

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1946/09
<b>SITE ADDRESS:</b>	8 Windsor Wood Waltham Abbey EN9 1LY
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey North East
<b>APPLICANT:</b>	Mrs Ann Morris
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/10/90 T1 Birch - Crown lift to 4m, crown reduce off driveway by 1.5m, crown thin by 25% T2 Sycamore - Fell
<b>RECOMMENDED DECISION:</b>	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 works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.
- 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).

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

**Description of site**

8 Windsor Wood is a mid terrace property standing on the ridge above Broomstick Hall Road. The Sycamore tree stands to the rear of 51 & 51a Broomstick Hall Road and is prominent in the views from the south, particularly approaching from the south east. The Birch tree is to the front, where it is prominent from Monkswood Avenue.

**Relevant History**

No specific recent history on either trees; the committee has considered other felling applications presented for refusal and has asked for a strategy to be prepared to guide future felling applications. In this instance because the application to fell is recommended for approval the application is presented for decision.

## **Policies Applied**

LL8 – Works to Preserved Trees  
LL9 – Felling of Preserved Trees

## **Summary of representations**

3 neighbours were consulted; no representations were received.

WALTHAM ABBEY TOWN COUNCIL: No objection to either proposal.

## **Issues & Considerations**

The reasons given for the proposed felling of the Sycamore is as follows: this is a suppressed tree between two larger Sycamores; its removal would improve the form of the other two.

In respect of the Birch tree the application has been modified. Originally it was to substantially cut back one side to reduce bird lime & sap on cars parked in the driveway below; because of the excessive adverse impact on its appearance this has been modified to removal of minor branches up to 4 metres; this will improve the appearance of the tree and have no detrimental impact.

In respect of the felling of the Sycamore the reasons given are accepted: the tree is central to a group of three: the two trees either side are much better specimens; this tree is suppressed and contributes little or nothing to public amenity. However, its removal would assist to some extent with sunlight to the garden as well as, as stated, allowing the form of the adjacent trees to improve. There is therefore no reason to oppose its removal.

Similarly, in respect of the Birch tree, the minor pruning will have no detrimental impact on the tree and will indeed improve its form and appearance as well as giving some (small) relief in respect of overhanging branches over the parking area. It is similarly therefore recommended for approval.

## **Replacement Planting**

It is normal to impose a condition for replacement planting; in this instance the presence of the two other trees makes replacement planting in that situation redundant and it is not considered that there is space elsewhere in the garden for meaningful planting. It is therefore recommended in this instance that no such condition is attached.

## **Conclusion**

The proposal is in accordance with the relevant policies and is therefore suitable for approval.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	1
Application Number:	EPF/1946/09
Site Name:	8 Windsor Wood, Waltham Abbey EN9 1LY
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1753/09
<b>SITE ADDRESS:</b>	The Elms Caravan Site Lippitts Hill Waltham Abbey Essex IG10 4AL
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Mrs Marie Zabell
<b>DESCRIPTION OF PROPOSAL:</b>	To extend the licence to 11 months from 2nd February to 2nd January instead of 1st March to 31st October.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1
  - i) Any caravans or mobile homes stationed on the site shall be occupied for holiday purposes only and for no other purpose.
  - ii) Caravans stationed within the site shall not be occupied as a person's main or sole place of residence (for the avoidance of doubt, on the specific days of occupation the occupants shall be on holiday and not engaged in any paid work, or school or further/higher education attendance).
  - iii) The owners/operators of the site shall maintain an up to date register of the names of all occupants of the individual caravans on the site and of their main home addresses, together with proof of home address in the form of a copy of a driving license, utility bill or council tax bill or other proof as agreed in writing by the Local Planning Authority. This information shall be kept available for inspection by the Local Planning Authority at all reasonable times and shall be forwarded by the owners/operators of the site to the Local Planning Authority annually on or before the 31st January each year.

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

**Description of Proposal:**

This application is to extend the times of use of the existing caravan site from 1st March – 31<sup>st</sup> October to 2<sup>nd</sup> February to 2<sup>nd</sup> January, resulting in a total of 11 months usage.

### **Description of Site:**

The application site is an established recreational caravan site located to the rear (east) of a static residential mobile home site. Access to the area is through the residential site and directly off of Lippitts Hill. The road running through the residential site (and serving the application site) has a one-way system as the lanes are not large enough to allow for vehicles to pass (particularly if towing caravans). The site is located within the Metropolitan Green Belt

### **Relevant History:**

WHX/0249A/61 - Caravan site between 1<sup>st</sup> March & 30<sup>th</sup> October every year – refused 20/09/66 (appeal lodged but no decision)

WHX/0249B/61 - Use as caravan site between 1<sup>st</sup> March & 30<sup>th</sup> October in every year – approved/conditions 26/01/67

WHX/0249/67 - Winter storage for 3 caravans – refused 07/07/70

WHX/0298/68 - Winter storage for 10 caravans – refused 07/07/70

WHX/0063/69 - Residential caravan park – refused 07/07/70

WHX/0101/69 - Residential caravan park – refused 07/07/70

### **Policies Applied:**

GB2A – Development in the Green Belt

RST12 – Leisure plots

RST32 – Leisure caravans and camping

DBE9 – Loss of amenity

ST4 – Road safety

### **Summary of Representations:**

39 neighbours were consulted and a Site Notice was displayed.

PARISH COUNCIL – No objection.

2 THE ELMS, LIPPITTS HILL – Object due to the increased noise and nuisance to permanent residents and as it would result in many people living on site permanently. Also this would result in an unacceptable increase in traffic.

3 THE ELMS, LIPPITTS HILL – Object as this would further increase the existing disturbance to the permanent residents and as the access is unsuitable for such intensive use.

4 THE ELMS, LIPPITTS HILL – Object due to the disruption to permanent residents and further impact on the surrounding roads and access lane.

6 THE ELMS, LIPPITTS HILL – Object due to the further disruption this would cause to residents.

9 THE ELM, LIPPITTS HILL – Object as the existing site is unsuited to its location and an extension of opening times would exacerbate this.

11 THE ELMS, LIPPITTS HILL – Object as this would increase the nuisance already suffered from this site.

12 THE ELMS, LIPPITTS HILL – Object due to the impact on neighbouring residents.

13 THE ELMS, LIPPITTS HILL – Object due to the impact on residents.

14 THE ELMS, LIPPITTS HILL – Object as this would further disrupt the permanent residents and would have a detrimental impact on their Human Rights. The existing access to the camp site is inadequate at present and would result in further problems through intensification of use. The current running of the recreational site causes problems for permanent residents and to extend the opening hours would end what little respite from this that is currently enjoyed.

14A THE ELMS, LIPPITTS HILL – Object due to the increased detrimental impact this would have on the permanent residents.

15 THE ELMS, LIPPITTS HILL – Object as this would remove the respite currently enjoyed from the existing disruptive camp site.

17 THE ELMS, LIPPITTS HILL – Object due to the impact this would have on residents.

20 THE ELMS, LIPPITTS HILL – Object due to the increased disturbance to the permanent residents.

21 THE ELMS, LIPPITTS HILL – Object due to the detrimental effect this would have on residents and the increased traffic. There would no longer be any respite from the existing nuisance.

21A THE ELMS, LIPPITTS HILL – Object as this would have a detrimental impact on permanent residents due to increased traffic, due to intensification of use and an increase in the number of visitors.

24 THE ELMS, LIPPITTS HILL – Object as this would remove the small respite currently enjoyed by permanent residents.

26 THE ELMS, LIPPITTS HILL – Comment that personal circumstances against the applicant are being used to ‘scare-monger’ the residents and that a decision should be made on the merits of the application.

28 THE ELMS, LIPPITTS HILL – Object as this would increase the existing disruption and nuisance to residents and would remove the only respite available.

29 THE ELMS, LIPPITTS HILL – Object as this would increase the existing disturbance and nuisance to permanent residents and would allow no respite from this.

31 THE ELMS, LIPPITTS HILL – Object as this would intensify the existing unwarranted and unacceptable disruption to residents.

32 THE ELMS, LIPPITTS HILL – Object as this would remove the respite enjoyed from the disruption already caused for 8 months of the year by the camp site.

33 THE ELMS, LIPPITTS HILL – Object due to the added impact this would have on residents and due to the insufficient access road.

34 THE ELMS, LIPPITTS HILL – Object as this would increase the disturbance and the existing highway danger resulting from the camp site (and users of this ignoring the one way road system).

TREETOPS, LIPPITTS HILL – Object as this site already causes problems to local residents and this would be increased and as there is a concern that this would lead to a permanent residential site being developed.

THE ANNEX, LIPPITTS HILL – Object as this would affect the openness of the Green Belt and have a major impact on local residents.

FOREST SIDE, CHINGFORD – Object due to the poor running of the existing site, the insufficient road network to cope with cars towing caravans, and as this would be intrusive to the openness of the surrounding area.

### **Issues and Considerations:**

The existing recreational caravan and camp site was approved in 1961 for use between March and October, which was considered acceptable as this site is within the Green Belt wherein additional residential development is inappropriate but short term holiday use in connection with outdoor recreation can be appropriate. The restriction on times of use is necessary to ensure that the site is not used for permanent residential purposes while allowing reasonable recreational use.

Previous applications were made for winter storage of caravans on the site in the late 1960's, however these were refused on the following grounds:

- 1. The site lies in the Metropolitan Green Belt and the stationing of caravans on this site is considered to be a prominent feature in this rural scene and detrimental to the amenities of the area by reason of their appearance.*
- 2. The screening to be planted on the perimeter of the site and the previous approval for summer parking would not be effective during winter months.*
- 3. It is considered that approval of the proposal would be contrary to the provisions of the previous permission WHX/0249B/61, use as a caravan site between 1<sup>st</sup> March and 30<sup>th</sup> October in every year.*

Notwithstanding the above, given the date of these decisions and the considerable changes to Planning Policy and planning guidance that have occurred since this time, the previous decisions should not necessarily set a precedent for this proposal.

This application is to amend the existing restrictions on the site such that the use would remain for holiday purposes only but would allow the site to be occupied for 11 months of the year rather than the currently lawful 8 months. The main issue therefore is whether this proposed amendment would result in any significant harm to the locality from use of the caravans for holiday purposes during the winter months (namely 31<sup>st</sup> October to 2<sup>nd</sup> January and 2<sup>nd</sup> February to 1<sup>st</sup> March) and additionally whether the alteration to this restriction would be sufficiently enforceable and adequate to ensure that the caravan site will not be utilised for permanent residential purposes, which would constitute inappropriate development within the Green Belt.

### **Harm from holiday use in winter:**

The existing recreation site has lawful use for the stationing of holiday caravans between March and October, and involves holiday makers bringing recreational caravans to and from the site. At present there is no planning permission for static caravans to be stationed on the site, although a recent letter received from the applicant reveals a desire for this to be undertaken in the future. Notwithstanding this, planning permission would be required for the stationing of such static caravans and, as this does not form part of this application, is not assessed at this time.

Whilst traditionally holiday caravans are not well equipped for winter use, specialised caravans are available for use during colder months. As holiday makers using this site bring their own caravans it is expected that anybody seeking to use the site during winter would ensure that an adequate caravan was used.

The biggest concern and objection with regards to this development is from the permanent residents residing in the residential mobile home site to the west of the application site. Access to the recreational caravan site is through this residential area, which has a narrow track with a one way system imposed (as the road is too narrow to allow for two vehicles to pass, particularly when towing caravans). Furthermore it is reported that the current caravan park results in high levels of disturbance and nuisance to the neighbouring residents for the 8 months which it is operating, and it is therefore felt by neighbours that an additional 3 months of use would exacerbate these problems.

Whilst it is appreciated that there is no doubt some form of disturbance from a holiday site located adjacent to the residential site, which is largely occupied by elderly residents; given that the use of the site is considered 'acceptable' in planning terms for 8 months of the year it is difficult to justify that it would thence be 'unacceptable' for the remaining 3 months. Furthermore, although there is a concern with regards to the Health and Safety issues that result from holiday makers ignoring the imposed one way system within The Elms estate, as this is a private track it is the responsibility of the owner of the site to ensure that this system is adhered to rather than the Local Planning Authority.

Similarly, whilst it is appreciated that the application site is located within a very rural and unsustainable location, and that the roads within the vicinity of the site are narrow and unsuitable for vehicles towing caravans, they are currently used for 8 months of the year and it is not considered that additional use would be unduly detrimental. Whilst weather conditions are worsened during winter months, and therefore these existing narrow roads are made more hazardous, this would not justify a reason for refusal for this proposal. Furthermore, if the site was used as principal or main residences, additional movements by occupants and service vehicles, together with journeys by visitors would be likely to give rise to an unacceptable increase in traffic on the surrounding roads. However, providing a holiday occupancy condition is imposed, this would provide sufficient control against this.

Several issues have been raised from the permanent residents of The Elms with regards to the current running of the caravan park and the impact it has on their amenities. Whilst it is noted that there appears to be issues arising from the management of the site, this is not a planning issue and as such cannot be taken into account in this instance. The application site is subject to Site Licensing and other Environmental Acts (regarding waste disposal, etc.), which should be used to control the impact of the existing site on the neighbours (and also during the additional months should permission be granted for this).

#### Enforceability:

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

Circular 11/95 details how conditions can be used in planning and states it may be "*reasonable for the local planning authority to grant planning permission for holiday accommodation...with a condition specifying its use for holiday accommodation only*". Whilst seasonal conditions (restricting the times of occupation of a site) are still the most common condition for recreational holiday parks, Annex B of the Department for Communities and Local Government publication entitled *Good Practice Guide on Planning for Tourism* (GPG), issued in May 2006, suggests a



condition ensuring a site is only used as holiday use. This includes three criteria and has recently been imposed on Roydon Mill Leisure Park. These criteria are:

- (i) *the caravans (or cabins/chalets) are occupied for holiday purposes only;*
- (ii) *the caravans (or cabins/chalets) shall not be occupied as a person's sole, or main place of residence;*
- (iii) *the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/log cabins/chalets on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.*

An alternative condition which requires details to be kept of the owners and occupiers main place of residence has been proven within several appeal decisions throughout the Country as a better way of controlling the use than the standard seasonal condition, as it would enable Planning Enforcement or Compliance Officers to check the records rigorously and check the validity of the main addresses given on a regular basis.

Notwithstanding this, the further safeguard of retaining a period of closure of the site, even if only for 1 month of the year, when combined with a condition relating to the above criteria, will allow for greater control over the potential use of the site as a permanent residential site.

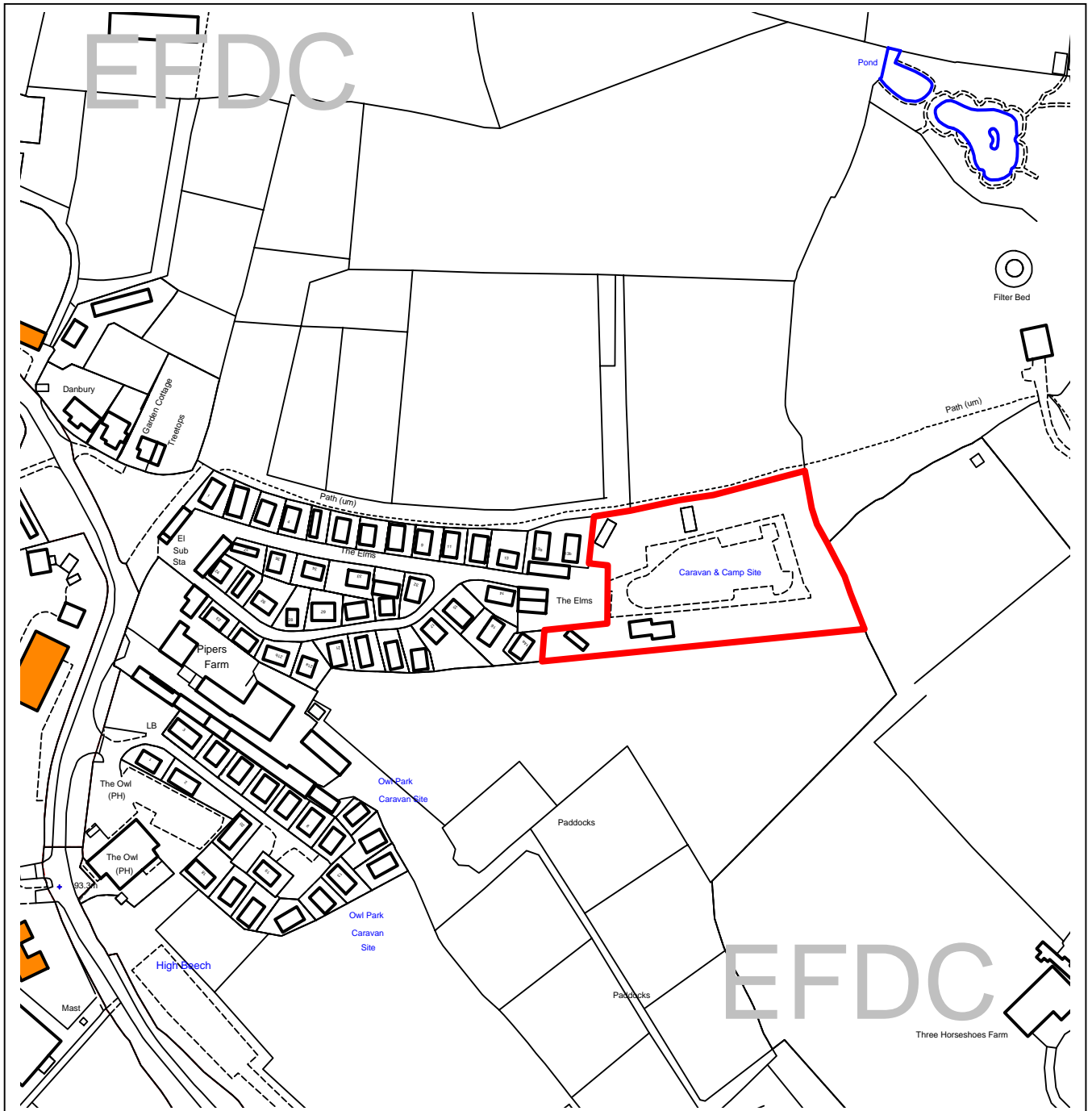
**Conclusion:**

In conclusion, whilst it is accepted that there is a level of disturbance to permanent residents within The Elms as a result of this holiday use, it is a long established recreational site and is considered acceptable (in planning terms) for 8 months of the year. The initial requirement of a closure period throughout the winter months was to ensure that the site did not become a permanent residential site, however the imposition of the new condition (as imposed on Roydon Mill Leisure Park, which now has no restriction on the time of year to which it can be occupied) would successfully protect against this. Due to this it is considered difficult to justify that, whilst the site is acceptable to be used as a holiday caravan site for 8 months of the year an additional 3 months use would be unacceptable. As such, subject to a relevant condition regarding an up-to-date register and the caravans only being used for holiday use, it is considered that in planning terms the extension of use of the caravan site is acceptable and the application is therefore recommended for approval.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>2</b>
Application Number:	EPF/1753/09
Site Name:	The Elms Caravan Site, Lippitts Hill Waltham Abbey, IG10 4AL
Scale of Plot:	1/2500

**Report Item No: 3**

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

**CONDITIONS**

- 1 The eight trees proposed on Plans Ref: 1050 and 1051 shall be planted prior to occupation of the foodstore hereby approved. If within a period of five years from the date of the planting or establishment of these trees, any tree or its subsequent replacement is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Furthermore, a statement shall be submitted to and agreed in writing by the Local Planning Authority detailing the means by which successful establishment of the new trees will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

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

*This application is before this Committee since it relates to a development of a significant scale and/or wider concern and is recommended for approval (Pursuant to Section P4, Schedule A (c) of the Council's Delegated Functions, and since it is an application for non-householder development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).*

## **Description of Proposal:**

Consent is being sought for a variation of condition 17 of planning permission EPF/1305/08 to allow for the removal of four existing preserved trees and replacement with eight semi-mature trees.

Planning permission EPF/1305/08 was for “*demolition of existing buildings and erection of new 'Lidl' foodstore and construction of five start-up industrial units (revised application)*”. Condition 17 of this approval states:

*Notwithstanding the car parking layout indicated on plan ref: 2 (amended 28/10/08), the preserved cherry trees to the east of the site and preserved willow to the southeast of the site shall be retained. No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.*

*The Arboricultural Method Statement shall include a tree protection plan to show the areas designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Trees in Relation to Construction-Recommendations (BS.5837:2005) and no access will be permitted for any development operation.*

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

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

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

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

*Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.*

Further to the proposed planting of eight semi-mature trees within the application site, a legal agreement has been submitted with this application relating to the funding of 25 new trees elsewhere in Waltham Abbey, to be provided through the Epping Forest Tree Donation Scheme.

### **Description of Site:**

The application site is a vacant plot which previously contained a large disused warehouse building and associated yard. Planning permission has been granted for the erection of a new foodstore and five industrial units. To the north of the site is Waltham Abbey fire station and dwellings and garage areas serving Harveyfields. To the west of the site is the Brooker Road industrial site. To the south of the site is a Nissan car showroom and industrial sites. The site is located some 25m south of the town centre boundary. The four preserved trees under consideration here are located at the front of the site and consist of two Willow Trees and two Cherry Trees.

### **Relevant History:**

There is a long history to the application site, however the most relevant applications are as follows:

EPF/1856/03 - Demolition of part of existing building and erection of building for motor dealership, to include showroom, offices, workshops and M.O.T. – approved/conditions 26/05/04

EPF/2400/07 - Demolition of existing buildings and erection of new 'Lidl' foodstore and construction of five start-up industrial units – withdrawn 04/03/08

EPF/1305/08 - Demolition of existing buildings and erection of new 'Lidl' foodstore and construction of five start-up industrial units (revised application) – approved/conditions subject to a S106 18/09/09

### **Policies Applied:**

LL9 – Felling of preserved trees

LL10 – Adequacy of provision for landscape retention

LL11 – Landscaping schemes

I1A – Planning obligations

### **Summary of Representations:**

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

TOWN COUNCIL – Object; unless dying or dead, trees should remain as they are established as part of existing street scene. If need to be replaced they should be planted on existing line (fence NOT boundary).

ROUNDHILLS RESIDENTS ASSOCIATION - Object as this is a prestige site at the southern entrance to the town and the removal of these trees would damage this view (particularly with the removal of the Willow Tree on the corner).

WALTHAM ABBEY NEIGHBOURHOOD ACTION PANEL – Object to the loss of the tree (and the Willow Tree on the corner in particular) as this is a gateway into Waltham Abbey and the trees should be retained.

73 HOWARD CLOSE – Object to the loss of these healthy trees. Their removal will make the development unsightly and would remove the nice view when entering the town from Chingford/M25 direction.

29 WOOLLARD STREET – Object due to impact on surrounding residents and the impact on the appearance of the site.

31 SUN STREET – Object to the removal of the established trees at this main entrance to Waltham Abbey.

5 NOBEL VILLAS – Object as the Willow Tree on the corner of the site is healthy and gives a positive view of Waltham Abbey as you enter, they will screen the proposed car park, and as this would make the proposed new store more visible.

### **Issues and Considerations:**

The main consideration in relation to this application is with regards to the loss of the preserved trees and the impact this would have on the site, the street scene, and the surrounding area.

There are four preserved trees located at the front of the application site, within a green strip adjacent to Sewardstone Road. These trees consist of two Willow Trees and two Cherry Trees. The two Cherry Trees and Willow Tree located in the south eastern corner of the application site were conditioned to be retained and protected during construction, along with additional landscaping to the grass strip to the front of the site.

This proposed variation of condition has been submitted with a tree report. This indicates that the two Willow Trees are dead or dying and require removal and the two Cherry Trees are classified as Category B and Category C trees. Of this Category B indicates a tree which is desirable to retain, and Category C indicates a tree which could be retained, but is of no particular merit. Regardless of this however, it is proposed by the applicant that all four trees be removed.

It is not disputed that the Willow Tree to the northeast of the site is dying and should be removed for safety grounds. It was due to this that condition 17 did not require this tree to be retained.

Whilst the two Cherry Trees are acceptable trees and do not require felling, the benefit that these trees bring to the area are not considered significant, and due to this their replacement with four semi-mature Cherry Trees to the front of the application site would be acceptable.

It is however disputed that the Willow Tree to the southeast of the application site is dead or dying and requires removal. The tree is located within a prominent location and has the potential, if properly managed and maintained, to survive for several years in this location. It is not considered that this causes a danger to users of the site or of the adjacent Highway, and as such its retention is desirable. To retain this tree however there would be a requirement to remove two parking spaces to ensure an adequate root protection zone, and it is noted that due to previous pruning of the tree the height is somewhat stunted.

Notwithstanding the above, it is proposed to replace the four existing preserved trees with eight semi-mature Cherry Trees within the application site. Four of these would be located within the grass strip on Sewardstone Road, and four would be within the smaller grassed areas on Cartersfield Road. The existing screening to this site is purely to the front at present (adjacent to Sewardstone Road), whereby the proposed replacement trees would provide screening to both the front and side of the site. Furthermore, the provision of eight trees around the site would result in a considerably greener and more vegetated site than existing, and would benefit the street scene and surrounding area.

Further to the above, a legal agreement has been proposed stating that funding will be made to provide 25 additional trees throughout Waltham Abbey as part of the Epping Forest Tree Donation Scheme. The benefit that this would bring to the surrounding area of Waltham Abbey, combined

with the proposed replacement trees on the application site, are sufficient to outweigh the harm resulting from the removal of this preserved Willow Tree.

Due to this it is considered that condition 17 should be varied to read:

*The eight trees proposed on Plans Ref: 1050 and 1051 shall be planted prior to occupation of the foodstore hereby approved. If within a period of five years from the date of the planting or establishment of these trees, any tree or its subsequent replacement is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.*

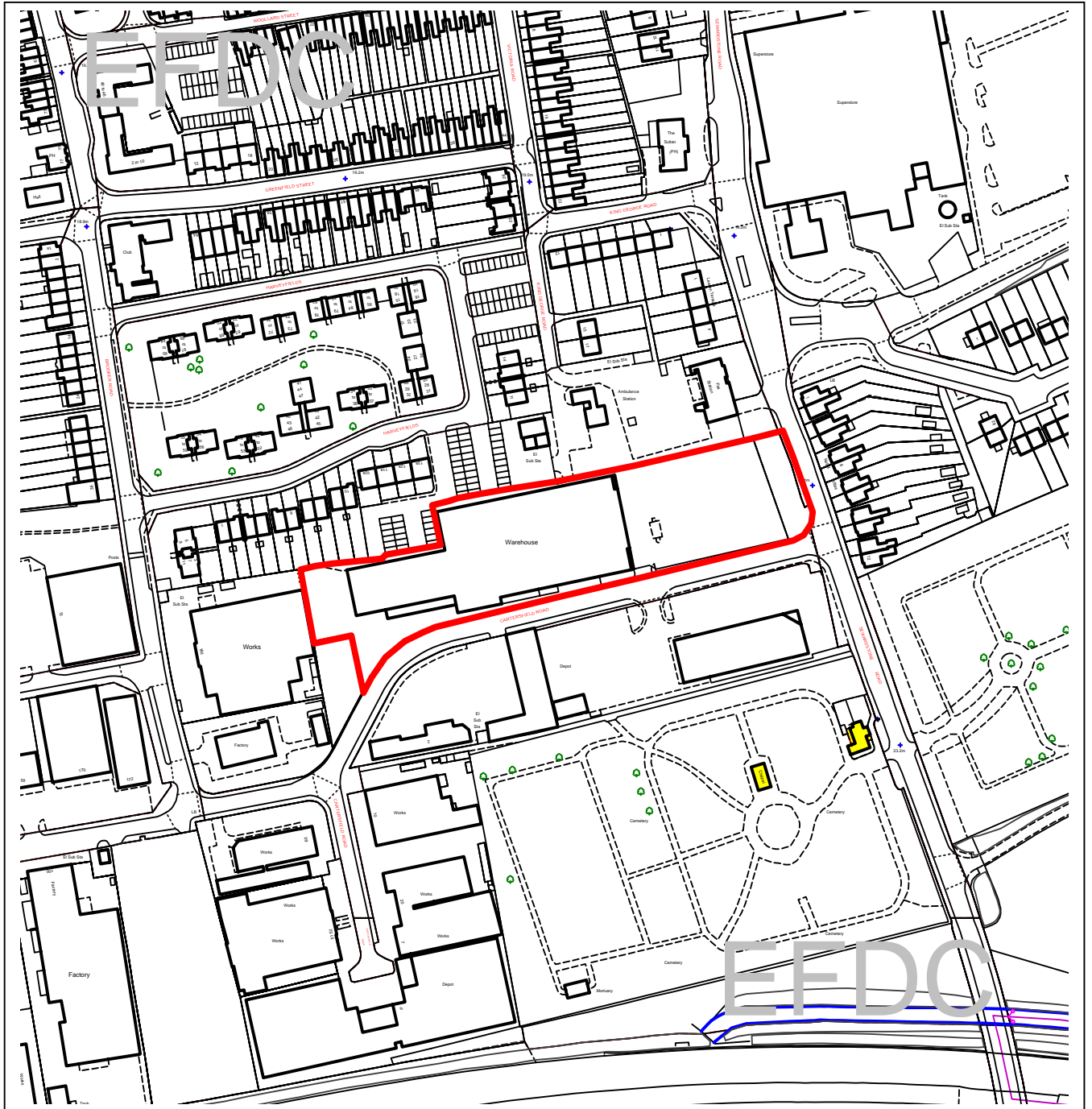
**Conclusion:**

It is considered that the two Cherry Trees are not worthy of retention and their replacement with semi-mature Cherry Trees further forward of the site and on the southern boundary would be acceptable. Whilst the Willow Tree located in the southeast corner of the site is worthy of retention, it is considered that the planting of eight semi-mature Cherry Trees within the application site, and the provision of 25 additional trees throughout Waltham Abbey, would outweigh any harm caused through the loss of this tree. As such the proposed variation of condition is recommended for approval.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/1970/09
Site Name:	1 Cartersfield Road, Waltham Abbey, EN9
Scale of Plot:	1/2500



**Report Item No: 4**

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

**CONDITIONS**

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

*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:**

Erection of a 1.8m high close boarded fence along flank boundary, enclosing a 1.8m strip of land adjacent to the existing house.

**Description of Site:**

4 Lamplighters is a two storey end of terrace dwelling located within the Lamplighters cul-de-sac. The property sides on to the main vehicular entrance to Lamplighters which consists of a mix of houses and flats. The property is on the edge of the built up area of Waltham Abbey and is not within the Metropolitan Green Belt.

**Relevant History:**

No relevant history

## **Policies Applied:**

### Epping Forest District Local Plan and Alterations

DBE9 – Impact on amenity

DBE3 – Design in urban areas

## **Summary of Representations:**

WALTHAM ABBEY TOWN COUNCIL: Objection on grounds of street scene and visual amenity.

NEIGHBOURS

18 properties were consulted – No representations received

## **Issues and Considerations:**

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

- Amenity of Neighbouring Properties
- Appropriateness of Design

### Amenity

The proposal fences in a narrow section of land, and it is not considered that this proposed enclosure impacts significantly on neighbouring amenity in terms of visual impact, loss of light or privacy due to the separation between neighbouring properties.

### Appropriateness of the Design

The fence is of a standard domestic design, which is in keeping with the urban, domestic character of the surrounding area and streetscene. It effectively encloses a private space where it is currently unclear as to the ownership/intended users. The fence will be prominent when viewed from the entrance to Lamplighters but is not considered any more prominent than the existing flank wall of the property.

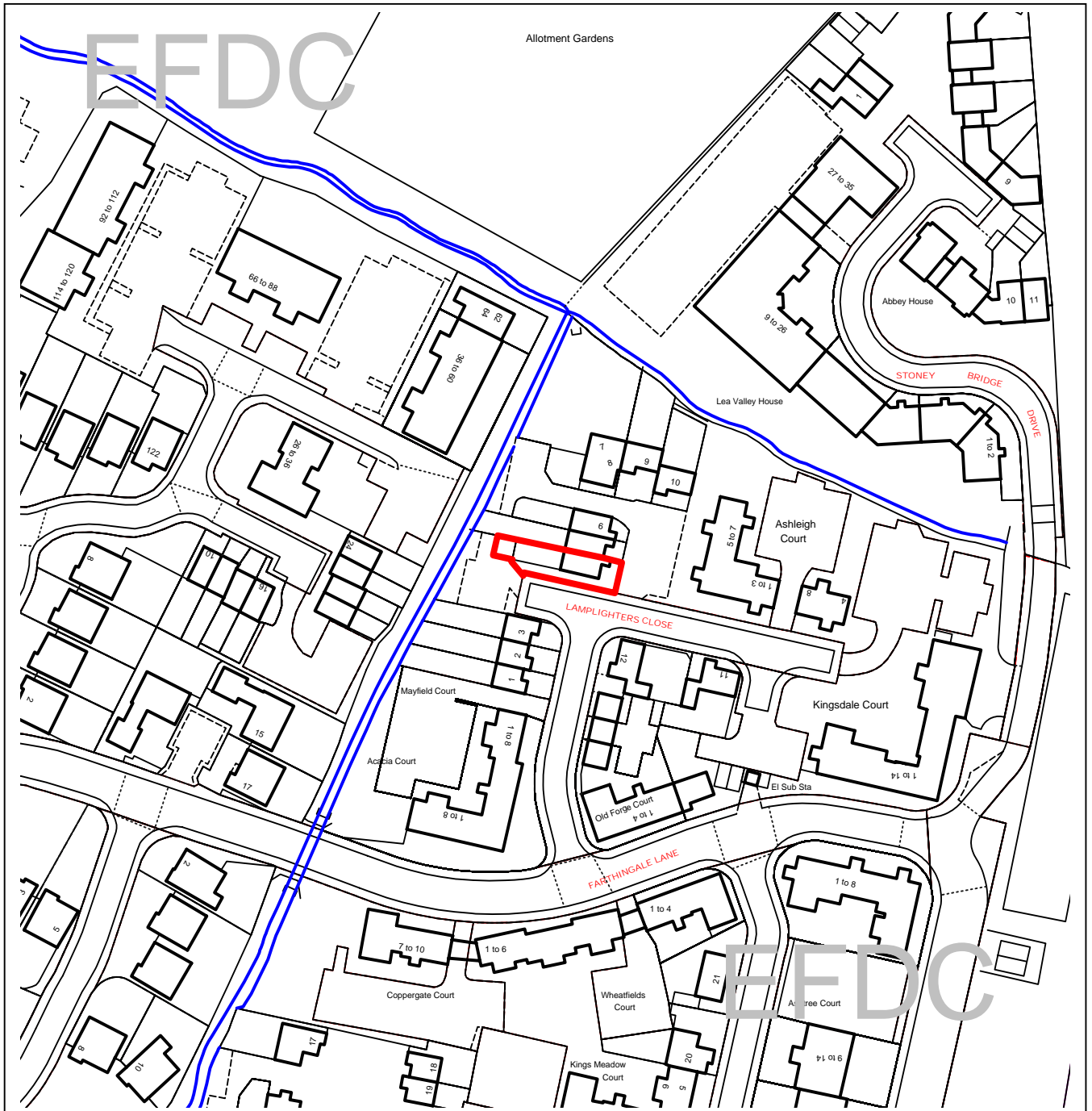
## **Conclusion:**

On the particular merits of this proposal, the issues as outlined above were considered such to justify recommending that conditional planning permission be granted.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/2100/09
Site Name:	4 Lamplighters Close, Waltham Abbey, EN9 3AE
Scale of Plot:	1/1250

**Report Item No: 5**

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

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed extension shall match those specified within the submitted planning application.
- 3 The extension hereby approved shall not be used as retail floorspace.
- 4 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.

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

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

### **Description of Proposal:**

Consent is being sought for the extension to the existing retail store to accommodate a new 'bulk storage' area. This would be 42m in length and 12m in depth and would have a sloped roof to a maximum height of 6m and a minimum height of 4.5m. This extension would have a total floor area of 504 sq. m. and would involve the reconfiguration of the internal road layout and parking area. This would result in the loss of a total of 38 existing vehicle parking spaces.

### **Description of Site:**

The Tesco store is located on the eastern side of Sewardstone Road and is located within the Waltham Abbey Town Centre. The proposed extension would be located on the eastern side of the existing store adjacent to the storage area and service yard.

### **Relevant History:**

EPF/1730/00 - Demolition of existing building and erection of retail (A1) residential (C3) and healthcare (D1) development including petrol filling station together with associated highway works, ancillary service yard, car parking and landscaping – approved/conditions 17/04/02  
EPF/1132/05 - Temporary use of land in south east corner of the site (proposed for new housing in the 17/4/02 outline approval) for additional car spaces for the Tesco store – approved (3 years) 14/10/05  
EPF/0560/09 - Renewal of temporary planning permission and continued use of land on south east corner of the site for three more years as an additional car park (69 spaces) for Tesco store – approved/conditions (18 months) 18/06/09

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP3 – New development  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE9 – Loss of amenity  
TC3 – Town centre function  
ST4 – Road safety  
ST6 – Vehicle parking

### **Summary of Representations:**

74 neighbouring properties were consulted, a Site Notice displayed and the following responses were received:

TOWN COUNCIL – none received at time of writing report.

69 HOWARD CLOSE – Object as there are still outstanding issues regarding the rear car park.

73 HOWARD CLOSE – Object as the design is bulky and does not integrate with the existing building, there would be increased light pollution, noise and anti-social behaviour, this would result in a loss of parking, and concerned that this could result in a larger sales area.

87 HOWARD CLOSE – No objection provided this does not result in additional traffic.

5 DENNY AVENUE – Object as the building is already too large and thus this would be inappropriate for the area, it would be detrimental to the appearance of the area, it would cause additional noise and pollution, due to loss of light and privacy, the extension would be bulky and overbearing, it would adversely affect the public footpaths, and as it would result in the loss of parking.

9 DENNY AVENUE – Concerned that this would increase the number of deliveries received by the store and suggest a restriction on hours of construction.

### **Issues and Considerations:**

The main issues with regards to this application relate to the impact on the existing store and the town centre, on neighbouring residents, with regards to highways issues and parking provision, and due to the design and visual appearance of the proposal.

The existing Tesco's is a large detached superstore adjacent to Sewardstone Road, and is located within (but on the edge of) the Waltham Abbey Town Centre boundary. The proposed extension would be for a 'bulk storage area' and would not be used for, or result in, any increase to the shopfloor area. The extension would allow for a larger storage area to the east of the store, adjacent to the existing bulk store and service yard. This would be a sizeable extension and would require the removal of some existing parking spaces and reconfiguration of the internal road layout. The storage area would allow for more stock to be retained on site to the benefit of the economic viability of the store, and therefore the overall viability of the town centre. Whilst there is some concern that the existing store draws trade away from the shops within the Key frontage of the town centre, and the surrounding units in Sun Street, Market Square and Highbridge Street, competitive sales is not a material consideration in Planning, and as the Tesco's is itself located within the designated town centre its own vitality and viability is equally as important as those shops within the 'traditional town centre'.

An objection has been received from a resident of Denny Avenue regarding potential loss of light, privacy and visual amenity due to the extension being 'bulky and overbearing'. Given the 33m distance between the proposed extension and the rear boundaries of the closest neighbours, and as the maximum height to the addition at the southern end (closest to Denny Avenue) would be just 4.5m and would contain no windows, the addition would not in itself impact on amenities of neighbouring residents.

Concern has however been raised with regards to the potential impact the addition would have in relation to increased vehicle movements, loss of parking provision, and additional noise and light pollution. It is not considered that, given the location of the extension adjacent to the existing storage area and service yard, this would result in any additional noise or pollution over what currently occurs from the site. All access routes and usage of such (including for deliveries) would be unchanged due to this addition, however it is possible that a larger storage area may result in a minor increase in movements of delivery lorries. However given the relatively small scale of the addition (in comparison to the store/site) it is not felt that this would be a significant or particularly

noticeable increase. Furthermore the delivery lorries are still subject to all existing restrictions and controls.

With regards to parking provision, the existing store has a total floor area of some 6,085 sq. m., to which the Essex County Council Vehicle Parking Standards requires 435 vehicle parking spaces. The proposed addition would extend this floor area to 6,589, which increases the required parking spaces to 471. The current car park (including the temporary staff car park area to the rear of the site) has 497 parking spaces, however 38 would be lost as a result of this extension. This would therefore equate to a total of 459 spaces remaining. As the required 471 is a maximum parking requirement it is considered that the resulting number of spaces would be acceptable. However it is worth noting that the temporary permission for the 69 parking spaces to the rear of the site, which is only available for use by Tesco employees, will expire in December 2010. Due to this, after December this year the rear parking area should cease its use for the parking of vehicles and the level of car parking on site would drop to 428 (existing) and 390 (proposed). Whilst this is considerably lower than the maximum requirement on the Vehicle Parking Standards it is considered that the town centre location of this store within a large population base and the presence of numerous public car parks within the vicinity would ensure that the resulting 390 car parking spaces would be sufficient to serve the site. As such the loss of the 38 parking spaces is considered acceptable.

The design of the proposed extension would match that of the existing store. It would incorporate the same white panels and aluminium profiling as the main store, and be of a similar overall design and appearance. The addition would be considerably smaller than the main store in terms of height and overall bulk, and as such would have a subservient appearance viewed against the backdrop of the considerably larger store. Given the location of the proposed extension to the east of the site, behind the main store and service yard (which is enclosed by a 4m high 'baffle' fence), the addition would not be particularly visible from the street scene. Therefore the overall appearance of the extension is considered acceptable.

There are still outstanding contaminated land issues regarding this site. As such a full Contaminated Land condition would be required for this development.

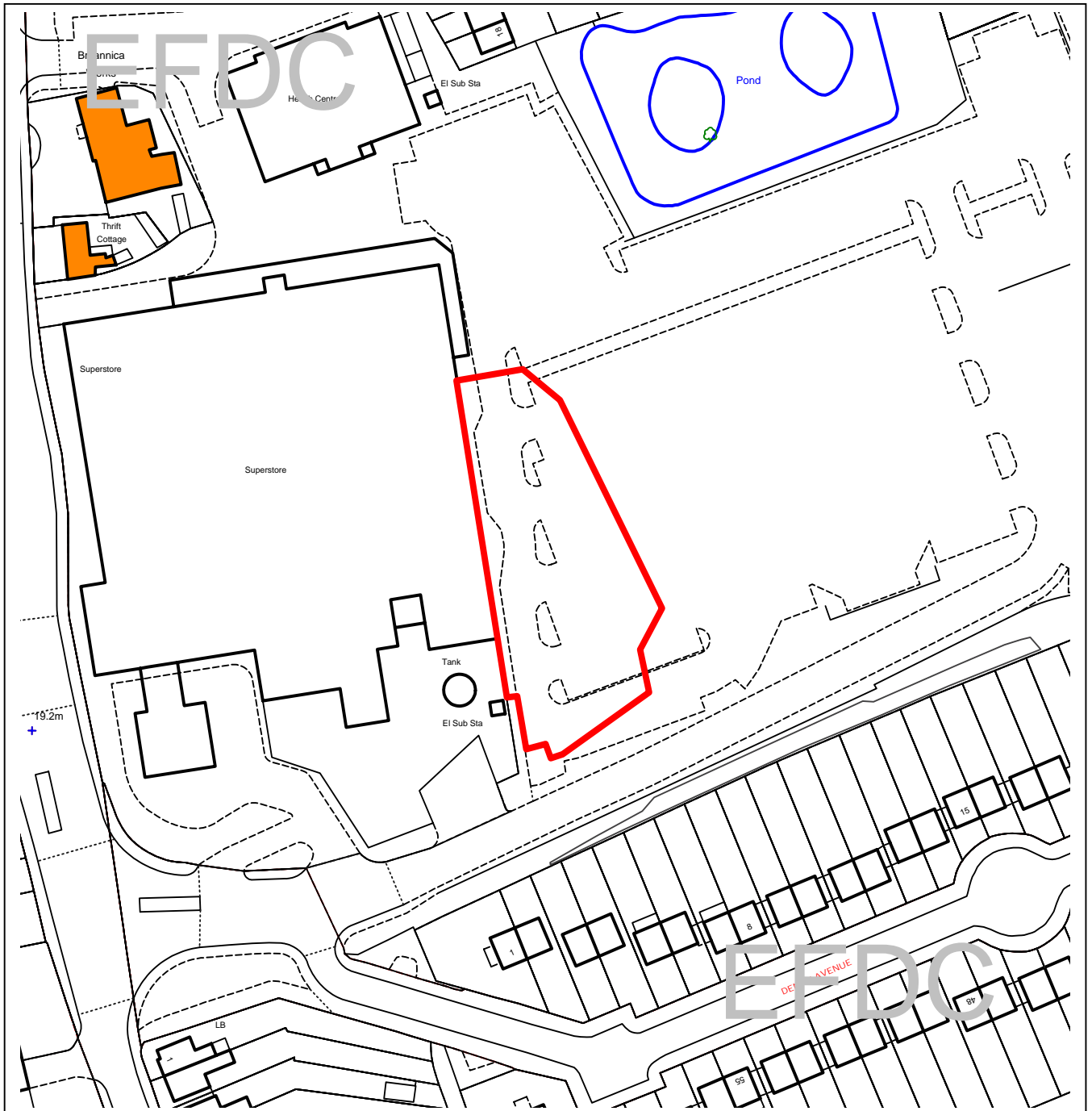
**Conclusion:**

Due to the above it is considered that the proposed extension complies with the relevant Local Plan policies and therefore the application is recommended for approval.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/2187/09
Site Name:	Tesco, Sewardstone Road Waltham Abbey, EN9 1JH
Scale of Plot:	1/1250



**Report Item No: 6**

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

**CONDITIONS**

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

*This application is before this Committee since the recommendation potentially differs from the views of the local council which are yet to be received at the time of the drafting of this report (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

**Description of Proposal:**

The application seeks consent to extend to the side and rear of the property with the extensions incorporating a single integral garage at ground floor, extended kitchen and new family/utility area. At first floor the proposals enable an additional bedroom within the loft space using front facing dormer windows.

The proposals are revised from a previously refused scheme of greater depth and height. The current scheme also offsets from the boundary with the neighbour at first floor by 1m.

The current scheme results in the removal of some 3.7m of existing garage to reduce the depth of the scheme.

### **Description of Site:**

The existing site is situated on the edge of a relatively new development in Deer Park Way. The 5-6 bedroom detached family home includes a detached double garage and hard surfaced front with relatively small rear garden backing onto the parking forecourt for further homes within the development.

The site is within the Metropolitan Green Belt and is within close proximity to the Rammey Marsh Flood Relief Channel serving the River Lea as such the site is situated within Flood Zone 2.

### **Relevant History:**

EPF/0718/09 – Two storey extension over and in front of existing garage - Refused

### **Policies Applied:**

The following policies from the Epping Forest District Local Plan and Alterations apply:

CP2 – Protecting the quality of the Rural and Built Environment

GB2A – Development in the Green Belt

DBE9 – Loss of amenity

DBE10 – Residential Extensions

### **Representations Received**

6 properties were consulted and the following response was received:

WALTHAM ABBEY TOWN COUNCIL: No objection

51 DEER PARK WAY: Object on grounds of loss of light, visual prominence and dominance of extensions, and loss of parking.

### **Issues and Considerations:**

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

- Impact on the character and openness of the Green Belt
- Scale, massing, design, layout and form of development
- Impact on neighbouring amenity

The previous application was refused for the following reasons:

*1) The proposed extensions are situated on the boundary of the built up enclave and within the Metropolitan Green Belt. The proposed extensions are of a significant scale and prominent appearance when viewed from the surrounding Green Belt and as a result are considered to detract from the openness of the Green Belt contrary to policies CP2, GB2A and GB14A of the Local Plan and Alterations and objectives of PPG2.*

*2) The proposed extensions result in the infilling of space between the applicant's site and that of the neighbour, this detracts from the rhythm of development in the streetscene. Furthermore, the proposals result in a disproportionately wide property frontage with separate access which does not complement the scale of the existing property contrary to policy DBE10 of the Local Plan and Alterations.*

*3) The proposed depth of development results in the unacceptable overshadowing of the neighbouring property at number 51 and the depth of development would appear visually prominent and overbearing when viewed from number 51 and the properties in Roman Way behind, contrary to the aims and objectives of policy DBE9 of the Local Plan and Alterations.*

In an effort to overcome the above reasons the applicant has sought to reduce the bulk and scale of the cumulative structures by removing 3.7m from the rear of the extensions which was formerly provided by an existing garage structure. In respect of reason 2 above the applicant has offset the first floor of the additions 1m from the neighbouring boundary in an effort to create a spacing. In respect of reason 3 above, the proposals reduce the depth of development which in turn seeks to reduce the impact on the properties in Roman Way behind.

### Green Belt

Limited residential extensions are considered acceptable in the Green Belt subject to the retention of the open character of the Green Belt and extensions not being disproportionate to the original dwelling, as long as accommodation is suitable for modern living standards. The application site is situated on the edge of the built up enclave so impact to the open Green Belt immediately adjacent must be considered.

The current scheme under consideration significantly reduces the amount of additional accommodation from that previously considered and furthermore since consideration of the previous scheme, policy GB14A which placed a clear volume restriction has now been removed from the Local Plan. The former scheme met almost the main ridge of the property and provided 2 bedrooms and an ensuite at first floor, with a significant floorspace at ground floor, sufficient to park two vehicles in tandem with additional internal accommodation. This scheme essentially halves the internal additions, whilst significantly reducing the height and depth of the proposals.

This reduced scheme is considered acceptable in Green Belt terms being a reasonable addition to an existing property in accordance with policy GB2A.

### Scale, mass, design, layout and form

The proposed design of the extensions has made significant efforts to be sympathetic to the design of the original property, this in itself is acceptable. The revised scheme has made significant reductions to depth and height, which when viewed from the street and adjacent properties is considered less visually intrusive and a level of addition not uncommon in urban areas.

The applicant retains a significant amount of parking on the driveway and an internal garage, therefore no parking concerns are raised.

### Neighbouring Amenity

In respect of neighbouring amenity, the revised scheme significantly reduces overshadowing and visual intrusion with the reductions mentioned above, therefore the revised scheme is considered acceptable.

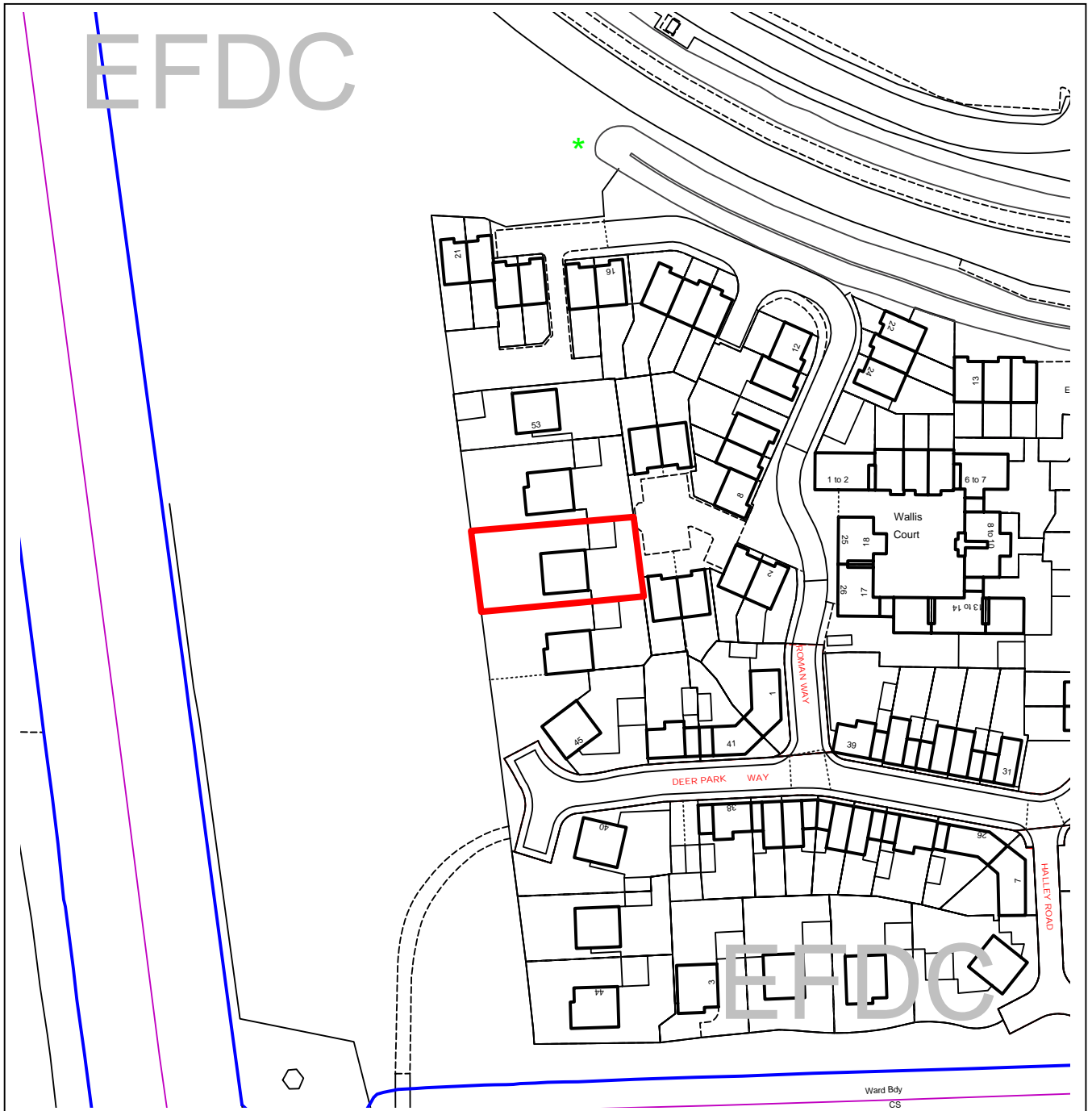
### **Conclusion:**

The revised scheme is considered acceptable, overcoming issues relating to Green Belt, Visual Intrusion and neighbouring amenity through a reduction in accommodation provided. Approval is therefore recommended.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>6</b>
Application Number:	EPF/2194/09
Site Name:	4 Lamplighters Close, Waltham Abbey, EN9 3AE
Scale of Plot:	1/1250

**Report Item No: 7**

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

**CONDITIONS**

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

*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 consent to revise an application for the retention of an existing unlawful boundary wall. This would reduce the height of the existing wall structure by 0.3m at the piers to 2m and by 1.3m at the panels between to reduce these to 1m in height with a further 0.8m constructed from timber panel inserts.

The applicant also proposes to remove the second set of gates currently in place, replace them with a further brick and panel insert and landscape across the front of the entire wall with a 0.5m planting strip comprising hawthorn at 0.4m intervals.

### **Description of Site:**

Detached bungalow located on the northern side of Water Lane, Roydon. The application site has no adjoining neighbouring dwellings and is located within the Metropolitan Green Belt and the Roydon and Nazeing Conservation Area.

### **Relevant History:**

EPO/0574/69 – Extension – approved/conditions 09/12/69

EPO/0476/71 – Extension – approved/conditions 14/09/71

EPF/1611/78 – Details of alterations and extensions – approved/conditions 15/12/78

EPF/1612/78 – Building to store vintage motor vehicles and normal cars in everyday use – refused 08/01/79

EPF/0120/79 – Details of rebuilding of garage, stores and stables – approved/conditions – approved/conditions 19/03/79

EPF/1872/08 – Vehicle crossover and erection of second gate – Refused 03/12/08

EPF/0315/09 – Retention of front boundary wall – Refused 23/04/09

### **Policies Applied:**

GB2A – Development in the Green Belt

HC6 – Character, appearance and setting of conservation areas

HC7 – Development within conservation areas

ST4 – Road safety

### **Summary of Representations:**

ROYDON PARISH COUNCIL – Object. The proposal would still result in an overbearing feature in both the Green Belt and the conservation area, particularly so close to the highway.

Three neighbouring properties were consulted and a site notice was erected. No objections have been received.

### **Issues and Considerations:**

The main issues here relate to the design and impact on the Green Belt, the Conservation Area and highway safety.

The wall as reconstructed would have a significantly softer appearance than that which currently exists, at a reduced scale and incorporating timber panels which would visually soften the existing appearance of the somewhat stark continuous wall as it currently exists. Furthermore the incorporation of the planting along the frontage, which Landscape Officers have advised would be possible, would result in a further softening of the wall feature over time. Subject to these alterations objections from the Conservation Officer have now been withdrawn.

The proposal also results in the loss of the second access which had been formed, which in turn overcomes highway objections.

In respect of previous applications, the most recent application was refused for two reasons:

1. The retention of the wall proposed would result in an over dominant urban feature which detracts from the character and openness of the Green Belt. The proposed retention of the wall is therefore contrary to PPG2 and policy GB2A of the adopted Local Plan and Alterations.

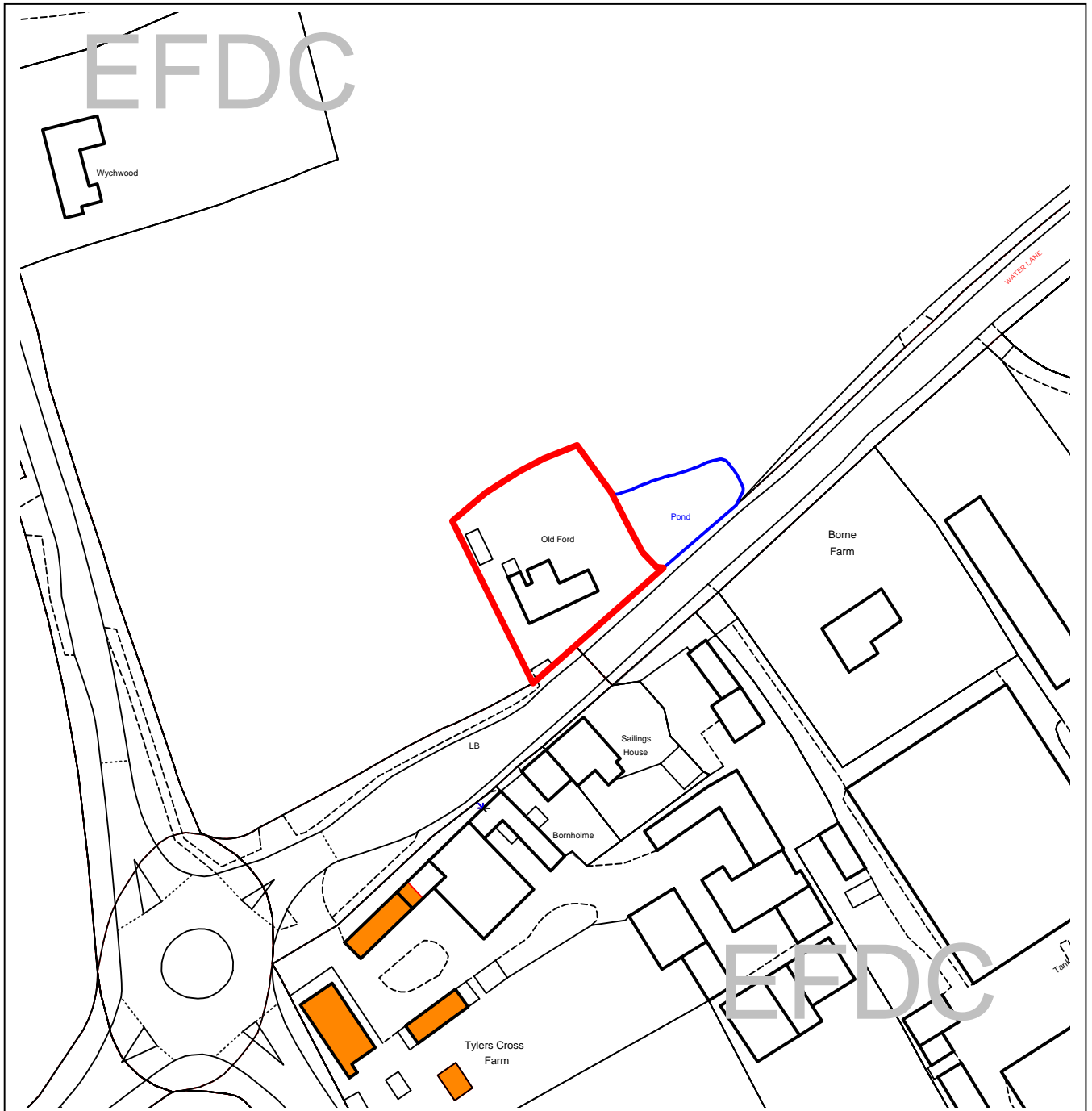
2. The proposed retention of the existing wall would result in a highly visible, intrusive development which detracts from the character and appearance of the Conservation Area by way of the scale, location and materials used, contrary to policies HC6 and HC7 of the adopted Local Plan and Alterations.

The incorporation of the timber panels, planting and reductions in height, is considered by Officers sufficient to overcome these reasons. Therefore, subject to conditions requiring the prompt resolution of this matter within 6 months and requiring the implementation of planting and retention of the same, the proposals are considered sufficient to overcome previous reasons for refusal and accordingly Officers recommend approval.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	7
Application Number:	EPF/2230/09
Site Name:	Old Ford, Water Lane Roydon, CM19 5DR
Scale of Plot:	1/1250



**Report Item No: 8**

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

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application. Otherwise the details of any alternative materials to be used shall be submitted and agreed in writing by the Local Planning Authority.
- 3 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 and C shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 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.

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

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

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

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

- 6 The proposed new access shall be constructed in accordance with the drawing numbered AL(0)01, and shall include a driveway width of not less than 4.1 metres to be retained for the first 6 metres within the site, from its junction with the highway boundary.
- 7 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
- 8 Prior to commencement of the development hereby approved, details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out and retained in accordance with the approved details.
- 9 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 10 Prior to occupation of the dwelling hereby approved, the turning area shown on plan Ref: AL(0)01 shall be provided and thereafter maintained to the satisfaction of the Local Planning Authority.
- 11 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.

- 12 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

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

**Description of Proposal:**

Consent is being sought for the erection of a new dwelling to the rear of the application site and for alterations to the existing dwelling known as Woodbury.

The proposed new dwelling would be 11.8m wide and a maximum 15m deep with an open single storey front porch. The dwelling would be three storeys in height (incorporating the roof space) and would be split level due to the existing gradient of the site. The maximum ridge height (when measured from the adjoining ground level) would be 8.8m, with the eaves heights reaching 6.8m (west) and 5.2m (east) respectively. The proposed dwelling would have five bedrooms, associated parking (including an internal garage) and amenity space. The property would be accessed by a new proposed vehicle and pedestrian access to the west of Woodbury and accessed directly from Harlow Road.

The alterations to the existing dwelling of Woodbury involve the reduction of the existing single storey rear protrusion by 1.8m, to allow for access to be gained to the new dwelling, the removal of the existing pitched roof of this protrusion and replacement with a flat roof, and installation of a pitched roof over the existing front dormer window.

**Description of Site:**

The application site is a detached two storey dwelling on the southern side of Harlow Road. This dwelling is the last property within Roydon before the Green Belt designation and is adjacent to a large open green area. The west and southern boundaries of the site are bordered by the gardens of residential dwellings in Harlow Road and Grange Lane, and the lower half of the eastern boundary of the site adjoins No's. 21 and 23 Little Brook Road, which is a relatively new housing estate within the Green Belt. The neighbouring sites to the west are covered by a Blanket Tree Preservation Order and contain individually TPO trees, and there is one preserved tree located within the application site.

**Relevant History:**

EPF/1525/09 - New build house in the garden of the existing house Woodbury with new vehicle driveway and access to Harlow Road. Associated garden fencing and landscaping and installation of pitched roof on existing dormer on Woodbury and part demolition of rear extension – withdrawn 12/10/09

**Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP7 – Urban form and quality  
GB7A – Conspicuous development  
H2A – Previously developed land  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
DBE10 – Residential extensions  
LL3 – Edge of settlement  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking

**Summary of Representations:**

13 neighbouring properties were consulted on this application.

PARISH COUNCIL – Object. The parish council acknowledges that this site is classed as previously developed land and not Green Belt but the site can be viewed from various Green Belt locations. The parish council is concerned about the overlooking of neighbouring properties, particularly 23 Little Brook Road. The new house would be deeper than 23 Little Brook Road and the proposal is, in part, a three storey property which could be visually overbearing. The parish council remains concerned about access, particularly for emergency vehicles. Also question the impact on the existing trees.

THE ROYDON SOCIETY – Object due to overdevelopment and the impact on neighbours amenities.

1 LITTLE BROOK ROAD – Object due to overlooking and poor access.

6 LITTLE BROOK ROAD – Object due to impact on neighbouring properties, impact on the appearance of the area and views from and into the Green Belt, and due to the inappropriate bulk, mass, height and design.

13 LITTLE BROOK ROAD – Object as the style and scale of the dwelling is out of keeping with the area, due to a loss of privacy to neighbours, and as there is inadequate access. There would be no objection to a bungalow being constructed on the site.

14 LITTLE BROOK ROAD – Object due to impact on neighbouring properties, impact on the appearance of the area and views from and into the Green Belt, and due to the inappropriate bulk, mass, height and design.

15 LITTLE BROOK ROAD – Object due to impact on neighbouring amenities, the unsympathetic design, and due to the harm on views from and into the Green Belt.

18 LITTLE BROOK ROAD – Object as this is backland development, due to the impact on neighbours, as the dwelling is inappropriate and out of character with the area, and due to inadequate access.

20 LITTLE BROOK ROAD – Object due to impact on neighbours, its inappropriateness within the area, and due to an inadequate access.

21 LITTLE BROOK ROAD – Object to the overall size and scale of the dwelling, the loss of privacy and amenities to neighbours, and due to inadequate access.

22 LITTLE BROOK ROAD – Do not object in principal however consider the proposed dwelling to be unacceptable due to the height, design and impact on neighbours. Also concerned about the adequacy of the new access.

23 LITTLE BROOK ROAD – Object due to the impact on the neighbours, it is inappropriate and out of character with the surrounding area, and due to the inadequate access.

LOVEWOOD LODGE, HARLOW ROAD – Object as the new access will render the shared boundary with Lovewood Lodge as potentially open to intruder access. The development would need to fully comply with proper and safe vehicle access onto Harlow Road and should not be detrimental to preserved trees.

HOBSONS GREY, GRANGE LANE – Object due to the potential impact on trees and the existing hedge, due to the loss of privacy and impact on neighbours amenities, and as this is an inappropriate site for such a dwelling.

CHADLEA, GRANGE LANE – Object due to impact on trees, as the dwelling would be out of scale for the plot, and as the building would be out of keeping with the area.

WHITE CEDARS, GRANGE LANE – Object due to inadequate access, impact on trees, and due to the impact on neighbours visual amenities.

57 HIGH STREET – Object as this is overdevelopment of the site, has an inadequate access, due to potential impact on the trees, and as this would set a precedent for further backland development.

188 HIGH STREET – Object as this would be out of keeping with the area and would impose a substantial impact and loss of amenity on the neighbouring properties.

### **Issues and Considerations:**

The key issues in considering the proposed new dwelling are the location of the development, the overall design, with regards to amenity considerations for both neighbouring residents and future occupiers, highways and parking considerations, and impact on preserved trees and existing landscaping. The key issues regarding the alteration to Woodbury would be the design and the impact on neighbouring residents.

### **New dwelling**

#### **Location**

Local Plan policy H2A encourages the use of previously developed land (PDL) for residential development, which under PPS3 includes existing residential curtilage. There are both national and local targets that require 60% of new housing development to be built on PDL, as this takes pressure off releasing Green Belt land for additional housing. Further to this PPS3 states that “*using land efficiently is a key consideration in planning for housing*”. Whilst the application site is not considered a particularly ‘sustainable location’ it is served by limited public transport and local

facilities and is located outside of the Green Belt in an established built up area. As such it is considered that the principle of developing this site is acceptable.

Although the proposed dwelling would be located to the rear of Woodbury, with a new access road required to service the dwelling, it is not considered that this 'backland development' is inappropriate in this particular location. Given the presence of 20-23 Little Brook Road (inclusive) and the dwellings to the east that were constructed within the garden of Woodlands, which do not comply with any 'linear building line' evident in this location, it is not considered that an additional dwelling to the rear of this property would in principle constitute an inappropriate development. Furthermore the new dwelling would be located adjacent to No. 23 Little Brook Road and, if not for its separate access road, could be viewed as part of the Little Brook Road development.

### Design

The proposed dwelling would have a somewhat unusual appearance and has been designed specifically in relation to its location. Given the gradient of the site from west to east the proposed dwelling would be a split level with an off-set ridge and catslide roof. The garage and kitchen/dining room would have a floor level some 1.3m lower than the lounge and entrance hall, with the varied level being continued onto the first floor. At second floor level (within the roof slope) there would be an additional bedroom on the western side of the property. The dwelling would have a mix of brick and light stained wooden cladding with clay roof tiles and modern oak framed windows. The overall appearance of the dwelling would be fairly modernistic and would include rooflights and solar panels within the roof slope.

Whilst the properties within Little Brook Road are fairly uniform in design and appearance the properties within Harlow Road and Grange Lane vary greatly. Although the design and appearance of the proposed dwelling is somewhat subjective and not to everybody's taste it is considered that, due to this variation within the surrounding area, combined with the significant set back from the surrounding roads (approximately 70m from Harlow Road and 38m from Little Brook Road) and level of tree and vegetation screening throughout the locality, the overall appearance of the new dwelling is acceptable. Although the dwelling does not lie within the Metropolitan Green Belt it is adjacent to this designated area, and therefore its impact on this needs to be considered. Given the dwelling's location within an established built up area and adjacent to existing properties that are located within the Green Belt, it is not considered that this development would have a material impact on the openness of the Green Belt.

Although the proposed five bed property is a large dwelling set within what appears to be a relatively small plot, the proposed house would be set 2m from each side boundary, would provide sufficient amenity space for both the new dwelling and the existing property, and would not detrimentally impact on neighbouring properties (see below). Whilst the dwelling would be three storeys in height this would incorporate the roof slope and would be designed to follow the contours of the land. Due to this it is considered that the dwelling is not 'too large' for the site nor does it constitute 'overdevelopment', and furthermore it would make better use of PDL as encouraged by Planning Guidance and frequently upheld on appeal.

### Amenity considerations

The proposed dwelling would have an eaves height of 5.2m on the eastern side and would be set off the shared boundary with No. 23 Little Brook Road by 2m. This eaves height matches that of the neighbour, however the overall ridge height would be considerably higher (due to the slope on the land and catslide roof). The front of the proposed dwelling would extend 4m beyond the closest front wall of the neighbour, who has a stepped frontage and is itself set back from the shared boundary. Due to the distance between the properties the proposed dwelling would not fall within a 45 degree angle of the closest neighbouring window and therefore would not result in an unacceptable loss of light. Furthermore, as the front of the neighbouring property faces north-

north-west this would receive very little direct sunlight at present. Whilst the additional 4m beyond the closest front wall of the neighbours would have some visual impact on these residents, the proposed dwelling would not be significantly more detrimental than the stepped forward section of their own house, which itself extends a further 4m forward. The main part of the dwelling would be located roughly in line with the rear wall of No. 23 Little Brook Road, however a single storey protrusion would extend 4m beyond this. The eaves height of this projection would be 2.6m, with an overall height of 4.7m, and it would retain the 2m set back from the boundary of the main dwelling. Again the proposed protrusion would not extend within 45 degrees of the closest neighbouring window and would therefore not result in a detrimental loss of light to this neighbour. Furthermore the limited height and substantial set back would ensure a minimal impact on visual impact to this neighbour. Concern has been raised by the occupiers of No. 23 Little Brook Road with regards to overlooking of their front garden and to their front windows from the entrance to the new dwelling (which is at a considerably higher level than the neighbour's ground level), however the front gardens and windows of dwellings require less protection than the rear as these areas are generally visible from public view points. Furthermore, the entrance to the new dwelling, which would be approximately 1.3m higher than the neighbouring ground level, would be located some 6.7m from the shared boundary with a sunken garage access separating it from the site boundary. As such it is not considered that this would result in undue loss of privacy to this neighbour.

The neighbouring properties to the west of the proposed dwelling back onto the application site, and therefore the closest dwelling in this direction would be some 23m from the new house. Whilst the new property would be located at the bottom of these neighbours garden, a combination of the 2m set back and large amount of established (preserved) trees would ensure that the impact from this dwelling would be limited.

The only proposed flank windows would be a single bathroom window and high level rooflights. Due to this there would be no loss of privacy as a result of this dwelling. Whilst objections have been received regarding overlooking to the rear gardens of No's. 21 and 23 Little Brook Road from the proposed rear windows and screened in balcony, the relationship between the new dwelling and these properties would be no different from the existing relationship between these properties and the rear garden of Woodbury. The overlooking of the garden to No. 21 Little Brook Road would be less than that which exists from No. 23 Little Brook Road, and the overlooking of No. 23 would be the same as that which results from this neighbour (and has done for many years).

The closest front window of the new dwelling would be 19m from the proposed new rear boundary of Woodbury, and 42m from the rear windows of this property. This far exceeds the recommended distances laid out within the Essex Design Guide and therefore would be acceptable.

The proposed vehicle access to the new dwelling and intensification of use of the site would have some impact on noise levels and pollution to both Woodbury and Love Wood Lodge, however as the proposed use would be for a single new dwelling the level of noise and pollution would be at a level low enough not to be unduly detrimental to these occupiers. This has been justified on appeal on several occasions.

Given the size of the proposed dwelling this property would require 120 sq. m. of private amenity space to meet the requirements of DBE8. The development proposes more than 300 sq. m. of amenity space, which is far in excess of the minimum requirements. The original dwelling (Woodbury) would also retain approximately 300 sq. m. of amenity space, which again is well in excess of the requirement for this five bed dwelling.

### Highways/parking

Concern has been raised with the potential highway problems that the new access could have on both the free flow of traffic on the Harlow Road and on highway safety. No objection to the scheme has been raised by Essex County Council Highway Services (subject to conditions) and there is

sufficient room within the site to manoeuvre vehicles so that they can enter and leave the site in forward gear. As such it is considered that the proposed new vehicle access and internal layout is acceptable. Concern has also been raised with regards to the inability for emergency vehicles to access the site (given the relatively narrow 2.4m wide vehicle access), however a domestic sprinkler installation can be implemented to compensate for inadequate access, which would be dealt with under Building Regulations. Due to this the accessibility of the site (or lack of) by Emergency Services is considered acceptable.

With regards to the amount of parking, the new dwelling would include a double garage with a sloped access (as this is on the lowest level of the house) and there is adequate room within the front garden of the proposed dwelling to allow for the parking of several vehicles. This proposal therefore complies with the requirements under the Essex Vehicle Parking Standards and Local Plan policy ST6.

### Landscaping

It is proposed to retain the majority of trees on site, in particular the recently preserved tree, and consideration has been given to the health and wellbeing of the preserved trees within the neighbouring sites. The application has been submitted with a full Arboricultural Report, which followed a site visit and advice from the Council Arboricultural Office, and is considered acceptable. There is some concern with the potential to retain the Silver Birch, due to its proximity to the sloped garage access, however as this tree is not of a value significant enough to warrant a Tree Preservation Order its potential loss would not be considered unacceptable (subject to a suitable replacement elsewhere on the site).

### **Alterations to Woodbury**

#### Design

The proposed reduction of the single storey rear protrusion and replacement of the existing pitched roof with a flat roof would not be particularly visible from outside of the application site. Due to this, and its relatively small scale, it is not considered that this alteration would be detrimental to the overall character or appearance of the locality. The installation of a gable ended pitched roof, to match that in existence on the front porch, would visually improve the existing flat roofed front dormer and would be a benefit to the overall appearance of the street scene.

#### Impact on neighbours

The alterations to the rear projection relate to a reduction in its overall bulk and height and the proposed new roof on the existing dormer would have no impact on neighbouring properties.

### **Conclusion:**

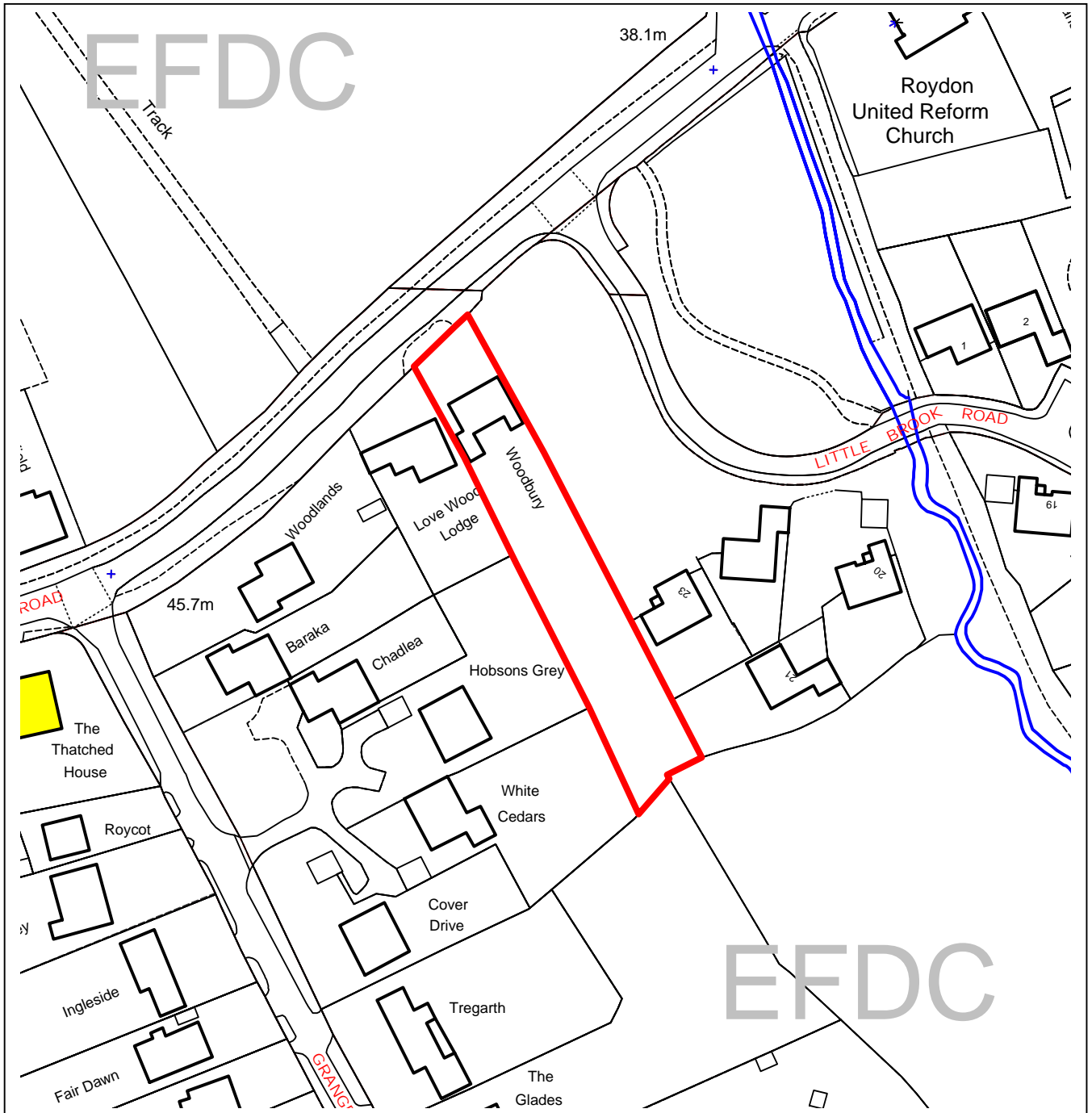
The proposed development utilises previously developed land within an established built up location. There would be no unduly detrimental impact on neighbouring residents or on the existing preserved trees. Whilst the proposed design of the dwelling is somewhat unorthodox given the location and varied design of surrounding properties it is not considered that this would be unduly detrimental to the character of the area. The parking provision proposed is sufficient and the impact on highway safety is considered acceptable. Due to this the proposal complies with the relevant Local Plan policies and is therefore recommended for approval.





# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>8</b>
Application Number:	EPF/2278/09
Site Name:	Woodbury, Harlow Road Roydon, CM19 5DX
Scale of Plot:	1/1250