

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1817/09
<b>SITE ADDRESS:</b>	Land adjacent to San Segal and Bury Farm Farm End Waltham Abbey Essex E4 7QS
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Mr Steven Crosby
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of two storey house and detached garage.
<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. Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
3. Prior to the commencement of development details of screen walls, fences, the proposed bin store, or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of the dwelling hereby approved and maintained in the agreed positions.
4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B, D and E shall be undertaken without the prior written permission of the Local Planning Authority.
5. No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

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

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

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

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

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

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

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

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

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

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

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

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

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

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

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

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

### **Relevant History:**

EPF/0084/92 - Outline application for redevelopment of existing house and stabling – refused 24/04/92  
EPF/0284/93 - Outline application for redevelopment of land to provide new house and stable complex – approved/conditions 07/06/93  
EPF/0587/96 - Erection of replacement house and 34 stables. Details in compliance with outline planning permission EPF/284/93 – approved/conditions 05/08/96  
EPF/0235/00 - Erection of horsewalker – approved/conditions 17/03/00  
EPF/0576/01 - Erection of replacement house and 34 stables (renewal of expired consent) – approved/conditions 20/06/01  
EPF/1575/03 - Erection of replacement dwelling (amendment to house granted consent under EPF/0576/01) – approved/conditions 12/11/04  
EPF/1215/04 - Retention of existing tractor shed including new external cladding – approved/conditions 12/11/04  
EPF/0183/05 - Renewal of planning consent EPF/0576/01 for erection of 34 stables and replacement dwelling – approved/conditions 11/04/05  
EPF/2163/07 - Erection of replacement dwelling and six stables – approved/conditions 27/10/08

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
GB2A – Development in the Green Belt  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE4 – Design in the Green Belt  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL3 – Edge of settlement  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking

### **Summary of Representations:**

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

TOWN COUNCIL – No objection.

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

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

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

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

### **Issues and Considerations:**

#### **Green Belt**

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

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

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

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

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

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

### Design and appearance

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

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

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

### Amenity considerations

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

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

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

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

### Highways/Parking

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

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

### Landscaping

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

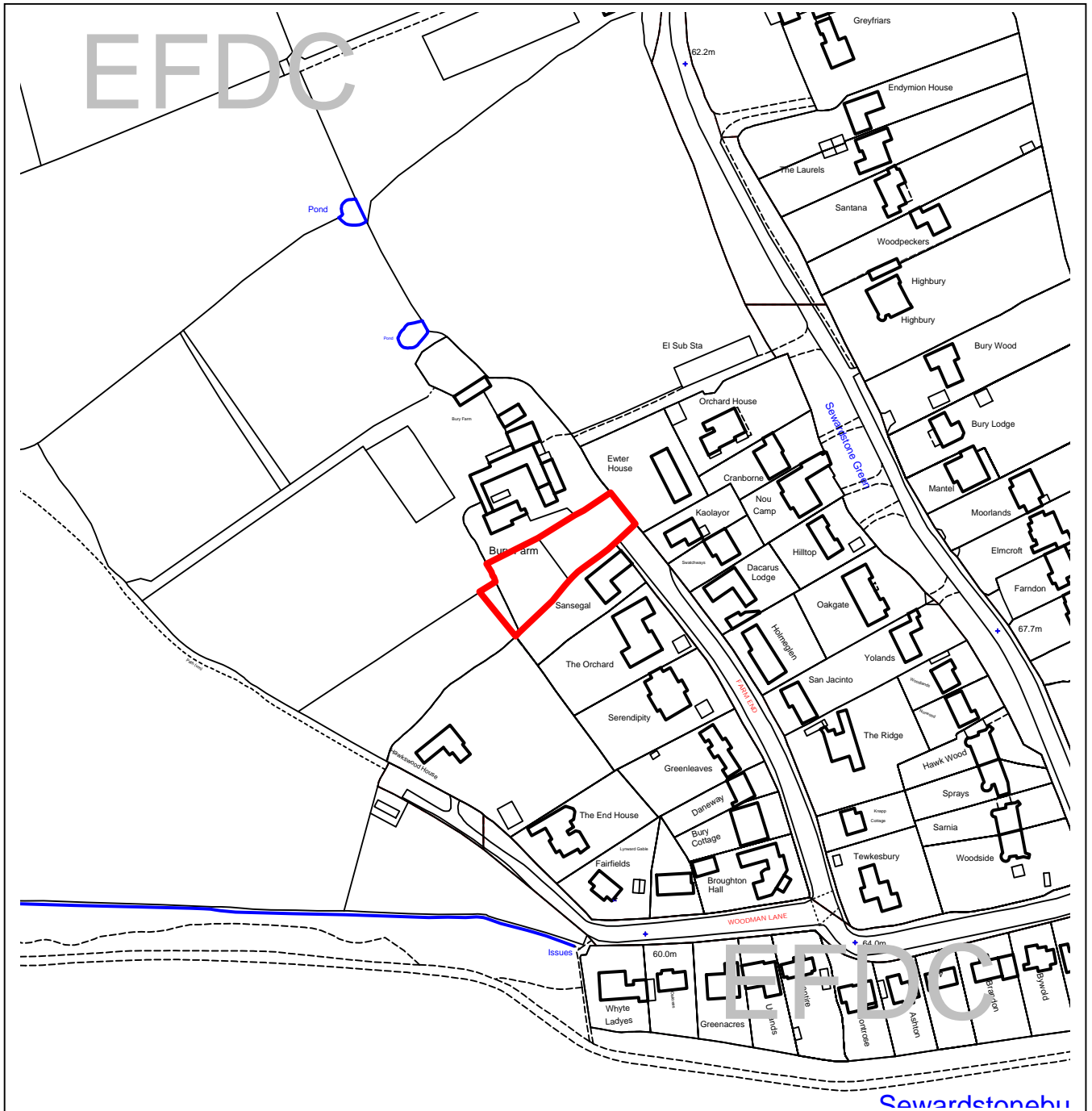
### **Conclusion:**

Due to the particular circumstances of this development, primarily its location on the edge of the built up settlement of Sewardstonebury and previously approved new dwelling on the adjacent Bury Farm, it is considered that on balance the very special circumstances of this proposal are sufficient to outweigh the harm to the Green Belt. Due to this it is considered that the proposed development generally complies with all relevant Local Plan policies and is therefore recommended for approval.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	1
<b>Application Number:</b>	EPF/1817/09
<b>Site Name:</b>	Land adjacent to San Segal and Bury Farm, Farm End, Waltham Abbey, E4 7QS
<b>Scale of Plot:</b>	1/2500



**Report Item No: 2**

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

**CONDITIONS**

NONE

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

**Description of Proposal:**

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

**Description of Site:**

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

### **Relevant History:**

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

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

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

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

### **Policies Applied:**

CP1 – Achieving sustainable development objectives

CP3 – New development

DBE3 – Design in urban areas

DBE9 – Loss of amenity

ST1 – Location of development

ST6 – Vehicle parking

### **Summary of Representations:**

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

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

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

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

### **Issues and Considerations:**

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

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

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

or

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

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

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

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

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

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

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

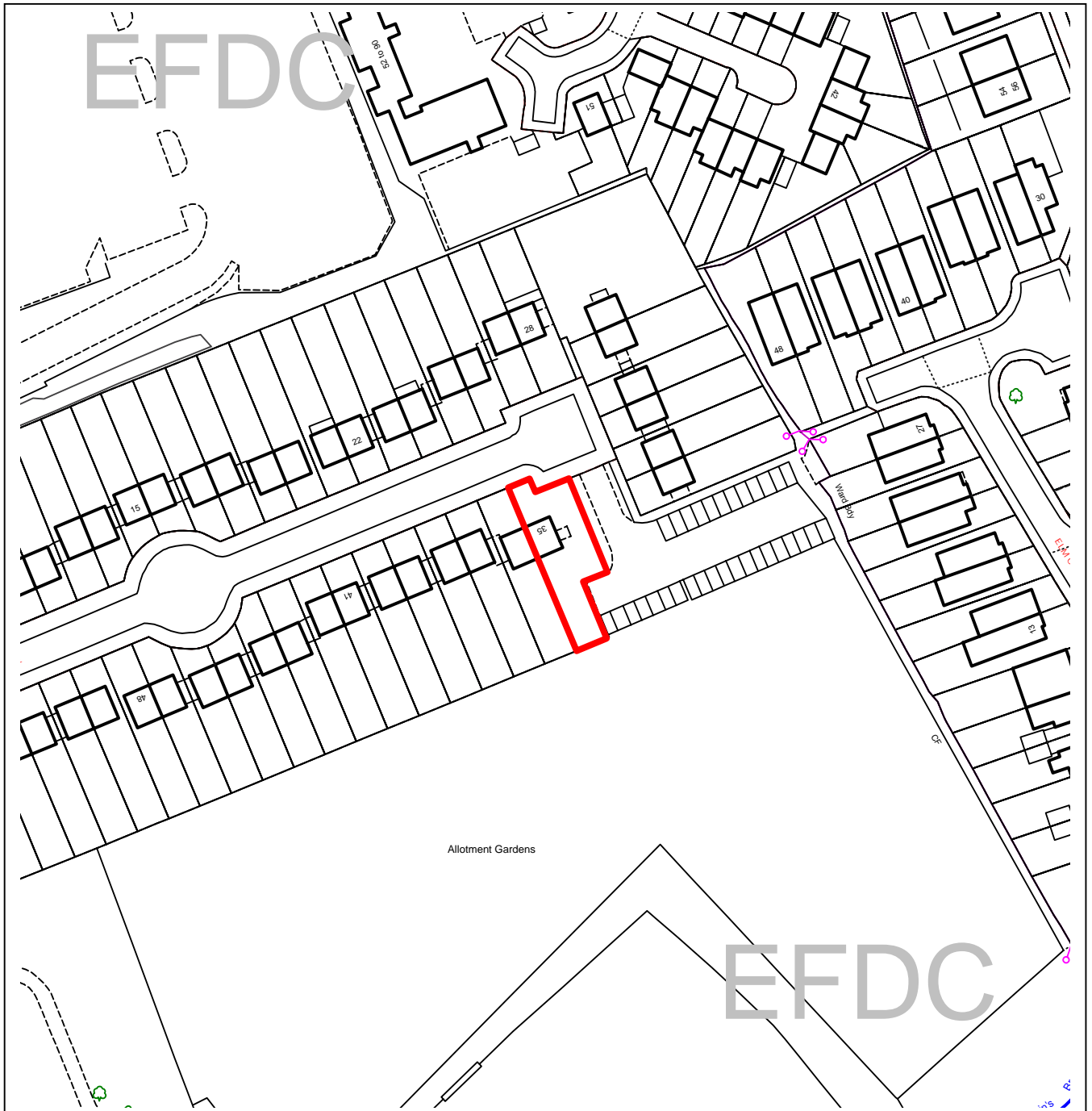
### **Conclusion:**

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



# Epping Forest District Council

## Area Planning Sub-Committee West



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