

Report Item No: 1

APPLICATION No:	EPF/0357/10
SITE ADDRESS:	10 John Elliot Close Nazeing Waltham Abbey Essex EN9 2NZ
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr K Tilling
DESCRIPTION OF PROPOSAL:	TPO/EPF/25/84 T3, T7 (G3) Silver Birch - Fell T1, T2, T4, T6, T8, T9 (G3) Silver Birch - Crown reduce as specified T10 Cherry - Prune back to fence line
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.
- 2 The crown reduction authorised by this consent shall be as follows:
 - i) side branches pruned back by up to 2 metres in length to suitable unions.
 - ii) reduce height by pruning branches up to 60 mm in diameter and up to 2.5 metres in branch length.

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

Description of Proposal:

T3, T7. Silver Birch: Fell.
T1, T2, T3, T4, T6, T8, T9. Silver Birch: Crown reduce as specified.

Description of Site:

T3 and T7 stand approximately 15 metres tall, along the southern boundary and form part of a large group of nine birch trees, which predate the applicant's property. The group provides a striking landscape feature when viewed from the Close and surrounding areas.

The group is of relatively uniform age and is largely unmanaged despite the construction activities that have occurred around them to introduce both the applicant's house and number 12 to the south. The public visibility of the trees is limited by these residential dwellings but their height boosts their importance in the locality.

Relevant History:

TRE/EPF/1660/01 records the granting of permission to fell two of the trees within G3. No pruning works relating to this group of trees appears on file.

Policies Applied:

Epping Forest District Local Plan and Alterations:

LL09 Felling of preserved trees.
LL08 Pruning of preserved trees.

SUMMARY OF REPRESENTATIONS:

Two neighbours were notified but no representations were received.

NAZEING PARISH COUNCIL – made no objection but would request that works are left to the supervision of the arboricultural officer.

Issues and Considerations:

Applicant issues

i) The main reasons put forward to fell the birch trees are the following:

- The trees are in need of thinning both of crown and selective tree removal to allow the development of retained mature specimens.

ii) The reasons given to prune the seven other trees; T1-4, T6, 8 and 9 are to improve the development of the retained specimens and allow more light into the modestly sized garden.

Planning considerations

i) The main planning considerations in respect of the felling of T3 and T7 Birch are:

Visual amenity

These two birches have moderate public amenity due to their location between two recently built dwellings but their collective height enhances their value. Screening from larger sibling trees diminishes the visual impact of these trees.

Tree condition

The trees are drawn up by their close proximity to each other and T7 has the problem of a vigorous conifer growing into it. Both trees selected for removal are subordinate examples within the group.

Suitability of trees in current position

i) Following discussions with the applicant an agreement was achieved, which avoided removing T5. T3 is close to the ridge and flank wall of number 12 and is able to contact the building, which is becoming a problem. T7 is losing the competition between it and the cypress growing beneath it. The conifer is preferred for its screening value. Both trees picked out for removal have neighbouring siblings close by and the group effect would not be unduly compromised. These two trees are no longer suitable in this position.

ii) Pruning considerations for T1, T2, T3, T4, T6, T8, T9 Silver Birch

The site discussion produced an amended pruning specification to a more sensitive treatment. This closely specified crown management of side branch reduction by up to 2 metres and 2.5 metre crown height reduction will not harm the trees' appearance or threaten their health and are acceptable in this case.

Conclusion:

The trees have less public value than their dominant siblings due to their partially concealed position within the line. Planning policy demands that tree removal is not simply justifiable but necessary. There is justification to remove these two trees on grounds of good management and prevention of ongoing nuisance.

It is recommended to grant permission to the application to fell T3 and T7 Birch on the grounds that the reason given justifies the need to remove the trees. The proposal therefore accords with Local Plan Landscape Policy LL9.

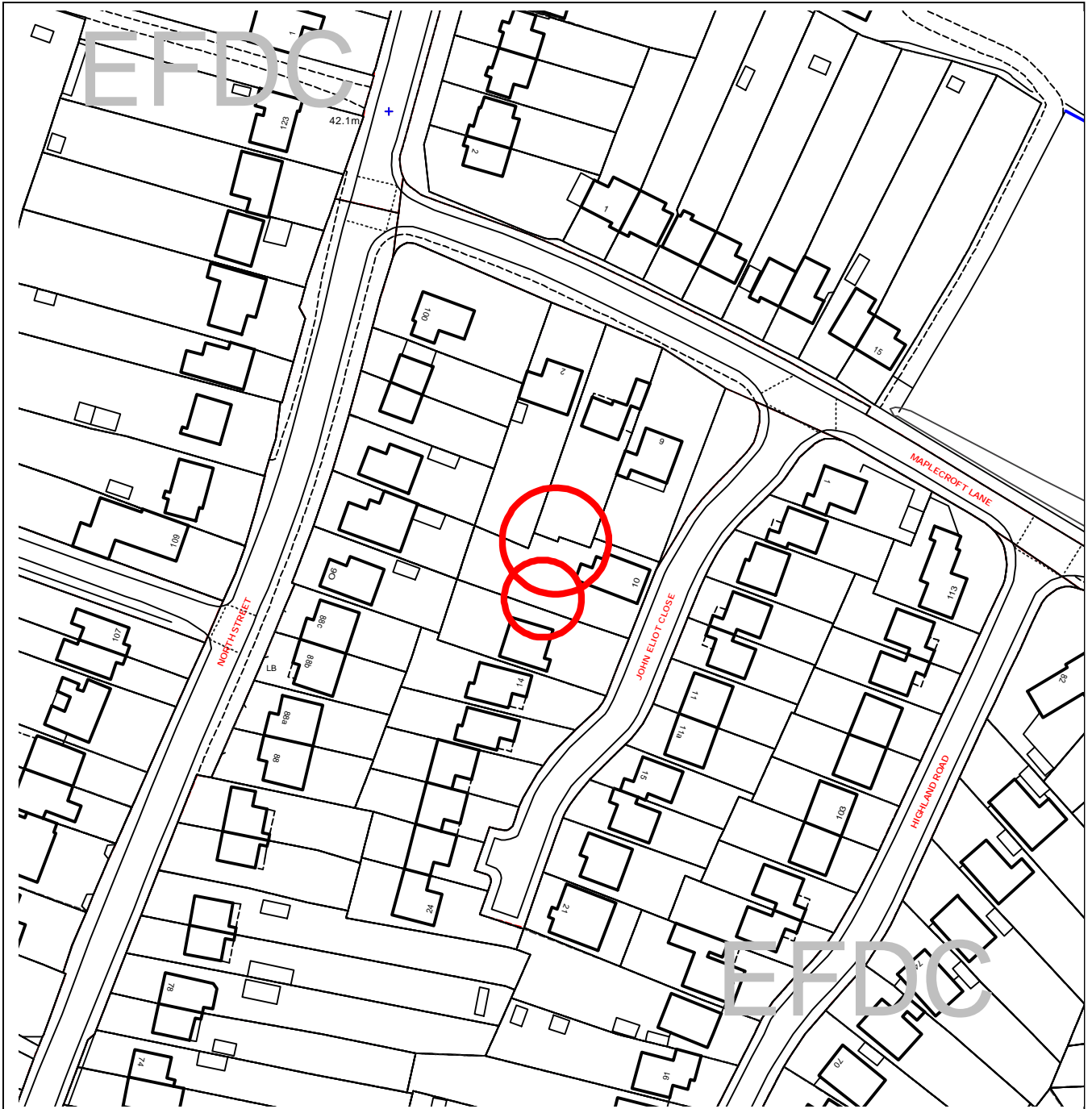
It is recommended to grant permission to allow specific crown reduction to T1, T2, T3, T4, T6, T8 and T9 on the grounds that the trees will not be harmed visually or physically by properly performed works. The proposal therefore accords with Local Plan Landscape Policy LL8. It should be noted that this part of the application falls within officer delegated powers but has been included in this report for the purposes of clarity.

In the event of members agreeing to allow the felling it is recommended that the requirement to replace these trees should be waived due to the large numbers of trees already present in the garden but a condition requiring prior notice of the works to remove them must be attached to the decision notice.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	1
Application Number:	EPF/0357/10
Site Name:	10 John Elliot Close, Nazeing EN9 2NZ
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0300/10
SITE ADDRESS:	Sewardstone Campsite Sewardstone Road Waltham Abbey Essex E4 7RA
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr Steven Wilkinson
DESCRIPTION OF PROPOSAL:	Variation of condition 2 on EPF/2180/06. (Use of part of existing campsite for 45 static caravans.) To allow for occupation of the site between 1st March and 31st January in any year.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The static caravans shall be used for recreational purposes only and shall not be occupied or used for any purpose after 31st January or before 1st March in any year.

- 2
 - i) The static caravans on the site shall be occupied for holiday purposes only and for no other purpose.

 - ii) The static 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 static 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 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:

This application is to vary condition 2 of EPF/2180/06 to allow for occupation of the site between 1st March and the 31st January in any year, resulting in a total of 11 months usage.

Description of Site:

Lee Valley Campsite is an established 5.7 hectare recreational camping ground located on the western side of Sewardstone Road and lies within the Lee Valley Regional Park. The site is located within the Metropolitan Green Belt, partly within the EFDC Flood Risk Assessment zone, and is covered by a blanket Tree Preservation Order. The camp site currently contains approximately 46 static mobile homes and 18 touring caravan pitches, with planning permission for a further 42 pitches and 10 camping pods. The specific area that relates to this application is the south western corner of the site, which contains 45 static caravans and associated facilities.

Relevant History:

EPF/2180/06 - Use of part of existing campsite for 45 static caravans – approved/conditions 08/01/07

EPF/0457/09 - Construction of pathway between shower blocks B and C, formation of car parking area, 18 touring caravan pitches and three roadways – approved 27/05/09

EPF/1796/09 - Installation of 10 no. camping pods, and creation of 42 additional touring caravan pitches – approved/conditions 10/12/09

Policies Applied:

GB2A – Development within the Green Belt

GB10 – Development in the Lee Valley Regional Park

DBE9 – Impact on amenity

RST1 – Recreational, sporting and tourist facilities

RST12 – Leisure plots

RST 23 – Outdoor Leisure Uses in the Lee Valley Regional Park

RST 24 – Design and Location of Development in the Lee Valley Regional Park

RST 32 - Leisure Caravans and Camping

Summary of Representations:

PARISH COUNCIL – No objection subject to any site residency conditions.

MILL HOUSE, MILL LANE – Object due to the likelihood of permanent residence.

MULBERRY HOUSE, SEWARDSTONE ROAD – Object due to the potential for the site to be used as a permanent housing complex.

PARIMA, SEWARDSTONE ROAD – Object as this would cause additional noise, pollution, parking nuisances and visual impact.

CLOCKHOUSE, DAWS HILL – Object due to highway implications, the unsustainable location, increased parking problems in surrounding streets, and due to the difficulty in enforcing against permanent residence.

Issues and Considerations:

The existing recreational caravan and camp site is well established and run/owned by Lea Valley Regional Park Authority. Outdoor recreation is considered appropriate within the Green Belt,

however there is a general presumption against the development of land for leisure plots under policy RST12. Notwithstanding this, Local Plan policy RST32 states “*the stationing of touring or static caravans, and the use of land for camping, will be permitted in the areas identified as such on the Proposals Map. Such development will not normally be permitted in any other part of the district*”. As this campsite is identified on the Proposals Map the overall use and principal of this site as a recreational caravan park is acceptable. Furthermore such a use is in line with the objectives of the Lea Valley Regional Park Authority to retain and enhance the LVRP as a recreational facility.

The specific part of the caravan site to which this condition relates was granted planning consent for use for the stationing of 45 static caravans in 2006. This was subject to a time limit condition to ensure the site is not used as a permanent residential site. 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 additional 3 months, and 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 static caravans subject to the following condition:

The static caravans shall be used for recreational purposes only and shall not be occupied or used for any purpose after 30th November or before 1st March in any year.

Reason:- Seasonal recreational use of the site is considered acceptable in this location whereas residential use would be inappropriate within the Green Belt.

Whilst such seasonal conditions are the most common way to restrict against permanent residential use on holiday parks, these forms of conditions have been proven to be easily avoided as the caravans may be used as an occupiers main home even if they vacate it for a few months of the year (i.e. they could vacate the unit for three months of the year to occupy a holiday home elsewhere).

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*” and due to the inherent problems with time limiting conditions (as outlined above) 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 more enforceable and restrictive 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.*

This form of 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, hence ensuring that the caravans are not occupied for permanent residential purposes.

Notwithstanding this, the advantage of a seasonal use condition in relation to holiday use is helpful in that it is clear and relatively easy to establish when there is a breach. Therefore, the combination of a time limit condition relating to a one month vacant period alongside a condition relating to the above criteria will allow for greater control over the potential use of the site as a permanent residential site.

Impact on surrounding area:

Although there are some detached residential properties located adjacent to the campsite and on the opposite side of Sewardstone Road, the part of the site that this application relates to is the south western corner, which is bordered to the west by the River Lea, the north and south by open fields, and the east by a residential property known as Willow Tree Lodge. Due to this the majority of increased noise and disturbance from the site (i.e. the occupation of and activity surrounding the static caravans themselves) would be a considerable distance from the majority of neighbouring dwellings. However, it is appreciated that all visitors to the site would require access from the single vehicle entrance on Sewardstone Road, which is close to neighbouring residents. Given the nature of Sewardstone Road and the frequency/level of traffic using this area, it is considered that any increased use of this site in particular would be unlikely to detrimentally impact on neighbouring residents in terms of additional noise.

Similarly, whilst it is appreciated that the application site is located within an unsustainable location, the established caravan site is currently used for 8 months of the year and it is not considered that an additional 3 months use would be unduly detrimental to this.

Objections have been raised by local residents with regards to parking problems occurring from/as a result of the site; however sufficient space exists on site for adequate off-street parking provision to serve this holiday park.

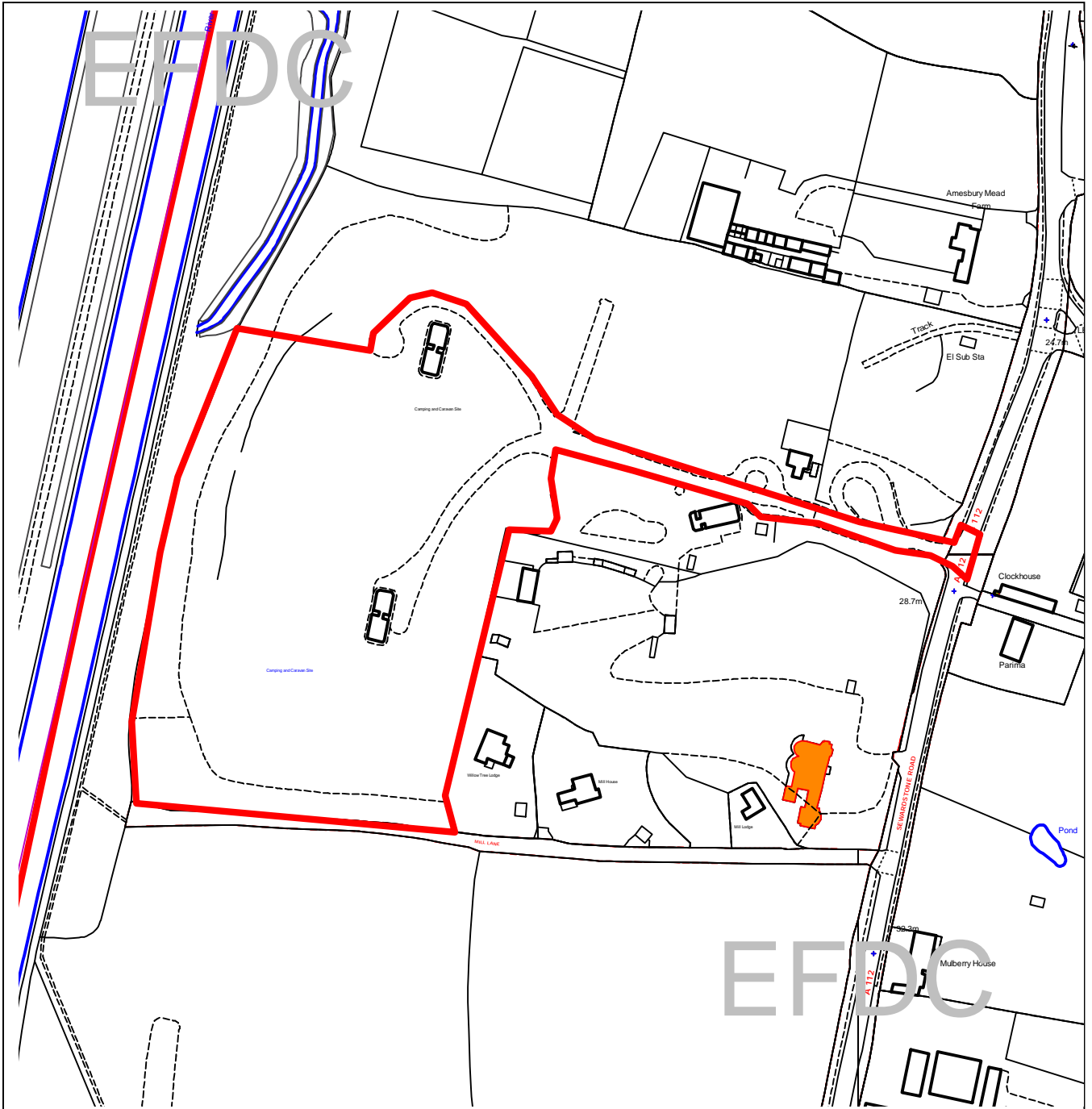
Conclusion:

In conclusion, 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 allow greater protection against this. Therefore it is considered that, subject to a relevant condition regarding an up-to-date register and the caravans only being used for holiday use alongside a closure period consisting of one month per year, the use of this site can be better controlled and the application is therefore recommended for approval.



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Agenda Item Number:	2
Application Number:	EPF/0300/10
Site Name:	Sewardstone Campsite, Sewardstone Road, Waltham Abbey, E4 7RA
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/0430/10
SITE ADDRESS:	89 Honey Lane Waltham Abbey Essex EN9 3QS
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	Mr Anthony Tillbrook
DESCRIPTION OF PROPOSAL:	Retrospective application for a change of use from residential to house of multi-occupation.
RECOMMENDED DECISION:	Grant Permission

CONDITIONS

NONE

This application is before this Committee as the consultation period is yet to expire and Officers anticipate either more than one expression of objection or a potential objection from the Town Council (Pursuant to Section P4, Schedule A (f and g) of the Council's Delegated Functions).

Description of Proposal:

The applicant seeks consent retrospectively for a change of use from a dwelling house to a House of Multiple Occupation (HMO). This results in a change in Use Class from C3 to Sui Generis.

The applicant indicates internal accommodation for 9 rooms with shared kitchen and bathroom facilities and 4 parking spaces on the front driveway.

Description of Site:

The application site is a two storey detached property with parking to the front.

Allowing for pedestrian access to the property and refuse storage it is reasonable to assume only 3 vehicles commonly park on the driveway.

The site is within the built up urban area of Honey Lane where the surroundings are characterised by residential development.

Relevant History:

None relevant

Policies Applied:

Epping Forest District Local Plan and Alterations policies:

CP2 – Protecting the Quality of the Rural and Built Environment
DBE3 – Design in Urban Areas
DBE9 – Loss of Amenity
ST6 – Vehicle Parking

SUMMARY OF REPRESENTATIONS:

10 neighbouring properties have been notified. A number of enquiries relating to the application have been received seeking further information or clarification but at the time of drafting this report only one letter of objection has been received as follows:

ON BEHALF OF WARBURTON AND CLARISSE LODGE, MEADOW CROSS:

Object as a HMO is out of keeping with the area, insufficient parking potentially leading to highway obstructions and raising issue with the retrospective nature of the application and potential future further applications for development.

Officers would clarify that it is not possible to give consideration to future speculative applications and consideration must be confined to matters within this application only.

Officers are yet to receive comments from the Parish Council.

Issues and Considerations:

The main issues that arise with this application relate to the use of the existing building. The proposals include no physical development to consider. The retrospective nature of this application does not have a bearing on the planning merits of this application as although the applicant indicates the building has been in use for 9 years in a Multiple Occupancy capacity, no evidence has been submitted for consideration, therefore this application should be determined on its planning merits and it is assumed that the HMO occupation onsite cannot be established as lawful.

The proposed residential occupation of a dwelling in an urban residential area is acceptable in principle. The potential impacts to neighbouring amenity by way of noise and disturbance are minimised due to the detached nature of the application property. Furthermore, officers note that the occupation of the property by 9 adults would not result in levels of noise and disturbance that significantly differ from that of a large family home.

In respect of internal layout, the layout is likely to result in a level of disturbance to the occupiers of rooms adjacent to the kitchen and bathroom areas which may be in use by other occupants. However, the level of disturbance would not be dissimilar to that experienced in a family home, therefore this is not considered unacceptable.

The shared amenity area to the rear is considered a reasonable provision comparable to established properties in the area and parking for 3 or 4 vehicles whilst not allowing a space for each occupant, is considered an acceptable provision in relation to parking standards. Furthermore, in an urban location with reasonable accessibility to public services, to demand a greater provision of parking would be unreasonable.

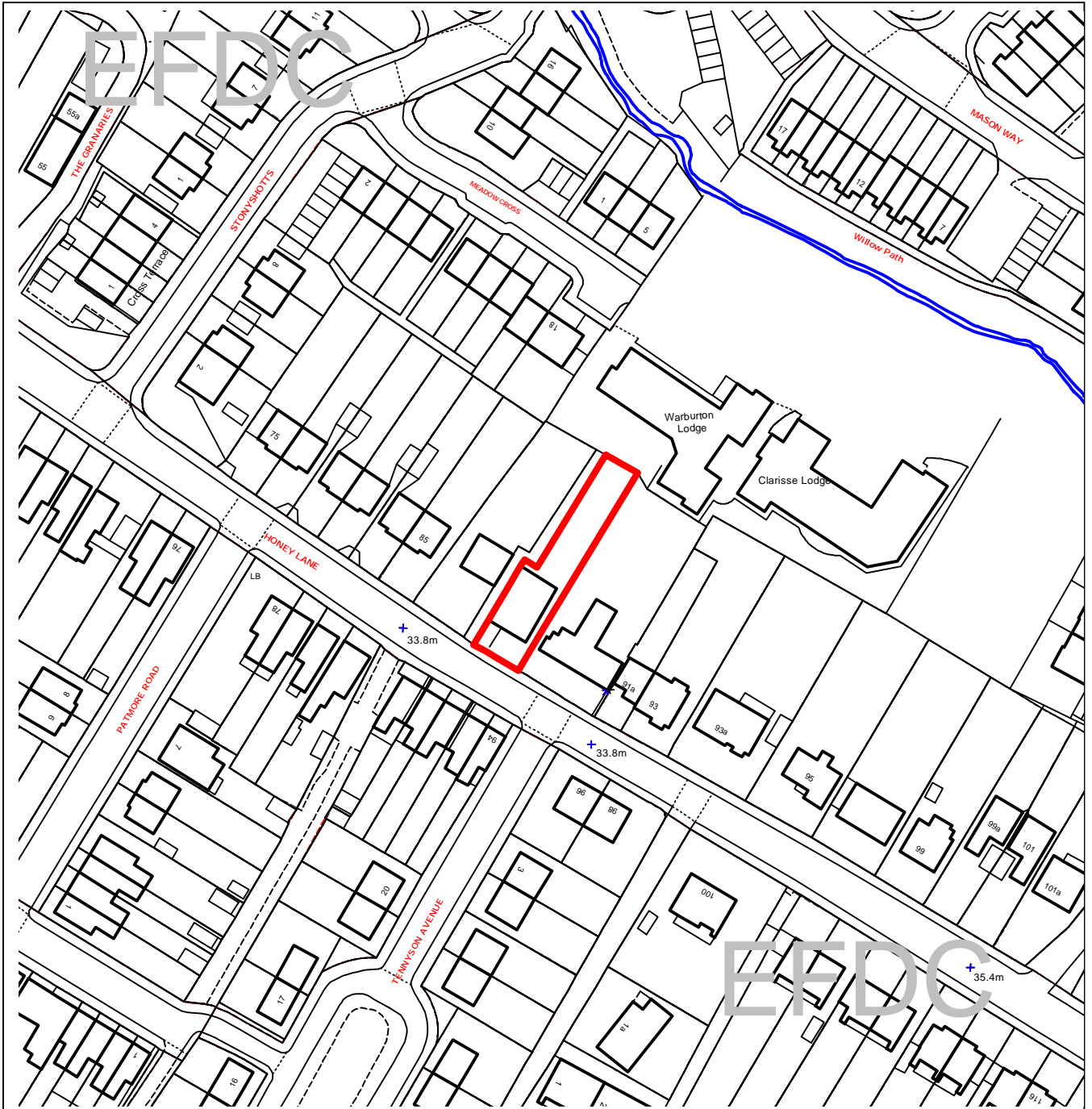
Conclusion:

The proposed use of the dwelling for a HMO is considered to be acceptable with no significant adverse impacts identified sufficient to justify refusal, therefore Officers recommend Members approve this application without conditions as the use has already commenced.



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Application Number:	EPF/0430/10
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Scale of Plot:	1/1250