltham Abbey EN9 1LY
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1592/09
SITE ADDRESS:	Woodbastwick Avenue Road Dobbs Weir Hoddesdon Herts EN11 0BA
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr Kevin Robinson
DESCRIPTION OF PROPOSAL:	TPO/EPF/14/81 T1 and T2 Scots Pine - Fell to ground level and replace T5 and T6 Cedar – Reduce lateral branches by up to 2 metres on house side
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
- 2 The crown reduction authorised by this consent shall consist of pruning lateral house side branches by up to 2 metres in length of T5 and T6; Cedars.
- 3 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (1989) (or with any similar replacement Standard).
- 4 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.
- 5 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, 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.

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

Description of Proposal:

T1 & 2, Scots Pine. Fell and replace.

T5 & 6, Cedar. Reduce lateral branches by up to 2 metres on house side.

Description of Site:

These two Pine trees stand within a group of conifers including a Western Red Cedar, an Atlas Cedar, Deodar cedar and a Lawson's Cypress, which fill the modest rear garden of this detached residential dwelling.

The area is characterised by large evergreen and mixed broadleaf trees, which serve to screen views into properties from the River Lee Navigation. The garden opens directly onto the footpath adjacent to this well used waterway.

Woodbastwick originally occupied a larger plot, which has been subsequently divided and developed. A number of preserved trees are now in the garden of 'Conifers' to the north, although it is clear that several are missing. Views of the property from Avenue Road are dominated by a large number of conifers, of which only two are preserved and are to be retained. The property is well screened by these tall trees but also overshadowed by a group of three cypress trees close to the front of the house.

Relevant History:

Since TPO/EPF/14/81 was served the site has been split into two plots but no records exist of works being carried out to the trees subject of this application.

Policies Applied:

Epping Forest District Local Plan and Alterations:

LL9 Felling of preserved trees

SUMMARY OF REPRESENTATIONS:

ROYDON PARISH COUNCIL: Refer to tree officer.

2 neighbours were notified and the following response has been received.

CONIFERS, AVENUE ROAD – Strongly support the application.

Issues and Considerations:

Applicant issues

The main reasons put forward to fell the pine trees are the following:

- The two pine trees appear to be in declining health with large amounts of recently dead limbs on T1, in particular.
- The garden has been overplanted with large species, more suited to parks or very large gardens. The seven trees are now crowding each other out, which is compromising crown

development generally. In order that the best trees can thrive, management of the group necessitates the loss of selected trees. The pines appear weak in comparison to the cedars and could be lost without harm to the overall tree cover of the garden.

It is apparent that both Pines are carrying larger quantities of dead wood than is normal for this species. It is accepted that pines do shed lower limbs as they mature but these trees show both an abnormal level of recently dead branches and thinly foliated upper crowns, which indicates low vigour.

The trees do stand closely together and within 5 metres of the large Deodar cedar; T5. This close proximity has resulted in T5 developing an uneven crown. Despite this compromised form T5 will continue to grow vigorously and compete with T2 Pine. This will have a negative impact on both trees in terms of form. Therefore, there is an argument for the loss of T2 Pine on grounds of incompatibility.

Planning considerations

The main planning considerations are:

Visual amenity

T1 & 2 have limited visual amenity due to their location in the rear garden. Views of them from the River Lee Navigation are largely obscured by bankside trees. Their amenity value is low and their loss would have little impact on the tree lined character of this part of the waterway.

Tree condition and life expectancy

It is foreseeable that the life expectancy for T1 and 2 will not exceed 20 years. The sparse crowns and recently dead boughs signify a root based problem, possibly due to a very high water table only a foot below ground level causing a water logging problem for these trees. Pines generally prefer light free draining sandy soils. It is reasonable to suggest that these conditions do not suit this species.

Suitability of tree in current position

The relationship between the cedar and the pines is incompatible due to inadequate spacing at planting and a limited overall space within the garden for all the trees to develop successfully. The high water table is likely to be detrimental to roots.

Conclusion:

The trees have little public value due to their close position behind other large conifers and inappropriate location. Planning policy demands that tree removal is not simply justifiable but necessary. There is justification to remove these trees on grounds of increasing incompatibility with T5 Deodar cedar and declining health.

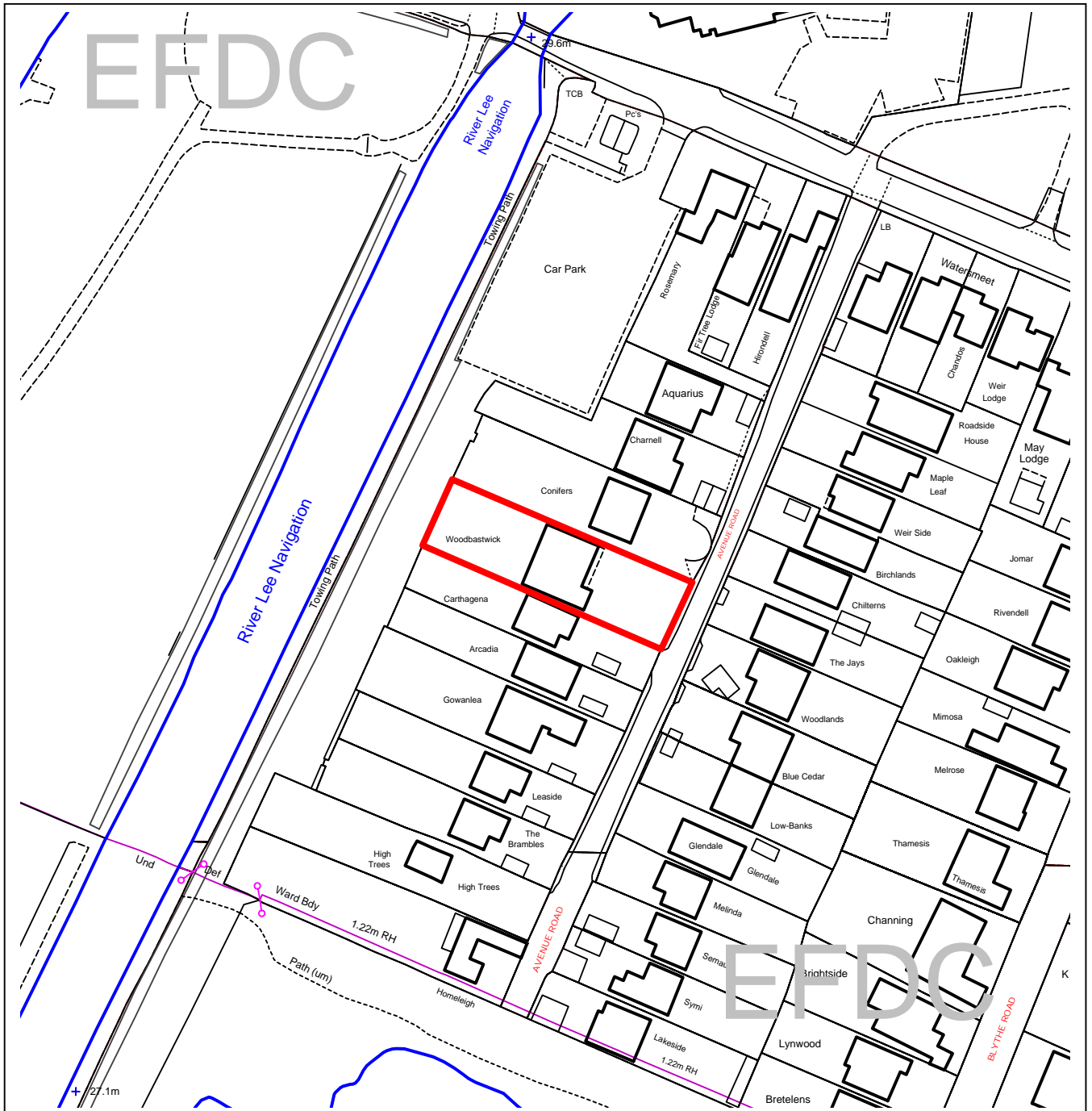
It is recommended to grant permission to this application on the grounds that the reason given justifies the need to remove the trees. The proposal therefore accords with Local Plan Landscape Policy LL9.

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	2
Application Number:	EPF/1592/09
Site Name:	Woodbastwick, Avenue Road Dobbs Weir, EN11 0BA
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/1777/09
SITE ADDRESS:	Hayleys Manor Upland Road Epping Essex CM16 6PQ
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Peter Padfield
DESCRIPTION OF PROPOSAL:	Erection of one bed annexe with link to main house in place of existing garage.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 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.
- 4 The annexe accommodation hereby approved shall retain the connecting door between the annexe and main property at all times and shall be occupied only as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as Hayleys Manor.
- 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 (extensions) and Class E (outbuildings) shall be undertaken without the prior written permission of the Local Planning Authority.

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

Description of Proposal:

The applicant seeks permission for the erection of a one bed annexe with link to main house in place of the existing garage. The proposed annexe would occupy a similar footprint to the existing garage/car port on the south-western side of the existing farm house, to the front of the property.

The existing garage/car port is 9m x 5.5m with an additional oil store and kennel area on the front. This structure can accommodate 3 vehicles. The proposed annex would be 14m x 6m with a 'T' shaped projection off at a further 5.5 x 6m. The proposals result in the existing footprint extending from the present built form toward the main property (north) and existing drive (east) and to the pond area at the side of the property (west).

The existing structure reaches 6m to the maximum pitch when measured from the reduced ground level to the west of the property. The proposed structure would reach 5.7m when measured from the same position.

The proposals would provide a link to the main house adjacent an existing conservatory and would provide internal accommodation comprising a summer room with access to a repositioned terrace, a living and hall area, bedroom and en-suite bathroom.

There is no proposed kitchen area and the divide to the main property comprises a door access at the end of the link passage into the main dwelling.

Description of Site:

The application site is a two storey, detached, locally listed farmhouse. The application site forms part of a small built up enclave comprising the farmhouse, farm buildings and two properties at Barn Meadow. The site is otherwise surrounded by agricultural, open countryside in the Green Belt.

The site benefits from a generous driveway and curtilage, containing a number of large ponds.

Relevant History:

The most relevant history relating to extensions to the dwelling is as follows:

EPF/0781/97 – Alterations and extensions – Approved

EPF/0792/98 – Amended conservatory design and provision of cellar – Approved

EPF/1082/07 – Single storey side extension - Approved

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Development in the Green Belt

DBE9 – Impact of New Development

DBE10 – Design of Residential Extensions

SUMMARY OF REPRESENTATIONS:

3 Neighbouring properties were notified and a site notice was erected. No neighbouring letters of representation have been received.

EPPING UPLAND PARISH COUNCIL: While very sympathetic to the applicant's circumstances, councillors OBJECTED to the application on the following grounds:

1. From the plans, the extension appears to be excessive in relation to the main house and thereby an over development of the site. It appears to be more than the conversion of the garage and there is a suggestion that the garage is to be removed.
2. Notwithstanding the comments in the application there are concerns that:
 - a) a separate dwelling is being created and
 - b) the potential for its future use

Issues and Considerations:

The main issues that arise with this application are considered to be the appropriateness of the development in the Green Belt, its effect on the openness and character and its impact upon neighbouring properties. Streetscene is not a key consideration as the property is set back significantly from the highway and only visible in the context of the associated farm buildings.

Green Belt

The existing dwelling has already been considerably extended and provides a good level of accommodation at present, however the applicant has supplied information which indicates that the additional accommodation is necessary on the ground floor to accommodate a family member with limited mobility. Furthermore, recent policy change and the loss of former policy GB14A (Residential Extensions), results in less emphasis being put on the amount of additions to a property in the Green Belt but rather the consideration now is whether the extension is 'limited'. The applicant has indicated that the proposals provide an additional 42sqm of accommodation, this is a considerable increase when added to the existing 2 storey side addition and conservatory and it extends the footprint of the building significantly and would not normally be classed as a limited extension. However it will replace a smaller outbuilding and will not be visible from outwith the site and Members may consider that it has a limited impact.

The proposals seek to provide an annexe as additional, ancillary living accommodation. For planning purposes this is not considered a change of use.

Design

The proposed extensions and alterations appear in keeping with the existing design of the garage/car port and the main property. There are no concerns raised by the Conservation Officer subject to a condition regarding materials. The proposals provide a reasonable level of living accommodation, reflective of the scale of the main property. The proposals do not provide any kitchen facilities, this is important as without full kitchen facilities the occupation of the annexe in relative privacy is only possible with frequent interaction with the main property. Thus the accommodation would serve as ancillary to the main dwelling as opposed to functioning independently.

Neighbouring Properties

Neighbouring properties are well separated from the application site therefore no concerns are raised regarding neighbouring amenity.

Highway/Parking Issues

The proposals do result in the loss of covered parking in its entirety on site, however the site has a significant driveway area which would easily accommodate sufficient vehicles for the dwelling, 4 at minimum, more in tandem.

Other matters

The Parish Council have raised objections regarding the overdevelopment of the site. This has been discussed under Green Belt issues. The Parish Council also raise objections in respect of

the future use of the site and the potential for independent occupation of the annexe. Officers consider that appropriate conditions requiring the ancillary use of the accommodation, requiring an operable door between the main property and the annex at all times should be sufficient to ensure no separate unit is created. Furthermore, Officers consider that the location of the annexe and its relationship to the wider plot does not lend itself well to sub-division so any future application for such a use is likely to be resisted.

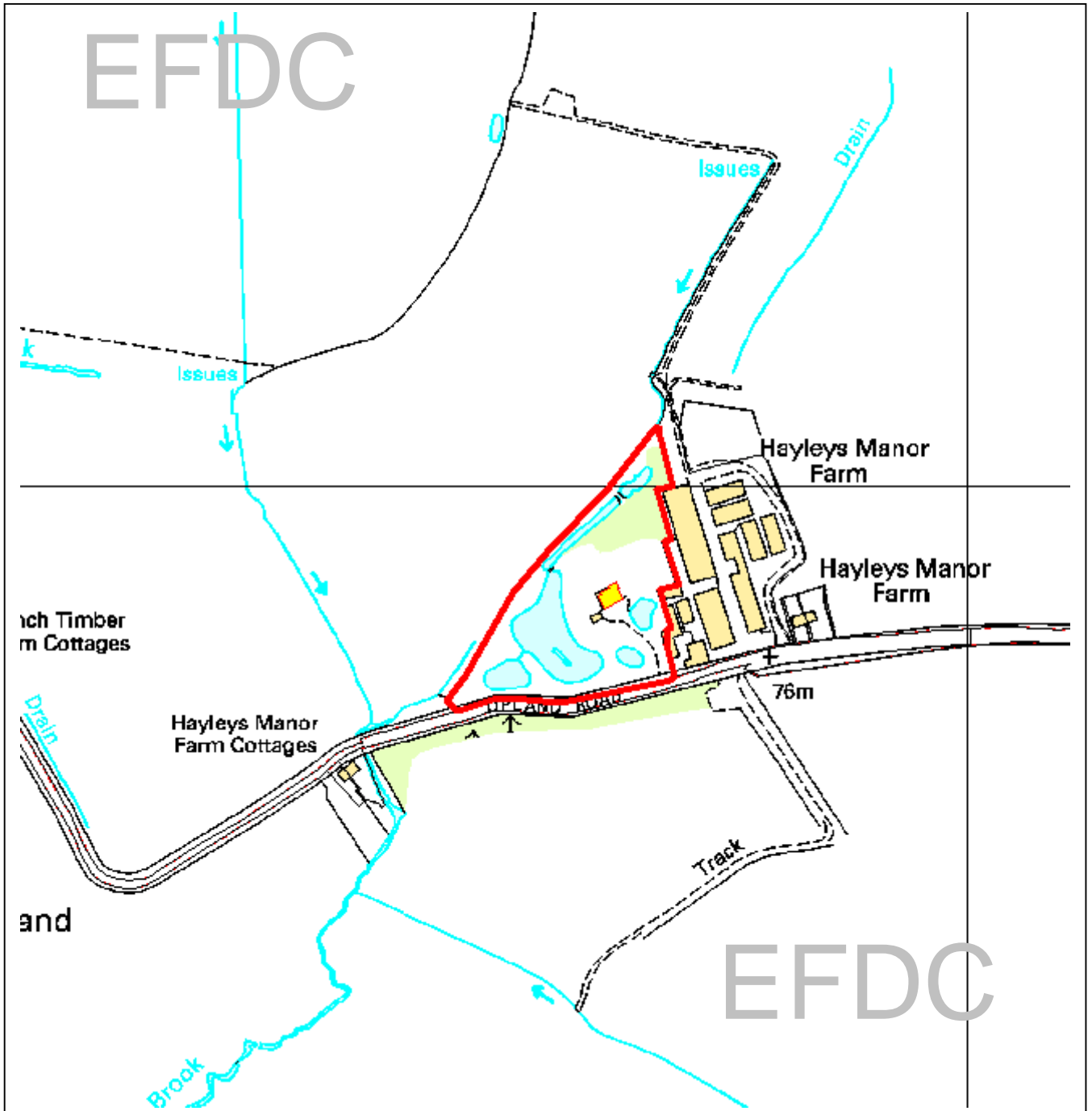
Conclusion:

In conclusion, it is considered that this is a significant addition to an already extended property, but that its impact is partially offset by the loss of the carport building and the fact that it cannot be viewed from outside the site itself. Officers are concerned, however, that there is scope for yet further extension and replacement garaging without the need for planning permission and given the large size of the addition it is considered necessary to remove permitted development rights for further extensions and outbuildings to control future development of the site. On this basis the proposal is considered acceptable and is recommended for approval subject to conditions.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	3
Application Number:	EPF/1777/09
Site Name:	Hayleys Manor, Upland Road, Epping, CM16 6PQ
Scale of Plot:	1/5000

Report Item No: 4

APPLICATION No:	EPF/1168/09
SITE ADDRESS:	Land to rear of 32 High Street Roydon Essex CM19 5EA
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	GUV
DESCRIPTION OF PROPOSAL:	Erection of 14 two storey houses and 4 one storey bungalows.
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The site is within the Metropolitan Green Belt. The proposal represents inappropriate development in the Green Belt and is therefore at odds with Government advice and Policy GB2A of the adopted Local Plan and Alterations. Inadequate very special circumstances exist that are sufficient to outweigh the very real harm to the openness of the Green Belt that will result from the development.
- 2 The proposed development results in the loss of an area of open space to the rear of properties in the High Street that is an integral part of the character of Roydon Conservation Area. Additionally the loss of the existing structures, and the design and proposed materials of the new dwellings, is detrimental to the character and appearance of the Conservation Area. The proposal is therefore contrary to Policies DBE1, DBE2, DBE4, HC6, HC7 and HC9 of the adopted Local Plan and Alterations.
- 3 Due to the limited nature of services and facilities such as shops, public transport and employment opportunities within Roydon the occupants of the proposed development are likely to be heavily reliant on the car for day to day living . The development of this site for housing is therefore considered contrary to the approach of national planning guidance and policies CP3, CP6 and ST1 of the adopted Local Plan and Alterations.
- 4 Part of the application site has established use as a coal yard. Loss of this part of the site to housing would be regarded as loss of employment land. Insufficient information has been submitted to show the site is unsuitable for employment use or that the site cannot fulfill any other community need, the development of the site for residential use is therefore contrary to Policies E4A and E4B of the adopted Local Plan and Alterations, which seek to retain employment sites.
- 5 The proposed development, due to the size, layout and proximity of new dwelling to existing properties, would result in a loss of privacy to neighbouring residential dwellings, contrary to Policies DBE2 and DBE9 of the adopted Local Plan and Alterations.

- 6 The proposed development would provide insufficient private amenity space for future occupiers of the site, contrary to Policies CP6 and DBE8 of the adopted Local Plan and Alterations and in some instances poor outlook and natural light.

This application is before this Committee since it has been 'called in' by Councillor Cooper (Pursuant to Section P4, Schedule A (h) of the Council's Delegated Functions).

Description of Proposal:

Consent is being sought for the erection of 14 no. two storey houses and 4 no. one storey bungalows. The 14 houses would be three bed units and the 4 bungalows would be two bed units. The scheme proposes that 14 of the 18 units would be affordable homes, which equates to 77% of the overall development.

The development would involve the demolition of all existing buildings currently on site and would provide a new internal road utilising the existing access onto the High Street (which would be widened to accommodate this development).

Description of Site:

The application site comprises a plot some 5,185 sq. m. (0.52 hectares) in size. The site is a former coal yard, however it is currently vacant, with cars being stored on it. The site contains areas of hardstanding and large amounts of vegetation, with the only solid structures being the buildings located at the entrance to the site. The site is located within the Metropolitan Green Belt and the Roydon Conservation Area.

Relevant History:

EPF/1412/84 - Five terraced dwellings on site of former coal yard – refused 28/01/85 (appeal dismissed 25/02/86). Reasons for refusal:

- 1. The site is within the Metropolitan Green Belt. Policy 5.9 of the Approved Essex Structure Plan states that within the Green Belt permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings (other than reasonable extensions to existing dwellings), or for purposes other than agricultural, mineral extraction or forestry, small-scale facilities for outdoor participatory sport and recreation, institutions in large grounds, cemeteries, or similar uses which are open in character. In the view of the Local Planning Authority insufficient reasons have been advanced to justify a departure from this policy.*
- 2. The site is within the Metropolitan Green Belt in the Draft Local Plan for Roydon, Nazeing and Waltham Abbey, which aims to keep apart the settlements of Harlow and Hoddesdon. It is intended that such areas should remain undeveloped and particular importance will be given to the retention and enhancement of the open character of the land.*
- 3. The proposal constitutes an intrusive form of backland development in an area of historic landscape which would create an unacceptable precedent for further residential development on adjoining land and destroy the traditional character and setting of the Roydon Conservation Area as a compact High Street Village surrounded by open countryside.*

4. The design of the scheme is considered unacceptable and detrimental to the visual amenities of the Conservation Area, by reason of the overall mass and bulk of the terrace, its unresolved form with awkward roof junctions, fussy porches and dormers, crude detailing and lack of interesting spaces created by the layout.

EU/EPF/0002A/87 - Established Use Certificate for use as a coal yard within Class B2 – approved 25/09/87

EPF/0151/06 - Outline application for 18 no. one and two storey dwellings with parking and landscaping. 50% of units affordable dwellings – withdrawn 11/12/06

EPF/0700/07 - Outline application for 18 no. one and two storey dwellings with parking and landscaping. 50% of units affordable dwellings (resubmitted application) – refused 26/06/07.

Reasons for refusal:

1. The site is within the Metropolitan Green Belt. The proposal represents inappropriate development in the Green Belt and is therefore at odds with Government advice, Policy C2 of the Essex and Southend on Sea replacement Structure Plan and Policy GB2A of the adopted Local Plan and Alterations. No very special circumstances exist that are sufficient to outweigh the very real harm to the openness of the Green Belt that will result from the development.

2. The proposed development results in the loss of an area of open space to the rear of properties in the High Street that is an integral part of the character of Roydon Conservation Area. Additionally the suggested layout of the development is out of character with the traditional street pattern of the village and detrimental to the amenities of the surrounding properties and the character and appearance of the area. The proposal is therefore contrary to Policy HC2 of the Structure Plan and Policies DBE1, DBE2, DBE4, HC6 and HC7 of the adopted Local Plan and Alterations.

3. The suggested layout of the development with a large area of parking concentrated at the northern edge of the site, means that the car parking will visually dominate the site to the detriment of the visual amenity of the development contrary to Policy DBE6 of the adopted Local Plan and Alterations.

4. Due to the limited nature of services and facilities such as shops, public transport and employment opportunities within Roydon the occupants of the proposed development are likely to be heavily reliant on the car for day to day living. The development of this site for housing is therefore considered contrary to the approach of national planning guidance and the core sustainability policies CS1, CS4, ST1, H2 and H3 of the Structure Plan and policies CP3 and CP6 of the adopted Local Plan and Alterations.

5. The proposed development would be likely to result in an increased demand for places at the local primary school which has insufficient permanent capacity to meet this increase. A financial contribution is therefore required to help meet the demand that will be created by the development, by way of a planning obligation in accordance with policy I1A of the adopted Local Plan and Alterations. In the absence of such a Contribution the proposal is contrary to this policy.

6. Part of the application site has established use as a coal yard. Loss of this part of the site to housing would be regarded as loss of employment land. Insufficient information has been submitted to show the site is unsuitable for employment use or that the site cannot fulfil any other community need, the development of the site for residential use is therefore contrary to Policies E4A and E4B of the adopted Local Plan and Alterations, which seek to retain employment sites.

Policies Applied:

- CP1 - Achieving Sustainable Development Objectives
- CP2 - Protecting the Quality of the Rural and Built Environment
- CP3 - New Development
- CP4 - Energy Conservation
- CP5 - Sustainable Building
- CP6 - Achieving Sustainable Urban Development Patterns
- CP7 - Urban Form and Quality
- GB2A - Development in the Green Belt
- GB16 - Affordable Housing
- HC6 - Character, Appearance and Setting of Conservation Areas
- HC7 - Development Within Conservation Areas
- HC9 - Demolition in Conservation Areas
- H2A - Previously Developed Land
- H3A - Housing Density
- H4A - Dwelling Mix
- H5A - Provision for Affordable Housing
- H6A - Site Thresholds for Affordable Housing
- H7A - Levels of Affordable Housing
- H8A - Availability of Affordable Housing in Perpetuity
- H9A - Lifetime Homes
- E4A - Protection of Employment Sites
- E4B - Alternative Uses for Employment Sites
- DBE1 - Design of New Buildings
- DBE2 - Effect on Neighbouring Properties
- DBE4 - Design in the Green Belt
- DBE6 - Car Parking in New Development
- DBE8 - Private Amenity Space
- DBE9 - Loss of Amenity
- LL1 - Rural Landscape
- LL2 - Inappropriate Rural Development
- LL3 - Edge of Settlement
- LL10 - Adequacy of Provision for Landscape Retention
- LL11 - Landscape Schemes
- ST1 - Location of Development
- ST4 - Road Safety
- ST6 - Vehicle Parking
- I1A - Planning Obligations

Summary of Representations:

34 neighbours were consulted, a Site Notice was displayed and the following responses were received.

PARISH COUNCIL – Object. The larger part of this site falls within the Metropolitan Green Belt and this development is inappropriate and there are no special circumstances why it should be allowed. There is also no specific proven need for this development in this location – the press cuttings do not directly support this scheme. The Rural Housing Trust has already been refused permission to build Senior Citizen bungalows here.

The majority of the 2007 application refusal reasons have not been addressed. A Section 106 Agreement appears to have been reached regarding the likely increase in numbers at the primary school but the details of this are not included in the application. To help justify the application the

local area facilities have again been exaggerated and the area incorrectly classified as 'urban' and 'busy'.

Within the Conservation Area appraisal this was not an area identified for improvement but has been left to deteriorate by the present owner. It would appear, despite contradictions in the application, that a new site access needs to be created by demolishing several small buildings. This will have a negative impact on the Conservation Area.

The application will also have a negative impact on the Highways network because of increased traffic and parking in the surrounding area. Despite comments in the application Roydon has very limited public transport so residents would be reliant on cars. Roydon is not particularly near either the M25 or M11. We are also wondering how construction lorries would be able to access the site – this has proved problematic in the past – and how would waste trucks manoeuvre around the development once its built.

THE ROYDON SOCIETY – Object as the site is in the Green Belt and Conservation Area and is wholly inappropriate, the application contains several anomalies, press cuttings do not support the need for affordable housing here, many of the trees reported in the application were removed prior to submission, and the design of the dwellings are out of character with the surrounding properties.

CAMPAIGN TO PROTECT RURAL ESSEX – Object as the site is in the Green Belt and Conservation Area, there is already considerable pressure on local resources, schools, hospital provision, traffic movements, and water and sewage capacity. Additional housing would increase this pressure. This large development would seriously impact on the rural setting of Roydon and would set a precedent for similar backland development.

14 HIGH STREET – Object as the development is in the Green Belt and Conservation Area, this is not a site that has been considered suitable for development by the Council, the open land to the rear of the High Street is important to the historic interest of the Conservation Area, bats are present in the outbuildings to be demolished, there would be added congestion and highway safety issues, there are inconsistencies in the submitted information, there are very few local facilities in Roydon, and there would be an impact on existing neighbouring residents.

16 HIGH STREET – Object due to overlooking, light and noise pollution to neighbouring properties, there is not enough parking provision, it would be detrimental to highway congestion, there is a lack of local amenities in Roydon, there is no need for 'passive surveillance' to existing properties, the development would remove the vegetation and wildlife from the site, and the site is within the Green Belt.

18 HIGH STREET – Object as the development is out of character with the Conservation Area, it would result in the loss of the existing landscaping and wildlife on the site, would remove the existing historic outbuilding on the site, the design is out of keeping with the surrounding area, the development would degrade the linear nature of Roydon village, its inappropriate in the Green Belt, would cause further traffic congestion and highway safety issues, there is an under-provision of car parking (particularly for visitors), there would be a loss of privacy to neighbouring dwellings, and this would result in noise, environmental and light pollution.

22 HIGH STREET – Object as the development would not be in keeping with the Conservation Area and would involve the demolition of historic outbuildings, the access would be a difficult narrow entry, it would be contrary to Green Belt policy and set a precedent for further development east of the High Street, and there are bats present on site (in the outbuildings to be demolished).

31 HIGH STREET – Object as access to the site is narrow and dangerous, the design is out of keeping with the Conservation Area, there will be a detrimental impact on land drainage, and the development would impact on existing traffic congestion problems.

32 HIGH STREET – Object as this is an unsuitable development in Green Belt land, proposes too many houses and associated vehicles, will impact on amenities of neighbours, and the proposed entrance to the estate is too close to neighbouring properties.

37 HIGH STREET – Object due to the impact on the highway.

57 HIGH STREET – Object as this is inappropriate in the Green Belt and Conservation Area, the application has many misleading statements, there is no local survey to assess local needs of community support for affordable housing, and there would be a detrimental impact on existing trees and vegetation.

WHITEGATES, 82 HIGH STREET – Object as it is detrimental to the Green Belt and the Conservation Area, would be out of character with the rural setting of Roydon and set a precedent for further development, the neglect to the site has come from the current owner and should not be constituted as a material consideration, and the demolition of the existing buildings need to be considered.

THE MOORINGS, HARLOW ROAD – Object as the dwellings would impose and overlook the surrounding properties and they do not enhance or complement the conservation area.

THE OLD FORGE, HARLOW ROAD – Object as the development is inappropriate in the Green Belt and Conservation Area, as Roydon is not an 'urban location' as described, the design of the dwellings are out of keeping with the area, the dwellings directly overlook existing residential properties, the built form is out of keeping with the layout of the existing village, there is a lack of facilities within Roydon, and the development would impact on road safety and traffic congestion.

NIMBA, HARLOW ROAD – Object as the development is too high density for this Conservation Area location, the site has only become 'untidy' since bought by the applicant, there is insufficient parking provision, the increase in vehicles would impact on road safety and congestion along with noise and air pollution, there is a lack of public transport in the area, there is no indication that the affordable housing would be made available to Roydon residents, and there are concerns regarding the bin storage and security issues.

BENMORE, HARLOW ROAD – Object. The application has a number of inaccuracies, the area is not 'sustainable', the development would cause congestion on the High Street, there is insufficient parking provision, the site will be visible from the public footpath, there are concerns about the location of the bin storage and car parks, it is unlikely that future residents will cycle to the development, and there is no supporting evidence regarding the proposed S106 Agreement.

DOWSETTS HOUSE, HARLOW ROAD – Object due to the impact on the Conservation Area, there are scant services in Roydon, this would add to the existing traffic problems, there is insufficient parking provision, there are too many dwellings proposed so the development appears cramped and the proposed style and materials are out of keeping with the surrounding area, there would be overlooking resulting to existing neighbours, and this would set a precedent for further developments in the Green Belt and Conservation Area.

MEAD VIEW, HARLOW ROAD – Object due to the loss of views, as the site is in the Green Belt and Conservation Area, it would have a significant visual impact on the landscape, and it proposes a high density of housing which is inappropriate for the area.

MEADOW VIEW, HARLOW ROAD – Object as the development is within the Roydon Conservation Area, it will result in the loss of the orchard which screens the coalyard from the public footpath, it would have a poor highway access, and there are few facilities in Roydon so

there would be a large number of vehicle movements to and from the site which would add to traffic congestion.

Summary:

- The site is located within the Green Belt and constitutes inappropriate development.
- Whilst partly Previously Developed Land (Brownfield), the site is almost completely open in nature and is highly visible from the adjacent public footpath and neighbouring properties. The development of 18 dwellings would be detrimental to the openness and character of this Green Belt location.
- The site is located within the Conservation Area and this development would result in the loss of an important open space that forms an integral part of this historic environment.
- The development would involve the removal of existing structures that contribute positively to the street scene and the Conservation Area.
- The overall design and proposed materials for the development would not complement or enhance the Conservation Area and are wholly unacceptable.
- The proposed new dwellings would overlook existing neighbouring properties and would therefore result in a loss of privacy.
- The proposed development would provide inadequate private amenity space for future occupiers of the site.
- The application site is not well served by local facilities or public transport, however a financial contribution of £50,000 is proposed to the Epping Forest Community Transport charity.
- The scheme proposes 77% affordable housing; however no justification or survey has been submitted to prove a local need for affordable homes in Roydon.
- Although vacant for a number of years the lawful use of part of the site is for employment purposes (coal yard), and no justification has been submitted with regards to the unsuitability of the site for continued employment purposes.
- The site potentially contains protected species (newts, badgers and bats), and therefore a full ecological survey is required.
- The applicant proposes an educational contribution of £47,716 to counter the increase in primary school attendance.
- A Code Level 4 for Sustainable Homes is proposed on the site, which exceeds the minimum Code Level 3 required for affordable housing.
- The proposed highway access would be acceptable on Highway Safety grounds and in terms of traffic congestion, however relies on the removal of existing structures in the Conservation Area.
- The proposed parking provision complies with the Essex Parking Standards (adopted 2001).
- The retention of two of the eight trees currently on site is acceptable subject to a new landscaping scheme. Whilst the proposed landscaping scheme is insufficient, an adequate scheme can be achieved in this location.
- Archaeology studies, Flood Risk Assessment and a Contaminated Land investigation are all required on the site.

Issues and Considerations:

Green Belt

The application site is situated within the Metropolitan Green Belt. Local Plan policy GB2A states that the construction of new buildings in the Green Belt will not be granted unless it is:

- (i) *for the purposes of agriculture, horticulture, or forestry;*

- (ii) *for the purposes of outdoor participatory sport and recreation or associated essential small-scale buildings;*
- (iii) *for the purposes of a cemetery;*
- (iv) *for other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in the Green Belt;*
- (v) *a dwelling for an agricultural, horticultural or forestry worker;*
- (vi) *a replacement for an existing dwelling;*
- (vii) *a limited extension to an existing dwelling;*
- (viii) *in accordance with another Green Belt policy.*

The proposed development is not for any of the purposes stated in (i) to (viii) above.

The applicant refers to Green Belt policy GB16 – Affordable Housing as an argument under GB2A (viii). This policy reflects PPG3, which enables Local Authorities to grant planning permission for small affordable housing sites within or adjoining existing villages, even if the sites are in areas subject to policies of restraint (such as the Green Belt). However a key factor of a planning exceptions scheme is that 100% of the properties are provided as affordable housing in perpetuity and requires that the development follows a rural housing needs survey. The need for affordable housing in this location is based on the general need within the District (as identified in the Council's 2003 Housing Needs Survey), and on 'press cuttings'. None of these support a need for affordable housing in this specific location. One of the key pieces of evidence to prove the need for local affordable housing is support from the relevant Parish Council (which is reflected in policy GB16 that states "*an application would be expected to be supported by the Local Parish Council and a proper appraisal of need*"), whereas it can be seen in the Summary of Representations that the Parish Council very strongly objects to the proposal and does not feel that there is a justified affordable housing need in Roydon. Due to this the proposed scheme would not constitute an 'affordable housing exception site' under Policy GB16 and therefore is firmly considered as inappropriate development within the Green Belt.

The previous application for 18 houses, of which 50% were proposed as affordable units (EPF/0700/07) was refused on Green Belt grounds for the following reason:

The site is within the Metropolitan Green Belt. The proposal represents inappropriate development in the Green Belt and is therefore at odds with Government advice, Policy C2 of the Essex and Southend on Sea replacement Structure Plan and Policy GB2A of the adopted Local Plan and Alterations. No very special circumstances exist that are sufficient to outweigh the very real harm to the openness of the Green Belt that will result from the development.

The proposed development is accepted by the Agent to represent inappropriate development which, by definition, is harmful to the Green Belt. However PPS2 states that 'very special circumstances' can exist to outweigh the harm from an inappropriate development and that "*these exceptional cases would thus be treated as departures from the development plan*". However it is stated that "*very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*". Aside from the principle harm caused by the scheme due to its inappropriateness the proposed development would cause actual harm to the Green Belt. PPG2 states that "*the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness*". It then goes on to state the five purposes of including land in Green Belts, which are:

- *To check the unrestricted sprawl of large built-up areas;*
- *To prevent neighbouring towns from merging into one another;*
- *To assist in safeguarding the countryside from encroachment;*
- *To preserve the setting and special character of historic towns; and*

- *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

The application site is currently an almost completely open site, with the only elements of built form being the small outbuilding at the entrance of the site. Although part of the site consists of hardstanding the majority is open vegetated land, and it is firmly considered that the erection of 18 new dwellings on this site would significantly reduce the open nature of this Green Belt location.

The applicant's supporting statement suggests that the site has an enclosed feel, with housing on two sides and it not being visible from open land, and implies that its development would not only have little impact on the openness of the Green Belt but also that the development of affordable housing outweighs the in principle inappropriate Green Belt issue. The application site is very visible from the public footpath that runs along the eastern boundary and can be seen from all adjoining properties. Notwithstanding the fact that it is fairly well screened from the High Street and Harlow Road, the site is still considered an open piece of land within the Green Belt. Furthermore, it is not accepted that the provision of 14 affordable houses in this location outweighs the harm that would result from this development, as outlined below.

The application site forms an important element of the Green Belt between Roydon and Harlow and it is considered that the loss of this would contradict the purposes of including land in the Green Belt. Whilst Roydon would not classify as a 'large built-up area' it is a village that is excluded from the Green Belt and has an approximate population of between 1500/2000 people. The village of Roydon is a linear rural settlement that formed along the High Street and its junction with Epping Road and Harlow Road. The village extends further towards the west than the east, however the area of Green Belt east of Harlow is considered particularly important to protect against the merging of Roydon with Harlow. The existing Green Belt boundary is logical and defensible as it runs along the rear garden boundaries of the properties in Roydon, and is considered an important section of countryside. Whilst part of the site was previously used as a coal yard the majority is open green land that requires protection from encroachment. The development of this site would not 'preserve the setting or special character' of Roydon, the main body of which is designated as a conservation area and constitutes an 'historic village'.

Affordable Housing

The level of affordable housing proposed is submitted as a very special circumstance to outweigh the harm caused by this inappropriate and harmful development. Whilst the development does not meet the requirements of a 'Rural Exception Site' under PPG3 (and Local Plan policy GB16), the provision of affordable housing itself should be assessed as a potential very special circumstance. 14 of the proposed 18 dwellings would be affordable units, which equates to 77% of the total number of properties. Given that the site is within a settlement of less than 3000 population policy H7A of the Local Plan Alteration requires that at least 50% of the development should be affordable regardless of its location (i.e. being within the Green Belt). Whilst the scheme offers more affordable housing than this, it is not considered that this factor alone constitutes a very special circumstance to allow for this harmful development. Particularly when considering the other unacceptable elements of the development (which are discussed later).

There has been no information submitted to support the proposed 'need for affordable housing' in this location. Whilst it is recognised that there is a general need for affordable housing within the District, there is no evidence to substantiate that "*the Housing Needs study indicates that in Roydon itself there is a need to provide a significant number of affordable dwellings in the immediate future*". The Housing Needs Survey produced by the Council makes no specific breakdowns of need within particular areas of the District, however there is a list of 'locational preferences' that were expressed in this survey. These state Loughton, Waltham Abbey, Buckhurst Hill, Epping, Ongar, North Weald, Chigwell, Lower Nazeing, Theydon Bois and Chigwell Row as preferred locations, and do not mention Roydon at all. Due to this general housing need

for affordable housing it is required that applicants undertake a local needs survey for affordable housing, or alternatively the opinion of the Local Parish Council is relied upon. As can be seen above Roydon Parish Council strongly object to the proposed development and clearly do not consider there is sufficient need for affordable housing in this area to justify such an inappropriate development, and no housing needs survey was submitted. Reliance on general housing need and press cuttings is insufficient.

Whilst the supporting statement claims "*there are unlikely to be opportunities within the settlement boundary to meet its affordable housing requirements*", it is suggested within the Roydon Conservation Area Character Appraisal (produced September 2006 by Planning Services) that "*a small number of potential development sites exist such as the forecourt of Roydon Garage and the area beside the former Roydon Bakery*". As both these sites are located outside of the Green Belt it is considered that, subject to a sensitive design and layout, these sites would be better suited to development over the application site.

Conservation Area

The site is wholly within the Roydon Conservation Area. The conservation area extends from the parish church of St. Peter-ad-Vincula, which stands at the north end of the High Street opposite The Green, to Harlow Road. The village is a linear settlement and has retained its historic street pattern. The Roydon Conservation Area Character Appraisal states that "*behind the properties on the eastern side of the High Street there are a number of historic plot divisions known as 'closes'. These are thought to be portions of land once used by the adjoining houses on the High Street for paddocks and kitchen gardens*". The importance of retaining the openness of this site was recognised by the Planning Inspectorate when assessing EPF/1412/84 as they stated that "*with regard to the principle of development of the main part of the site, which is within the conservation area and the Green Belt, I note that it lies within the extensive undeveloped area to the rear of the High Street which is rare in that it results in a close relationship between the built-up area of this linear village and the open countryside. The Council has acknowledged the significance of this, rightly in my opinion, by including this open land in the conservation area. The overlapping of the Green Belt and the conservation area at this point underlines the importance of the proximity of the old village to the countryside*".

The loss of this area was raised in the previous application as an issue in the second reason for refusal, which read:

The proposed development results in the loss of an area of open space to the rear of properties in the High Street that is an integral part of the character of Roydon Conservation Area. Additionally the suggested layout of the development is out of character with the traditional street pattern of the village and detrimental to the amenities of the surrounding properties and the character and appearance of the area. The proposal is therefore contrary to Policy HC2 of the Structure Plan and Policies DBE1, DBE2, DBE4, HC6 and HC7 of the adopted Local Plan and Alterations.

As the principal of this development has not changed it is still considered that this is an uncharacteristic form of backland development that is at odds with the traditional street pattern of the village and the Conservation Area. Furthermore the style of the houses and proposed materials for external finishes of the houses are unsympathetic to the character and appearance of this part of the conservation area. Local Plan policy HC7 requires that developments in conservation areas are "*sympathetic to the character and appearance of the conservation area*" and "*be composed of facing materials chosen from the traditional range in the district*". It is not considered that the use of artificial slate roof tiles, concrete coping stones and UPVc windows constitute traditional materials. Whilst the application site is not particularly visible from the High Street or Harlow Road it is highly visible from the public pathway which runs between Harlow Road and the village green, and from the neighbouring properties. As such it is considered that this

poorly designed development would be detrimental to the character and appearance of the conservation area.

Further to the proposed new development this scheme would require the demolition of the existing lean-to style buildings located at the entrance to the site. The justification to remove these buildings is that they "*were associated with the site as coal yard and are no longer required nor do they have any potential to be converted to provide an alternative use and as such need to be demolished to enhance the entrance to the site*". Notwithstanding the 'need' for the buildings, these structures are located within the Conservation Area and show local distinctiveness and contribute positively to the local streetscene. It is considered that, should these be demolished and the site entrance be opened up to provide a larger access road, the parapet wall on the adjoining property (The Crusader Public House) would become more prominent in this streetscene to the detriment of the appearance of this part of the Conservation Area. PPG15 states that "*consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment*". Although previous enquiries with the Conservation Officer have elicited that the removal of the buildings may be acceptable (in connection with a replacement building infilling between The Crusader and No. 32 High Street), this was on the proviso that the buildings would be replaced with an acceptable development, and furthermore the infilling of the existing entrance would remove the above issue of the exposed parapet wall. However, as the proposed development being assessed here is considered unacceptable and detrimental to the character and appearance of the Conservation Area, the removal of these buildings is also unacceptable and contrary to PPG15 and Local Plan policy HC9.

Sustainability

The application site is located within the small village of Roydon, wherein there are only limited shops and services. The applicants supporting statement suggests that this is a sustainable location for development, but whilst it is better than many more remote Green Belt locations it is still considered to be less sustainable than urban locations. Local facilities within Roydon are limited, with very few shops and local services, and whilst there is a bus service connecting Roydon with Epping and Harlow this service runs just once every 1.5/2 hours Monday to Friday and once every 4 hours on a Saturday, with the latest time being 17:30. Although the village is served by a train station, which would cater for commuting to and from work, it is unlikely that residents would utilise this service for everyday requirements such as shopping or travelling to local facilities (i.e. health care, recreational, etc.). Due to this it is predicted that the large majority of trips to and from the site would be via private motor vehicle, contrary to Local Plan policies and PPS1. As such this proposal would lead to a more dispersed pattern of residence and travel and is therefore contrary to the core policies of the Local Plan, which seeks to direct new development to the most sustainable locations.

Education Contribution

Essex County Council has raised concern that the application is likely to result in an increase in primary school children in Roydon and a need for 4.2 additional primary school places. They therefore request a developer contribution based on April 2009 cost multipliers of £47, 716. Whilst the submitted supporting statement states that "*a 106 Agreement has been agreed with the Local Authority, details of which are included as part of this application*", no details regarding this agreement have been submitted nor any agreement reached. The previous application was refused on the following grounds:

The proposed development would be likely to result in an increased demand for places at the local primary school which has insufficient permanent capacity to meet this increase. A financial contribution is therefore required to help meet the demand that will be created by the development, by way of a planning obligation in accordance with policy I1A of the

adopted Local Plan and Alterations. In the absence of such a Contribution the proposal is contrary to this policy.

Whilst there is still no legal agreement submitted with regards to this, the supporting statement clearly indicates a willingness to make this financial contribution, and as such it would no longer be justified to refuse the current application on the above grounds. However, should the application be considered acceptable by Members then this contribution would be required by legal agreement prior to approval.

Highways

Concerns have been raised with regards to the highway safety of the proposed access and increased congestion as a result of the development, however no objection has been received from Essex County Council Highways. Notwithstanding this, the proposed vehicular access relies on the removal of the existing buildings to be acceptable. As it is considered that the removal of these buildings would be detrimental to the appearance of the Conservation Area, an adequate and safe vehicular access is not available on the site. Without removing these existing structures, the access to the proposed development would be insufficient and detrimental to highway safety, and is therefore contrary to Local Plan policy ST4.

The applicant proposes to contribute £50,000 to the Epping Forest Community Transport charity, which provides cheap community transport to the mobility impaired and residents in unsustainable locations. The provision of this would need to be secured by a legal agreement.

Car Parking

The development proposes a total of 27 vehicle parking spaces, which equates to 1.5 spaces for each unit. Whilst there is concern from neighbours that this level is insufficient and does not include visitor parking, this provision complies with the Essex Vehicle Parking Standards (adopted 2001). As the application was originally submitted in June 2009, although was at that point invalid, the calculations have been based on the 2001 Vehicle Parking Standards. However the new Vehicle Parking Standards (adopted September 2009) require 2 spaces per dwelling with two or more bedrooms. As such, under the new regulations there is a requirement for 36 vehicle parking spaces for this development, along with 5 visitor parking spaces, 18 bicycle parking spaces and 3 powered two wheeler spaces. Whilst the current standards should be taken into account in this application, it is not considered by Officers justified to refuse the application on insufficient parking provision given that the requirements changed during the life of this application. Members may however take a different view.

Under the 2001 Vehicle Parking Standards 36 bicycle parking spaces are required. Only 18 spaces have been provided, however additional bicycle parking provision could be secured by a condition should the application be approved.

Amenity

All the proposed houses have their own private gardens to the rear, and there is a proposed landscaped area within the centre of the development. The Essex Design Guide and supporting documentation relating to Local Plan policy DBE8 states that *"the District Council will expect rear gardens of new dwellings to have a minimum area of 20 sq. m. for each habitable room so as to provide a reasonable area of outside amenity space and ensure the development is not out of scale or character with its surroundings"*. This therefore requires that Buildings A, B and C provide 80 sq. m. of private amenity space per dwelling, and Building D provide 60 sq. m. per dwelling. None of the proposed houses meet this requirement, with the three bed houses proposing between 35 and 60 sq. m. of amenity space, and the two bed bungalows proposing between 37 and 52 sq. m. Due to this the proposed development fails to comply with policy DBE8.

Unit 15, located in the north-western corner of the site is a 2 bed bungalow with a proposed rear garden just 3.2 metres deep and its front windows look out over the gable end of Building C just 6m away and due south. This blank gable wall, at 8.5m high will mean that light and outlook to this property will be minimal. Other corner properties will also have poor outlook. The layout is therefore not considered to provide an attractive place to live for all future residents, contrary to policy CP6 of the Local Plan and Alterations.

The access to the site is adjacent to the rear garden of No. 32 High Street, and whilst the intensification of use of this may cause some noise and disturbance to that property, this would be less than when the coal yard was in operation. Concern has been raised by other neighbouring residents with regards to noise and other forms of disturbance/pollution, which would likely occur due to the proximity of the proposed car parks to neighbouring gardens and the overall intensification of use of the site, however it is unlikely that this would be to such a degree as to cause loss of amenity to these neighbours.

The proposed Buildings A and B, which consist of two storey dwellings, would be located adjacent to the rear gardens of existing residential properties on the High Street and Harlow Road. These proposed properties all contain first floor rear windows that serve bedrooms, which would require clear glass. The Essex Design Guide requires that "*the rear of new houses may not encroach any closer than 15m to an existing rear boundary, even though with a closer encroachment 25m between the backs of houses would still be achieved*". Whilst there is greater than 25m between the rear of the proposed dwellings and the backs of the existing neighbouring houses, all properties in Blocks A and B are closer than 15m from the existing rear boundaries with neighbouring dwellings, with the majority being less than 10m distance. As such the proposed layout would result in significant overlooking and loss of privacy to the existing neighbouring residents. This relationship is therefore considered unreasonable and harmful to the residential amenity of the occupants of those dwellings and contrary to Local Plan policies DBE2 and DBE9.

Landscaping

A large part of the application site is a former orchard, and has been vegetated for a number of years. Earlier in the year an Enforcement Investigation was undertaken against the suspected unauthorised removal of trees without prior notification, however it was decided that no further action would be taken against this. With regards to the trees remaining on site (8 no.), two of these will be retained. Whilst it appears that these are either not shown or incorrectly placed on the proposed site plan, it would be required that these are retained if consent is granted, which can be ensured via condition. The loss of the remainder of the trees would be compensated by further tree planting as part of the landscaping scheme. Notwithstanding the indicative landscaping scheme shown on the site plan, which is impractical and unsatisfactory, it would be possible to obtain a suitable landscaping scheme incorporating replacement trees, which could be secured by a landscaping condition. There are also several trees located outside of the site, but close to the boundaries. These would require protection during and after construction, which could also be controlled by condition. As such the application complies with the relevant landscape policies.

Loss of Employment Land

Part of the site has established use as a coal yard, although it is currently disused. Policies E4A and E4B seek to retain employment land for employment uses in preference to residential development unless there is suitable justification otherwise. The previous application was refused on the following grounds:

Part of the application site has established use as a coal yard. Loss of this part of the site to housing would be regarded as loss of employment land. Insufficient information has been submitted to show the site is unsuitable for employment use or that the site cannot

fulfil any other community need, the development of the site for residential use is therefore contrary to Policies E4A and E4B of the adopted Local Plan and Alterations, which seek to retain employment sites.

Despite this previous reason for refusal, no further information has been submitted with this application to show that this part of the site is not suitable for employment uses or other uses of community benefit. The only reference to this issue is in the supporting statement, which states that *“the coal yard is not currently in use and therefore the development of this scheme will not result in a loss of employment. The scheme includes for an office unit that will provide employment opportunities for the area. The need for affordable housing in the area is greater than for any other uses to which the land could be used for”*. Local Plan policy E4A clearly refers to *“sites currently **or last in use** for employment”* and requires an independent appraisal as to the suitability of the site for continued employment use. There is no office unit proposed on the plans or in the application forms, so the reference to the ‘employment opportunities’ is erroneous. Furthermore, whilst there is a recognised need for affordable housing within the District there is also a need to retain existing employment sites to reduce the pressure for new employment sites to be created in the Green Belt. As such it is not considered that this previous reason for refusal has been overcome.

Other Matters:

Code for Sustainable Homes

The current scheme as stands is at Code Level 3 for Sustainable Homes, which is the minimum requirement for affordable housing. A recent email from the Agent however states that the scheme is currently 3.6% short of Level 4, and it is intended that a Code Level 4 would be reached when the development is undertaken. As such, should consent be granted, then a Code Level 4 should be required (ideally through a legal agreement).

Secured by Design

A letter has been submitted from the Senior Architectural Liaison Officer at Essex Police that states *“the site layout does conform to the criteria required for Secured by Design and in principle I see no reason why this development should not achieve full certification, providing all the required standards for doors, windows and ironmongery are compliant”*.

Archaeology

The Essex Historic Environment record shows that the application site lies within an area of considerable archaeological interest within the medieval and post-medieval settlement of Roydon. Due to this an archaeological condition would be required on any approval of planning permission on this site.

Wildlife

A large part of the site is scrubland and is quite close to a pond, and there have been reports from neighbours regarding bats within the existing buildings. It is considered that the site may provide a habitat for protected species such as newts, badgers and bats, which is supported by the submitted ecological survey, and as such it is considered that if the application is approved then a full habitat survey should be carried out to establish the presence or otherwise of such species prior to development, and put forward mitigation schemes if such species are found.

Flood Risk

The proposed development is of a size where it is necessary to avoid generating additional runoff. A Flood Risk Assessment will be required prior to work commencing, however this can be obtained by condition.

Contaminated Land

Due to the use of part of the site as a coal yard, and the presence of made ground, the site is potentially contaminated. As such a phased contamination land investigation is required, which can be secured via condition.

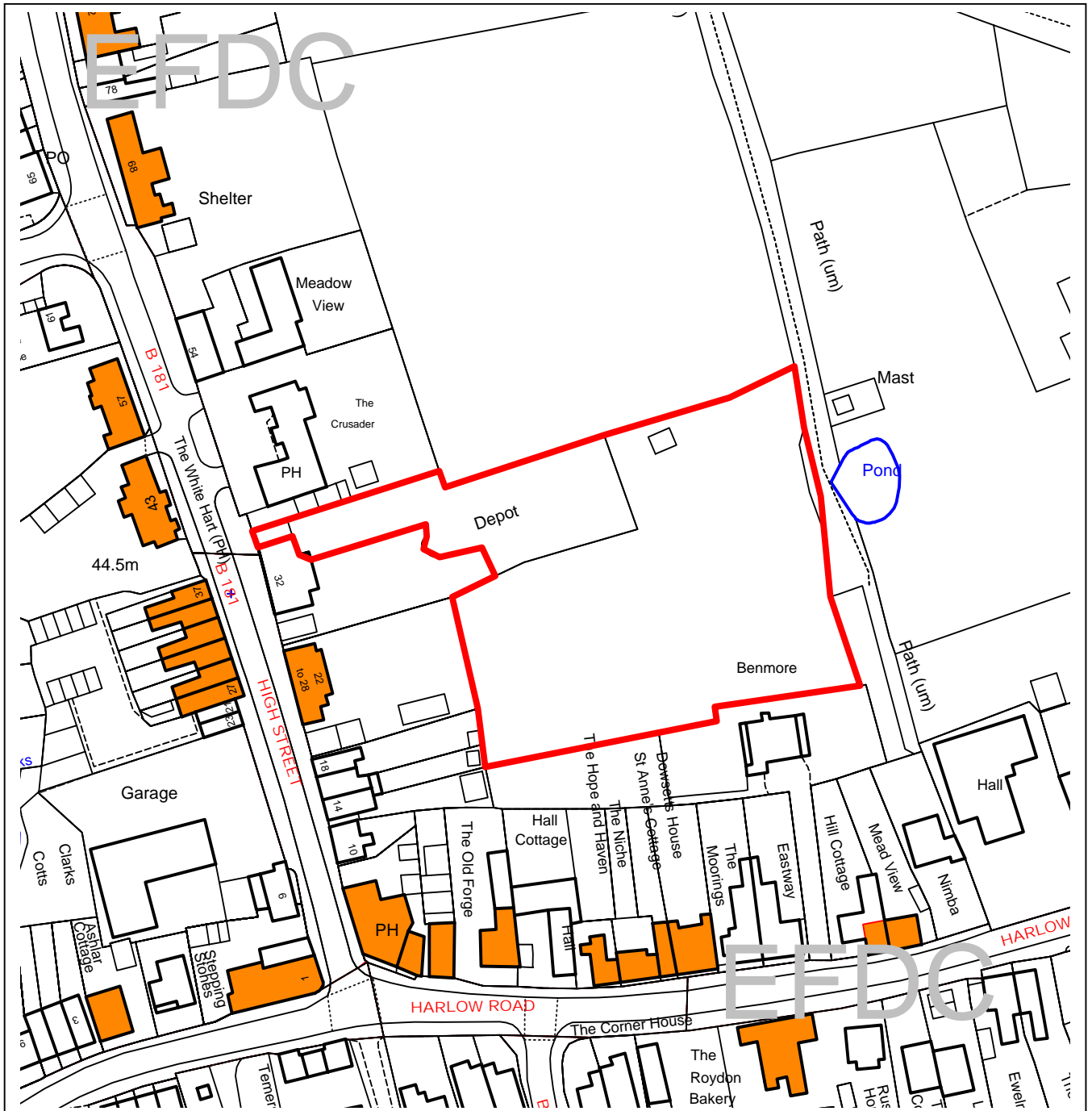
Conclusion:

The proposed development is inappropriate in the Green Belt and the provision of 77% affordable housing is not considered sufficient very special circumstance to overcome the principal or actual harm that would result from the development. Furthermore, the proposal would be harmful to the character and appearance of the Conservation Area, is located within an unsustainable location that would result in increased private vehicle movements, would result in overlooking of private amenity space to neighbouring residential properties, and has insufficient information with regard to the loss of the existing employment use of the site. The loss of the existing outbuildings is also considered unacceptable due to the impact this would have on the appearance of the Conservation Area, and without their removal access to the site would be insufficient. Due to this, the proposed development would fail to comply with Central Government Guidance and the relevant Local Plan policies and is therefore recommended for refusal.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	4 & 5
Application Number:	EPF/1168/09 & EPF/1171/09
Site Name:	Land to rear of 32 High Street, Roydon, CM19 5EA
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/1171/09
SITE ADDRESS:	Land to rear of 32 High Street Roydon Essex CM19 5EA
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	GUV
DESCRIPTION OF PROPOSAL:	Conservation area consent for the demolition of existing buildings on site.
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The loss of the existing structures would be detrimental to the appearance of the Conservation Area and would not be replaced with an acceptable development. The proposal is therefore contrary to Policies HC6, HC7 and HC9 of the adopted Local Plan and Alterations.

This application is before this Committee since it has been 'called in' by Councillor Cooper (Pursuant to Section P4, Schedule A (h) of the Council's Delegated Functions).

Description of Proposal:

Conservation Area Consent is being sought for the demolition of all existing buildings currently on site.

Description of Site:

The application site comprises a plot some 5,185 sq. m. (0.52 hectares) in size. The site is a former coal yard however it is currently vacant, with cars being stored on it. The site contains areas of hardstanding and large amounts of vegetation, with the only solid structures being the buildings located at the entrance to the site. The site is located within the Metropolitan Green Belt and the Roydon Conservation Area.

Relevant History:

None

Policies Applied:

- HC6 - Character, Appearance and Setting of Conservation Areas
- HC7 - Development within Conservation Areas
- HC9 - Demolition in Conservation Areas

Summary of Representations:

PARISH COUNCIL – Object. The larger part of this site falls within the Metropolitan Green Belt and this development is inappropriate and there are no special circumstances why it should be allowed. There is also no specific proven need for this development in this location – the press cuttings do not directly support this scheme. The Rural Housing Trust has already been refused permission to build Senior Citizen bungalows here.

The majority of the 2007 application refusal reasons have not been addressed. A Section 106 Agreement appears to have been reached regarding the likely increase in numbers at the primary school but the details of this are not included in the application. To help justify the application the local area facilities have again been exaggerated and the area incorrectly classified as ‘urban’ and ‘busy’.

Within the Conservation Area appraisal this was not an area identified for improvement but has been left to deteriorate by the present owner. It would appear, despite contradictions in the application, that a new site access needs to be created by demolishing several small buildings. This will have a negative impact on the Conservation Area.

The application will also have a negative impact on the Highways network because of increased traffic and parking in the surrounding area. Despite comments in the application Roydon has very limited public transport so residents would be reliant on cars. Roydon is not particularly near either the M25 or M11. We are also wondering how construction lorries would be able to access the site – this has proved problematic in the past – and how would waste trucks manoeuvre around the development once it’s built.

18 HIGH STREET – Object as the development is out of character with the Conservation Area, it would result in the loss of the existing landscaping and wildlife on the site, would remove the existing historic outbuilding on the site, the design is out of keeping with the surrounding area, the development would degrade the linear nature of Roydon village, its inappropriate in the Green Belt, would cause further traffic congestion and highway safety issues, there is an under-provision of car parking (particularly for visitors), there would be a loss of privacy to neighbouring dwellings, and this would result in noise, environmental and light pollution.

Issues and Considerations:

The site is wholly within the Roydon Conservation Area. The Conservation Area extends from the parish church of St. Peter-ad-Vincula, which stands at the north end of the High Street opposite The Green, to Harlow Road. The village is a linear settlement and has retained its historic street pattern.

The proposed development would require the demolition of the existing lean-to style buildings located at the entrance to the site to allow for adequate vehicular access to the new dwellings. The justification to remove these buildings is that they “*were associated with the site as coal yard and are no longer required nor do they have any potential to be converted to provide an alternative use and as such need to be demolished to enhance the entrance to the site*”. Notwithstanding the ‘need’ for the buildings, these structures are located within the Conservation Area and show local distinctiveness and contribute positively to the local streetscene. Furthermore it is considered that, should these be demolished and the site entrance be opened up to provide a larger access road,

the parapet wall on the adjoining property (The Crusader Public House) would become more prominent in this streetscene to the detriment of the appearance of this part of the Conservation Area. PPG15 states that “*consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment*”. Although previous enquiries with the Conservation Officer have elicited that the removal of the buildings may be acceptable (in connection with a replacement building infilling between The Crusader and No. 32 High Street), this was on the proviso that the buildings would be replaced with an acceptable development, and furthermore the infilling of the existing entrance would remove the above issue of the exposed parapet wall. However as it is considered that the proposed new residential development to the rear of the site is unacceptable on conservation grounds (see below), then the removal of these structures to accommodate this is also considered unacceptable.

The Roydon Conservation Area Character Appraisal states that “*behind the properties on the eastern side of the High Street there is a number of historic plot divisions known as ‘closes’. These are thought to be portions of land once used by the adjoining houses on the High Street for paddocks and kitchen gardens*”. The importance of retaining the openness of this site was recognised by the Planning Inspectorate when assessing EPF/1412/84 as they stated that “*with regard to the principle of development of the main part of the site, which is within the conservation area and the Green Belt, I note that it lies within the extensive undeveloped area to the rear of the High Street which is rare in that it results in a close relationship between the built-up area of this linear village and the open countryside. The Council has acknowledged the significance of this, rightly in my opinion, by including this open land in the conservation area. The overlapping of the Green Belt and the conservation area at this point underlines the importance of the proximity of the old village to the countryside*”.

This loss of this area was raised in the previous application as an issue in the second reason for refusal, which read:

The proposed development results in the loss of an area of open space to the rear of properties in the High Street that is an integral part of the character of Roydon Conservation Area. Additionally the suggested layout of the development is out of character with the traditional street pattern of the village and detrimental to the amenities of the surrounding properties and the character and appearance of the area. The proposal is therefore contrary to Policy HC2 of the Structure Plan and Policies DBE1, DBE2, DBE4, HC6 and HC7 of the adopted Local Plan and Alterations.

As the principal of this development has not changed it is still considered that this is an uncharacteristic form of backland development that is at odds with the traditional street pattern of the village and the Conservation Area. Furthermore the style of the houses and proposed materials for external finishes of the houses are unsympathetic to the character and appearance of this part of the conservation area. Local Plan policy HC7 requires that developments in conservation areas are “*sympathetic to the character and appearance of the conservation area*” and “*be composed of facing materials chosen from the traditional range in the district*”. It is not considered that the use of artificial slate roof tiles, concrete coping stones and UPVc windows constitute traditional materials. Whilst the application site is not particularly visible from the High Street or Harlow Road it is highly visible from the public pathway which runs between Harlow Road and the village green, and from the neighbouring properties. As such it is considered that this poorly designed development would be detrimental to the character and appearance of the Conservation Area.

As the proposed new dwellings are considered unacceptable and detrimental to the character and appearance of the Conservation Area, the removal of the existing structures is also unacceptable. Furthermore, the resulting exposed parapet wall on the adjoining building would be detrimental to the appearance of the Conservation Area. Therefore this proposal is contrary to PPG15 and Local Plan policies HC6, HC7 and HC9.

Conclusion:

The loss of the existing outbuildings is considered unacceptable due to the impact this would have on the appearance of the Conservation Area. Due to this, the proposed development would fail to comply with Central Government Guidance and the relevant Local Plan policies and is therefore recommended for refusal.

Report Item No: 6

APPLICATION No:	EPF/1206/09
SITE ADDRESS:	Disused pumping station rear of 18 Stoneyshotts Waltham Abbey Essex EN9
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	Mr S Ducketts
DESCRIPTION OF PROPOSAL:	Demolition of disused pumping station and erection of a new build detached 3 bed house. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 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.
- 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 and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 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.

- 7 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. It shall also include a scheme for the provision and management of a buffer zone alongside the Honey Lane Brook. 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.

- 8 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

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

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

Following remediation, a completion report and any necessary maintenance

programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

- 9 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.
- 10 Finished floor levels of the dwelling hereby approved shall be set no lower than 25.48m above Ordnance Datum.
- 11 Prior to commencement of the development hereby approved a scheme to ensure that a dry access route above the 1:100% cc event of 25.18m above Ordnance Datum (AOD) can be provided, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and maintained, 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.
- 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.

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) and 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 demolition of the disused pumping station and erection of a new build detached 3 bed house. The dwelling would be 7m wide and 5m deep with a ridged roof to a maximum height of 7.5m. Access to the proposed dwelling would be via an existing vehicle access serving garages, and an additional pedestrian access would be created onto Willow Path. There are two parking spaces indicated on the site plan, with the remainder of the land being used as amenity space.

Description of Site:

The subject site is located to the rear of No. 18 Stoneyshots and was once used as a pumping station. The land is relatively level with mature vegetation located on the southern and eastern boundaries. Access to the site is via a track that runs parallel to the southern boundary of No. 18. Located currently on the site is a small brick building. The site is irregular in shape and it comprises of approximately 277 sq. m., which is significantly larger than the application site relating to previous proposals.

The land is located in an established residential area with a mixture of semi-detached and terrace style dwellings. The dwellings are similar in building form, bulk and scale and have relatively large private open spaces. Located to the north of the site there are garages which appear fairly underused. To the southwest is a small watercourse.

Relevant History:

- EPF/2477/06 Outline planning application for the demolition of disused pumping station and erection of single dwelling house – withdrawn 14/02/07
- EPF/1051/07 Demolition of disused pumping station and erection of a one bedroom house (revised application) – refused 06/08/07 (appeal dismissed 29/02/08)
- EPF/1272/08 Demolition of disused pumping station and erection of a new single dwelling – withdrawn 12/03/09
- EPF/0433/09 Demolition of disused pumping station and erection of a new build detached 3 bed house - refused 08/05/09 for the following reason:

The proposed development, by reason of its design, bulk and location, would represent a visually intrusive and incongruous feature in the street scene, harmful to the character and appearance of the surrounding area, contrary to policies CP2 and DBE1 of the adopted Local Plan and Alterations.

Policies Applied:

- CP1 – Achieving sustainable development objectives
- CP2 – Protecting the quality of the rural and built environment
- H2A – Previously developed land
- DBE1 – Design of new buildings
- DBE2 – Effect on neighbouring properties
- DBE3 – Design in urban areas
- DBE6 – Car parking in new developments
- DBE8 – Private amenity space
- DBE9 – Loss of amenity
- LL10 – Adequacy of provision for landscape retention
- LL11 – Landscaping schemes
- ST1 – Location of development
- ST6 – Vehicle parking
- U2A – Development in flood risk areas

Summary of Representations:

10 neighbours were consulted on this application, 2 Site Notices were displayed and the following responses were received:

TOWN COUNCIL – Object as the position of the proposed dwelling is more central on larger plot but concerns remain regarding ingress and egress to the site.

11 WILLOW PATH – Comment on the proximity to the brook and potential flood risk.

16 WILLOW PATH – Object to the access to the site being from both Willow Path and Stoneyshots and concerned about disturbing the roots of the adjacent Oak tree.

17 WILLOW PATH – Object as the proposal is out of scale with the small plot of land, there would be a loss of light and privacy resulting to neighbours, there is potential flood risk implication, and it would desecrate the natural habitat and interfere with existing tree roots.

14 STONEYSHOTTS – Object as the plot is too small to cater for a new house, the access to the site, overlooking, and due to environmental implications.

5 MEADOW CROSS – Object to the potential flood risk, loss of privacy, and as the dwelling is out of character with neighbouring properties.

7 MASON WAY – Concerned about potential on-street parking on Mason Way and access to the site for emergency services.

51 HONEYBROOK – Concerned about the trees on site and hope that these will not all be removed, hope that no parking is undertaken on the land in front of the garage (either during construction or once occupied), concerned about safety of pedestrians using the garage access, and do not want this to create a 'cut through' from Ninefields Estate.

Issues and Considerations:

The application site lies within the built-up section of Waltham Abbey, in an area that is predominantly residential. The Local Plan does not identify the site or surrounding area for any alternative form of development, and there are no policy constraints that restrict the principle of a dwelling. PPG3 states that re-development for housing in urban areas should maximise the available land and promotes the use of previously developed land, which is reflected in Local Plan policy H2A. Furthermore, several Local Plan policies promote new development in sustainable areas well served by public transport. Given the site's location within the built-up area of Waltham Abbey, close to local facilities/amenities and well served by public transport, the addition of a further dwelling in this type of location is in accordance with the policy criteria in respect of the location of development. Notwithstanding the acceptable principle of residential development on this site, any development must be assessed in detail against Local Plan policies and other material considerations. These are addressed below.

Design and appearance

Policies CP2, DBE1 and DBE3 of the Epping Forest District Local Plan seek to ensure that new development is satisfactorily located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area.

A part of this site was previously considered inappropriate for a new dwelling in 2007 due to its location and cramped appearance, however the Planning Inspector concluded that "*the acceptability of the bulk and scale of the building is not in dispute*" and that there would be no significant harm to amenity from the proposal. The appeal was dismissed essentially on the use of inappropriate materials (specifically solar panels for roofing) and the lack of information regarding flood risk. A copy of the Inspector's decision letter on that case is attached for information at the end of this report.

Notwithstanding this, Officers refused a revised application, for a much larger dwelling on this larger plot in May 2009 as it was considered to be an unacceptably large dwelling for the site. The dwelling now proposed has been reduced back down to be more in line with the size of house proposed in the 2007 application but the site area has been considerably enlarged from 132 sq. m. to 277 sq. m. As such the bulk and scale of the dwelling is considered appropriate to site.

The newly designed property has a more traditional appearance to the previous applications with a more standard styled ridged roof and gable projections. The only modern aspects of the dwelling are some of the window designs, such as the full height stairwell glazing and roof level gable windows. However these aspects are considered acceptable on this plot which is not part of the main street frontage of either Willow Path or Mason Way. Whilst the design is somewhat

uninspired it is no longer considered an incongruous feature detrimental to the appearance of the street scene. Furthermore, the proposed materials would be in keeping with the nearby properties. Accordingly, the design of the current proposal is now considered to comply with the requirements of Local Plan policy DBE1.

Flood risk

Previous applications were refused due to potential flood risk, and the appeal was in part dismissed due to the lack of an adequate Flood Risk Assessment. Consultation has since been undertaken between the applicant and the Environment Agency, who are satisfied a Flood Risk Assessment submitted with the application demonstrates the consequences of the development for flood risk in the locality are acceptable subject to compliance with appropriate planning conditions. In particular, it is noted the enlarged site and relocation of the dwelling further from the watercourse has allowed for a sufficient buffer zone alongside Honey Lane Brook.

Amenity considerations

It was considered by the Planning Inspectorate that the 2007 application “*would not give rise to excessive loss of amenity due to overlooking*”. There would be no windows located in the eastern flank wall, which faces Willow Path, and as such no overlooking would occur to these properties. The northern and western windows would overlook the existing parking areas, and as such would not be detrimental to neighbouring properties. Although there would be large areas of glazing at first floor level on the southern elevation there is some 18.5m distance between these windows and the rear boundary of the closest dwelling, and some 26.5m between the windows and the rear of the houses on Meadow Cross. This complies with the Essex Design Guide which states that ‘*a minimum of 25m between the backs of houses may be acceptable*’, and ‘*the rear of new houses may not encroach any closer than 15m to an existing rear boundary*’. As such it is not considered that this proposal would result in a loss of privacy to those houses in Meadow Cross.

An objection has been received from No. 17 Willow Path with regards to loss of light. As the rear garden of this property is north facing it receives very little sunlight and, given the considerably smaller scale of the proposed property and its location set in from the rear wall of No. 17 Willow Path, it is not considered that the proposed dwelling would be unduly detrimental to the light received in this area.

Policy DBE8 of the Local Plan requires that new dwellings should have at least 20 sq. m. of private amenity space for each habitable room. The proposed three bedroom dwelling would require 80 sq. m. of private amenity space under this requirement. Given the size of the plot there is adequate space within the site to provide sufficient private amenity space to meet the requirements of policy DBE8.

Highways/Parking and access

The application proposes two marked-out parking spaces for this three bedroom dwelling. Given the site’s location within the built-up area of Waltham Abbey, with access to local facilities and public transport, it is considered that this would be sufficient. Access to the site is via a track that runs parallel to the southern boundary of No. 18 Willow Path and serves an existing garage block. As this is an existing access to garages it is not considered that the development would have an adverse impact on either the traffic generation or safety of the existing access or Stoneyshotts. Furthermore, no objection has been raised by Essex County Council Highways on this proposal, and access was not considered a reason for refusal previously or queried or considered unacceptable by the appeal Inspector in determining the earlier proposal. Right of access over the land to the proposed dwelling is a legal matter that is not part of the Planning consideration. Pedestrian access to the site is proposed from Mason Way and is also considered

Landscaping

The application site contains a number of mature trees located along its boundaries, and has been considered by the Council's Tree Officers. It is not felt that this proposal would detrimentally impact on the health or wellbeing of the trees as the dwelling is proposed to be sited outside the crown spread of the main trees. As such, provided the trees are protected during construction (particularly the mature oak growing just outside of the site on the southern boundary), the proposal complies with Local Plan policy LL10. The Tree Officer considered that this matter could be adequately covered by condition. There is very little vegetation of any amenity value aside from those trees around the boundary, and as such the loss of this is acceptable. However a landscaping scheme is required to soften the development and generally improve the appearance of the site.

Conclusion:

The proposal refused in May 2009 was considered unacceptable due to the design and impact on the street scene. No other reasons for refusal were given. The current proposal has addressed this since the dwelling would be smaller and more traditional in design. Moreover, it is within a larger plot than the 2007 proposal.

Although this is considered by officers to be an unusual form of development not ideally related to the surrounding pattern of development, this revised scheme overcomes the previous design concerns and the flooding and materials issues that were previously upheld on appeal. Whilst the access through the garage court is again not ideal terms of layout and amenity, there is no clear policy basis for refusal. Both the access and the proximity to trees were accepted at the previous appeal.

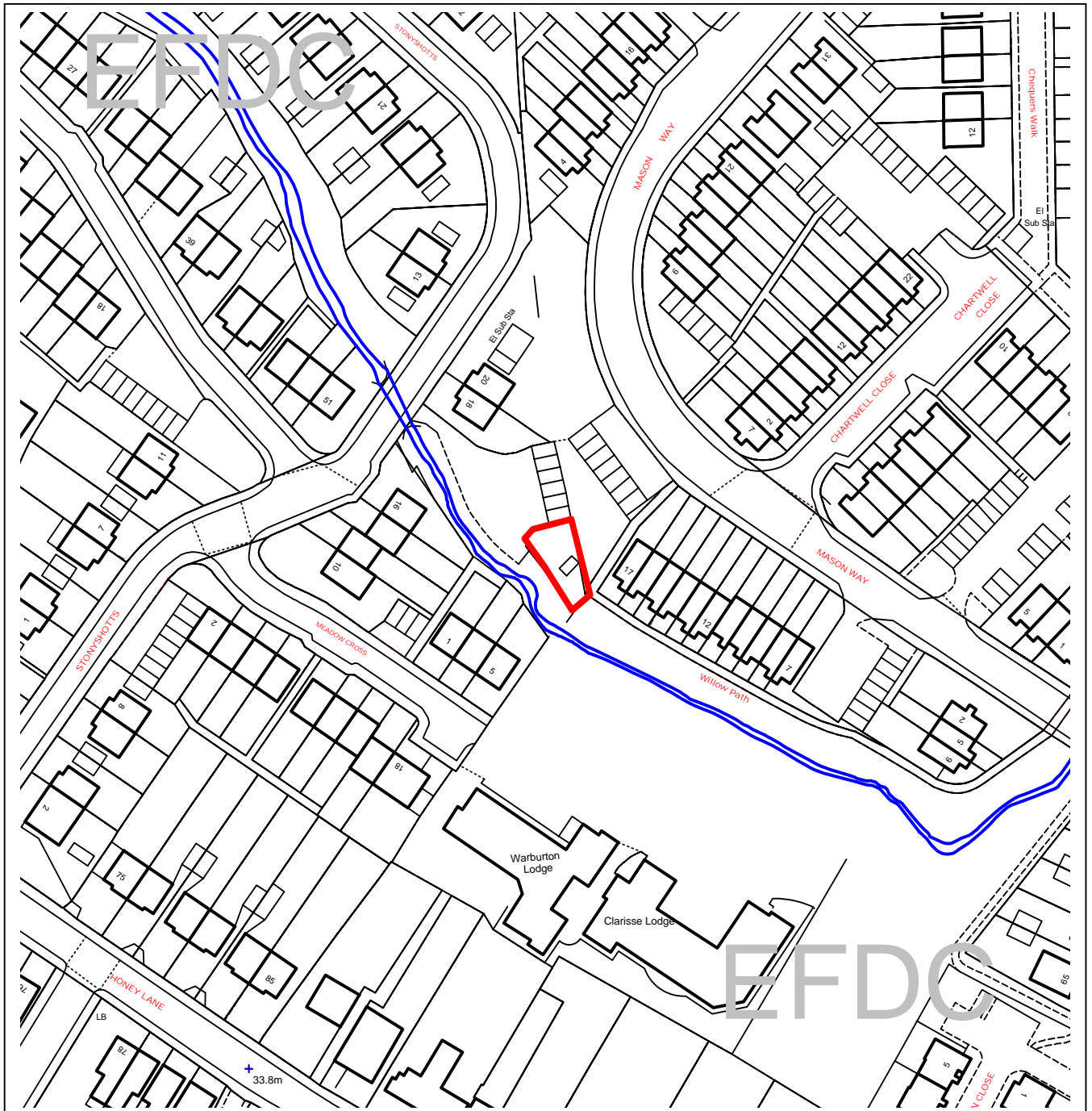
Accordingly, it is considered the current proposal complies with all relevant Local Plan policies and will not have a significantly adverse impact either on visual amenity or residential amenity is therefore recommended for approval subject to conditions.

The Previous appeal decision is set out below for your information.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	6
Application Number:	EPF/1206/09
Site Name:	Disused pumping station rear of 18 Stoneyshotts, Waltham Abbey, EN9
Scale of Plot:	1/1250