

Report Item No: 1

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/1792/05 |
| SITE ADDRESS: | Rear of ground floor, 54 Sun Street, Waltham Abbey |
| PARISH: | Waltham Abbey |
| APPLICANT: | Abbey Bookmakers Ltd |
| DESCRIPTION OF PROPOSAL: | Change of use from taxi company (sue generis) to a bookmakers (A2). |
| RECOMMENDED DECISION: | GRANT |

CONDITIONS:

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

Description of Proposal:

Change of use from mini cab office to a bookmakers.

Description of Site:

A relatively modern two storey building office building located on the east side of the junction of Sun Street and Darby Drive. The ground floor front of the property is in use as an estate agents office, and this application concerns the vacant rear ground floor unit, which was last used as a mini cab office (Apollo taxis). The premises lie within a secondary shopping frontage in the Waltham Abbey town centre.

Relevant History:

EPF/647/99 - Planning permission granted on 29/9/99 for continued use of part of ground floor as a car hire centre.

Policies Applied:

Local Plan:
STC7 - Controls in primary and secondary shopping frontages.

Issues and Considerations:

The entrance to the proposed bookmakers is via a doorway on the side elevation facing Darby Drive, and no alterations to the building are proposed other than the erection of an illuminated sign, and report on this sign follows next in this agenda.

A bookmakers or betting shop is an appropriate use to be found in a shopping area. In this case it would be located in the secondary frontage, which is preferable to a primary frontage location. Moreover, the proposal will not result in the loss of a shop since the previous use of the premises was a mini cab office. In planning policy terms the proposed use is therefore an acceptable one in this secondary shopping frontage, and complies with the requirements of local plan policy STC7. In terms of amenity the proposed use is likely to be an improvement on the previous mini cab use, which gave rise to concerns about on street cab parking. Off street parking space is available for 2 cars, and highways officers have no objection to this betting shop use.

The Town Council object to the application on grounds that there are already 2 betting shops in the town centre, and they feel that there is not a demand for a further establishment. They add that there is an existing betting shop no more than 100 yards away. However, planning powers cannot be used to control competition between similar uses, and as pointed out above the proposed use is acceptable in land use policy terms. Other legislation does require the grant of a licence from the Magistrates Court before a new betting shop opens, and one issue the court takes into account is the number of betting shops already in the locality. The applicant has advised officers that, on 1/12/05, the Magistrates did in fact grant a licence to this proposed betting shop use.

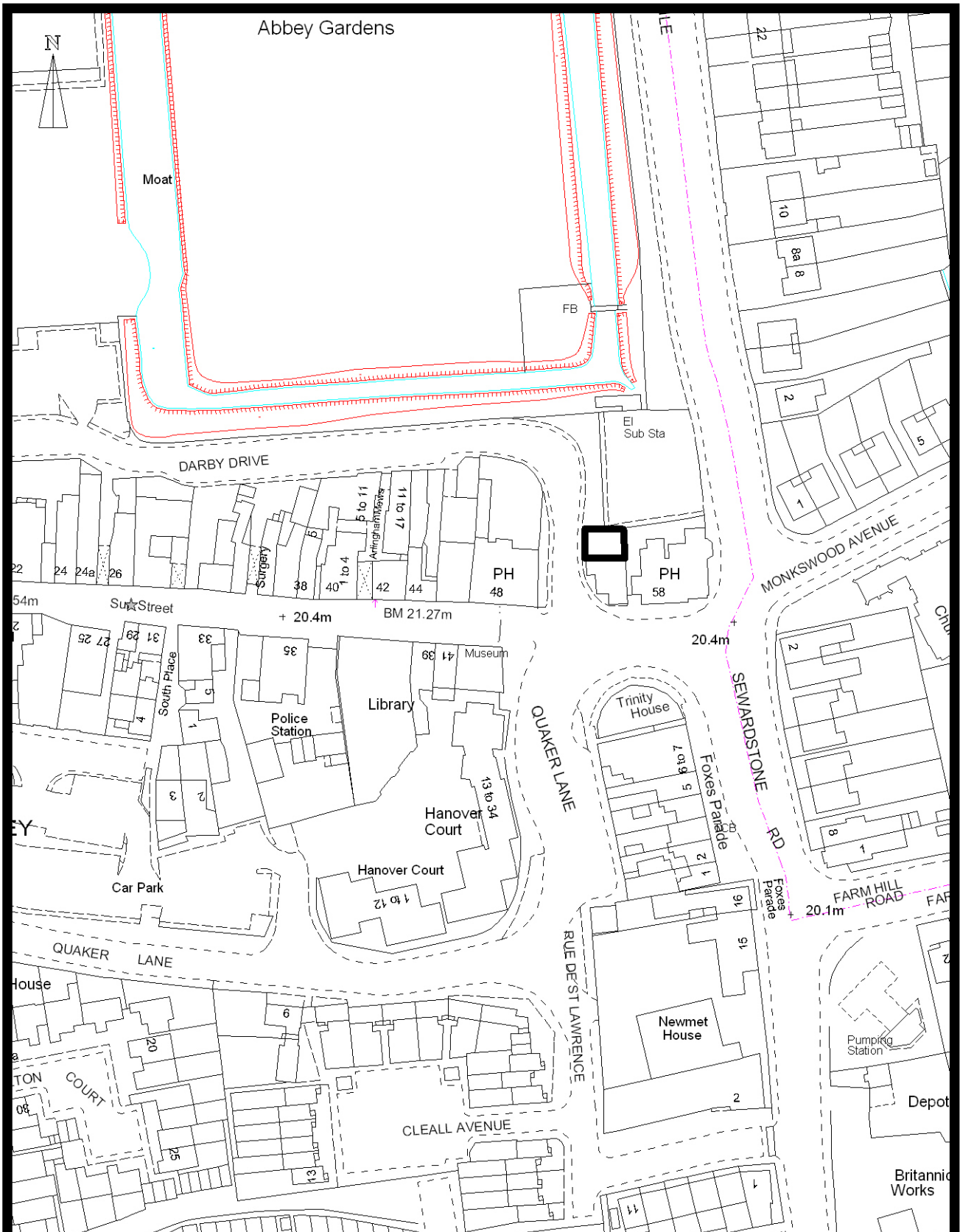
Conclusion

The proposal accords with adopted Council Policy and since it would result in a use likely to attract more people to the parade during the day than the lawful use as a mini-cab office it would facilitate an improvement in the vitality and viability of this part of the town centre. It is therefore recommended that planning permission be granted.

SUMMARY OF REPRESENTATIONS:

TOWN COUNCIL – There are two betting shops in the town centre and we believe there is not a demand for a further establishment. The proposed site is no more than 100 yards from an existing establishment.

NEIGHBOURS:- No response received.



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. EFDC licence No.100018534

Item No: 1&2
Scale: 1:1250



Report Item No: 2

| | |
|---------------------------------|--|
| APPLICATION No: | A/EPF/1714/05 |
| SITE ADDRESS: | Rear of Ground Floor, 54 Sun Street, Waltham Abbey |
| PARISH: | Waltham Abbey |
| APPLICANT: | Abbey Bookmakers Ltd |
| DESCRIPTION OF PROPOSAL: | Illuminated shop sign. |
| RECOMMENDED DECISION: | GRANT |

CONDITIONS:

- 1 The sign shall be illuminated externally by trough lighting in accordance with details that shall be submitted to and approved by the Local Planning Authority before the sign is displayed.

Description of Proposal:

Display of externally illuminated fascia sign.

Description of Site:

A relatively modern two storey office building located on the east side of the junction of Sun Street and Darby Drive in the Waltham Abbey Conservation Area. The ground floor front of the property is in use as an estate agents, and this application relates to the vacant rear ground floor unit, which was last used as a mini cab office (Apollo taxis). The premises lie within a secondary shopping frontage in the Waltham Abbey town centre.

Relevant History:

None.

Policies Applied:

Structure Plan
HC2 – Conservation Areas

Local Plan
DBE13 - Advertisements.

HC7 – Development within Conservation Areas

Issues and Considerations:

The proposed sign is to be displayed on the side elevation facing Darby Drive above an existing door entrance. The sign is of a modest size (3.4m in width by 0.46m in height) and is acceptable in terms of its size and position. Originally the application proposed external illumination in the form of 4 'swan neck' lights affixed to the wall above the sign. These lights would have projected 0.530m from the wall, and given the site's location in a Conservation Area, it was considered that they would be too conspicuous. The applicants have agreed instead to install external illumination in the form of a 'troughed uplighter', and have agreed to provide details subject to a condition attached to any consent. Such trough lighting is less prominent and is considered to be acceptable.

The Town Council have objected to the application on grounds that the proposed signage is inappropriate in a Conservation Area. However the alternative method of illumination agreed with the applicant will improve the appearance of the sign, and as revised it is recommended for approval.

Conclusion:

The display of the proposed signage is considered acceptable in terms of its impact on the appearance of the building and the character and appearance of the Conservation area. It therefore complies with adopted planning policy and accordingly it is recommended that express consent to display the advertisement is granted.

SUMMARY OF REPRESENTATIONS:

TOWN COUNCIL – Inappropriate signage in a Conservation Area.

Report item No: 3

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/1886/05 |
| SITE ADDRESS: | Galley Hill Yard, Galleyhill Road, Waltham Abbey |
| PARISH: | Waltham Abbey |
| APPLICANT: | Mr A Sanders |
| DESCRIPTION OF PROPOSAL: | Demolition of generator and weighbridge buildings, part removal of existing uses and provision of replacement landscaping, part retention of existing industrial/commercial uses, retention of caretaker's caravan and erection of replacement building - with variation of conditions 6,13,18,19 and 20 attached to existing full planning consent reference EPF/1910/00 to update time periods for submission of details. |
| RECOMMENDED DECISION: | GRANT |

CONDITIONS:

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No machinery shall be operated, no process shall be carried out and no vehicles shall enter or leave the site outside the hours of 0700 and 1830 Monday to Friday, 0800 and 1300 on Saturdays and at no times on Sundays or Public Holidays.
- 3 Notwithstanding the provisions of Part 8 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, further amending or re-enacting that Order with or without modification) no extensions shall be made to the buildings or land without the prior permission in writing of the Local Planning Authority.
- 4 No materials of any kind are to be burnt on the site.
- 5 All industrial processes (including vehicle maintenance and repair) shall be carried out within the confines of the buildings on the site.
- 6 Within two months of the date of this decision, a scheme for external lighting shall be submitted for the written approval of the Local Planning Authority and shall be implemented within six months of the approval thereof; thereafter any external lighting on the site shall comply with the approved scheme.
- 7 There shall be no external storage of vehicles, goods, materials, plant or equipment on the site, except within those areas shown on Plan No 99.245/10b.
- 8 There shall be no open storage within the site above a height of two metres.

- 9 No siting or caravans/portacabin or other portable buildings (other than as set out in the planning application) shall take place within the site without the prior written permission of the Local Planning Authority.
- 10 The stationing of the caretaker's caravan hereby permitted shall be for a limited period only and that use shall be discontinued on or before 31 December 2006 or the completion of the adjoining replacement building, whichever is the sooner. Thereafter, the caravan shall be permanently removed from the site.
- 11 Any caravan permitted on the site, under the terms of conditions 9 and 10 above, shall be used solely for occupation by a site caretaker and should not be used as residential accommodation.
- 12 A boundary fence shall be erected along the boundaries of the site. Details of this fencing shall be submitted to the Local Planning Authority for written approval within one month of the date of this permission. The fencing shall be erected within two months of the approval of the details (unless otherwise agreed in writing by the Local Planning Authority) and such a fence as approved and erected shall be permanently maintained in that position.
- 13 Within two months of the date of this decision, a scheme for hard and soft landscaping working (including tree planting) shall be submitted for the written approval of the Local Planning Authority. The submitted scheme shall include:-
- (a) details of unbuilt areas, including hard landscaping, boundary walls and fences or other means of enclosure;
 - (b) details of the planting of native marginal and aquatic species including plans for planting and establishment by any other means (including bunding) and full written specifications and schedules for plants, including species, plants sizes and proposed numbers/densities where appropriate and the timing for their provision;
 - (c) details of remediation of contaminated land identified as necessary to carry out the approved landscaping scheme.
- All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants, which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The details submitted in relation to (b) and (c) above shall be based upon a detailed investigation and assessment of the contamination present in the area of proposed planting to determine the potential to the environment to arise.
- 14 The unbuilt upon areas in the eastern half of the site shall not be used for any purpose without the prior written approval of the Local Planning Authority. All operational development (other than hardstanding) associated with the unauthorised uses of this part of the site should be demolished within six months of the completion of the development and the resultant debris and other materials shall be removed from the site within three months of the date of this demolition.
- 15 The proposed demolition must not be carried out except in accordance with the approved drawings. These are 99.245/10b (27 November 2001), 99.245/11a (22 August 2001), 99.245/12b (22 August 2001) and 99.245/13A (22 August 2001). Any alterations to these approved details shall require the prior permission in writing of

the Local Planning Authority before any work affected thereby is commenced.

- 16 Details of the types, finishes and colours of all the external materials shall be submitted for approval by the Local Planning Authority in writing prior to the respective materials being used on site; no external materials shall be used without their first being approved in writing by the Local Planning Authority and the development shall be implemented in accordance with such approved details.
- 17 There shall be no external loud speakers or other similar public address systems used outside any of the existing or approved buildings on the site.
- 18 Within two months of the date of this decision, detailed drawings of the service road and communal parking areas shall be submitted for written approval by the Local Planning Authority and within six months of the approval thereof those areas shall be laid out and not thereafter used for any purpose other than for manoeuvring, loading, offloading and parking of vehicles.
- 19 Within two months of the date of this decision, a scheme for the environmental protection of the site shall be submitted for the written approval of the Local Planning Authority. The submitted matters include:-
 - (a) details of the storage facilities for oils, fuels and chemicals;
 - (b) details of the surface water drainage system and methods to be used to minimise the risk of contamination of the environment from the disposal of surface water;
 - (c) details of the means of foul drainage.

The approved scheme shall be implemented within six months of the approval by the Local Planning Authority and a copy of the approved scheme shall be supplied to every current and future occupier of the site.
- 20 A vegetated buffer zone on land shown cross-hatched on plan no. 99.245/10c shall be provided of locally native plant species alongside Cobbins Brook, in accordance with a scheme to be submitted to the Local Planning Authority for written approval within two months of the date of this decision. All planting, seeding or turfing comprised in these approved details shall be carried out in the first planting and seeding seasons following the completion of the development; and any plants which within a period of 5 years from the completion of the development die, or are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

This application is brought before committee at the request of Councillor Spinks.

Description of Proposal:

This application relates to the authorised and unauthorised industrial and storage uses that have been taking place on this site for some years. The Council were successful at appeal in

November 2003 restricting the uses to half of the overall site only and various conditions were imposed by the Inspector that required works and their details to be submitted, approved and carried out within certain timescales and it is these conditions that this application seeks to vary.

Condition 6 required a scheme for external lighting to be submitted for approval within 6 months of the decision and implemented within a further 6 months;

Condition 13 required a landscaping scheme to be submitted for approval within 6 months of the decision and carried out within the next planting season;

Condition 18 required details of the service road and parking areas to be submitted for approval within 3 months of the decision and implemented within a further 6 months;

Condition 19 required a scheme for environmental protection to be submitted for approval within 6 months of the decision and implemented within a further 6 months; and

Condition 20 required details of a vegetated buffer zone alongside Cobbins Brook to be submitted for approval within 6 months of the date of the permission and implemented within the next planting season.

Description of Site:

A yard on the east side of Galley Hill Road north of the Cobbins Brook containing a number of open commercial uses and some workshops and storage buildings.

Relevant History:

For relevant details, see under Background below.

Policies Applied:

Various policies of the adopted Local Plan and the Structure Plan relating to Green Belt, employment issues, landscaping, nature conservation, impact upon amenity and transport issues.

Issues and Considerations:

Background

Formerly a horticultural nursery, this site lay derelict for some considerable time before, during the late 1980s, a mix of business, industrial and storage uses began to take place. These were particularly low-key during 1993 to 1996 but then intensified to a level that began causing significant damage to local amenity and to the Green Belt.

An application, EPF/1910/00, was submitted in 2000 and, in a spirit of compromise, the Council resolved to grant permission for the western part of the site so long as the eastern half was cleared. A section 106 legal agreement was required but the applicant declined to sign. This prompted the service of Enforcement Notices seeking to clear all unauthorised activity. An appeal was held into both the enforcement action and the refusal of the 2000 application and in 2003 the Inspector issued his decision allowing the reuse of buildings on the west side of the site along with activities around these buildings, but concluding that the open uses on the eastern half of the site were inappropriate in the Green Belt, generated levels of vehicles movements that could not be accepted on Galley Hill Road, and were detrimental to the amenities of the housing area to the south by their visual impact, noisy and dusty activities and burning of materials. The enforcement notice was upheld, then, but permission was granted for activities on the western half (but not on the eastern part), subject to some 20 conditions, in line with the Council's earlier intentions.

The enforcement notice had to be complied with within 9 months and, in the Inspector's mind, this would run parallel with time periods for the submission and approval of details required by conditions of the planning permission.

However, the appellants appealed to the High Court over the enforcement notice appeal decision on a point of law and this was not finally resolved until July 2004 when the Court of Appeal found against the appellants. By this time, however, the various time periods of the conditions had expired. Meetings were held with the applicants and a way forward to achieve the Council's objectives was advised.

Current Position

The site continues to be unauthorised and is operating in breach of the enforcement notice. The time for compliance is long past. There continues to be justification for securing the cessation of activities on the eastern part of the site.

However, the Council has always been aware that this site provides accommodation for a range of small businesses. Hence the desire to compromise over the 2000 planning application and reflected in the Inspector's decision. This has also meant that the Council has not been over-eager to enforce the notice to clear the site when half the site would prove acceptable if the works required by the conditions were carried out.

In order to encourage the applicants to carry out these works and retain on site the businesses that could reasonably be accommodated, officers agreed to consider a formal application to revise the time periods in these conditions to give a further opportunity for compliance and to make the time periods more realistic so that should it prove necessary to enforce these conditions through the courts, there would be no argument about their validity, commencement date or reasonableness.

The application seeks to set periods of only 2 months for submission of details rather than the 6 months in the original conditions (with further wording changes to condition 20 to align it with that agreed by the Environment Agency). The views reported below from the local Residents Association recognise the sense of these alterations and officers concur with the further views that no longer should be permitted.

Conclusion

The applicants confirm that they will commence discharging the relevant conditions upon receipt of a fresh decision notice with the conditions amended. The committee is recommended to agree these variations in a final attempt to work together with the applicants to resolve this matter. Should the conditions still not be complied with, enforcement action through the Magistrates Court may have to be taken as a last resort.

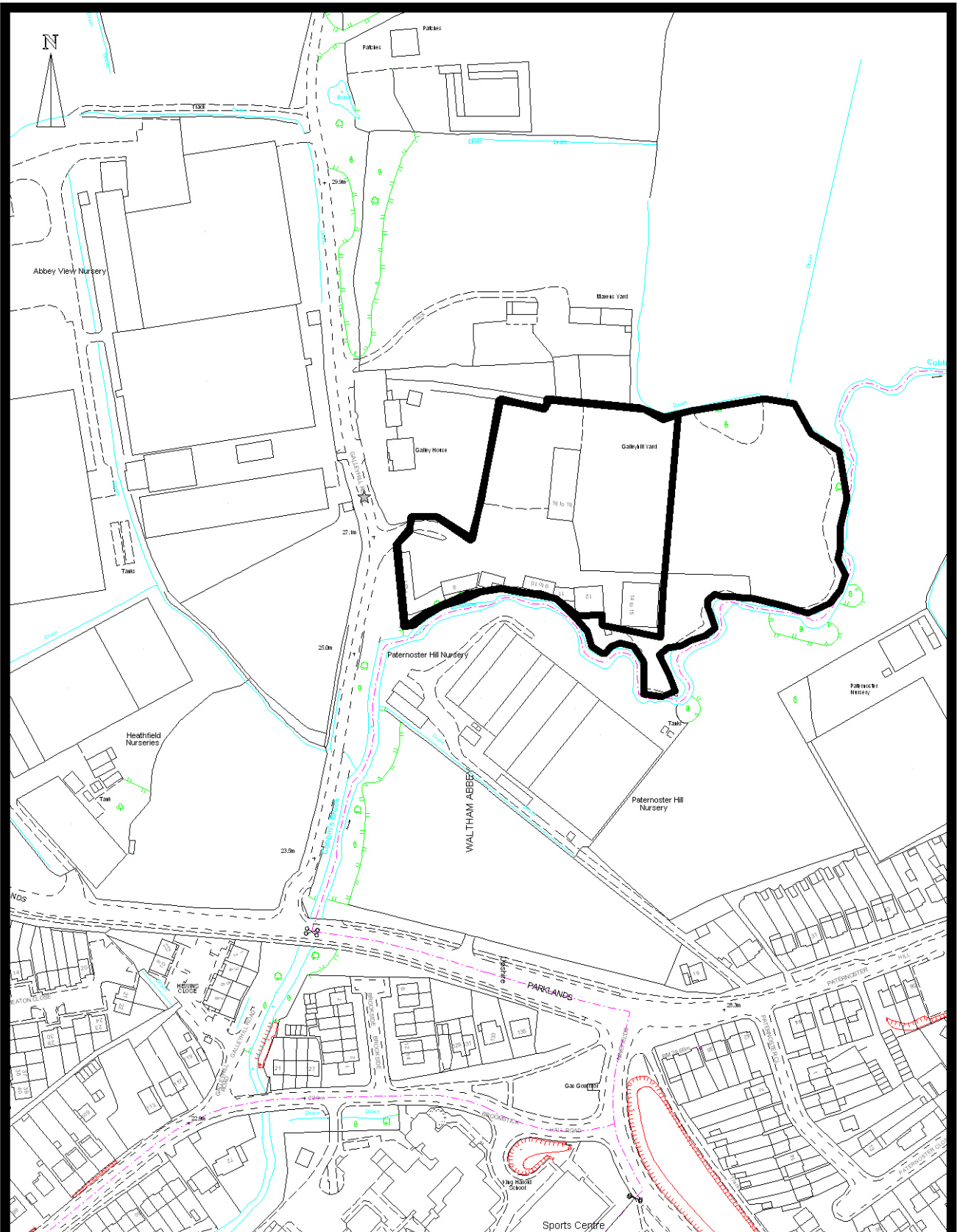
SUMMARY OF REPRESENTATIONS

WALTHAM ABBEY TOWN COUNCIL – No response received.

ENVIRONMENT AGENCY – We are satisfied condition 20 can be varied...We have no comment on conditions 6, 13, 18 and 19.

CHAIRMAN OF PATERNOSTER HILL RESIDENTS ASSOCIATION – As the problem has been going on for sometime, a two month extension is a small time to wait. The neighbours have been looking to the Council to resolve this problem and hope it can now be resolved once and for all.

ON BEHALF OF PATERNOSTER HILL RESIDENTS ASSOCIATION - We agree it may be prudent to agree a short extension to the time periods for submission of details but are reluctant to let it drag on much longer.



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. EFDC licence No.100018534

Item No:3
Scale: 1:2500



Report Item No: 4

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/1685/05 |
| SITE ADDRESS: | Winston Farm, Hoe Lane, Nazeing, EN9 2RJ |
| PARISH: | Nazeing |
| APPLICANT: | E Gaskin |
| DESCRIPTION OF PROPOSAL: | Change of use from derelict land to car park and retention of hardstanding. |
| RECOMMENDED DECISION: | GRANT |

CONDITIONS:

- 1 The area of hardstanding hereby approved shall only be used for the parking of vehicles of visitors and staff in connection with the adjacent B1 business units of Winston Farm and for no other purpose.

Description of Proposal:

Use land, approximately 32m x 16m, for parking in connection with existing adjacent B1 business units and retention of hardstanding.

The application is retrospective.

Description of Site:

The site lies to the east of Hoe Lane, immediately to the south of existing business units to the south of Winston Farm and adjoins the side boundary of Spinney Lodge. Directly opposite is Millbrook Business Park. The access to this site serves other businesses and dwellings.

The site forms part of a built up enclave within the Metropolitan Green Belt.

Relevant History:

CLD/992/04 Certificate of Lawful use for use of buildings as workshops. Approved 30/7/04

Policies Applied:

Structure Plan
C2 – Green Belt.
T12 – Vehicle parking

Local Plan
GB2 – Green Belt
T14 – Car parking

Issues and Considerations:

The site comprises a hardstanding within a built up enclave within the Metropolitan Green Belt lying between two premises in business use. Aerial photographs taken in July 2000 indicated the land was a grassed area at that time. The applicant states that the existing hardstanding was laid over an earlier hardstanding. There is no evidence of the previous use of the land in Council records and no evidence of when the hardstanding was laid. The land is used to provide access to and parking provision for business units adjacent to the north of the land. A certificate of lawfulness in relation to the use of these units for B1 business was issued in 2004 but it does not also relate to the area of land the subject of this application. The business units can also be accessed from both the application site and land to the north.

The main issue in this case is whether the proposal is appropriate in the Green Belt and if not whether there are very special circumstances sufficient to overcome the harm to the Green Belt that will result from the development.

The use of land for parking is not an appropriate Green Belt use since such a use introduces vehicles and has an impact on both openness and visual amenity. However in this instance the parking area is required to serve existing business premises that have only limited existing parking, and the site is situated between buildings in an area characterised by business units and large areas of hardstanding. The land does not appear to have any other logical function and the use for parking will not harm the amenities of the area. The loss of openness is only very limited due to the position of the site and given that the business use of the adjacent site is lawful it is clear that it will generate traffic that will need to be accommodated. If it cannot park in this area it is likely to be more prominently located along the main access road. These circumstances are considered very special and specific to this site. As such they outweigh any harm caused to the open character and appearance of the Green Belt in this location.

In raising objection to the application the Parish Council has made reference to Local Plan policy GB7. It is pointed out that policy GB7 relates to development outside the Green Belt that can be seen from it. Since this site is in the Green Belt policy GB7 is not applicable to this application.

Conclusion

On balance it is considered that in this instance the specifics of the site amount to very special circumstances sufficient to outweigh the harm to openness that results from the development. Accordingly it is recommended that planning permission be granted.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL – Object contrary to GB2 and GB7

Report Item No: 5

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/0281/02 |
| SITE ADDRESS: | Tylers Cross Nursery, Epping Road, Broadley Common |
| PARISH: | Roydon |
| APPLICANT: | Mr B Salvo |
| DESCRIPTION OF PROPOSAL: | Use of land for stationing of a mobile home and a caravan for occupation by nursery workers. |
| RECOMMENDED DECISION: | GRANT |

CONDITIONS:

- 1 This consent shall inure for a limited period of 3 years from the date of this Notice, at which time the use of the land for stationing of the caravan and mobile home shall be discontinued and all units and related fixtures and fittings shall be removed from the site.

Description of Proposal:

The application is for the continuation of the use of land alongside the western boundary of Tylers Cross Nursery for the stationing a caravan and a mobile home for a period of three years to provide temporary accommodation for horticultural workers.

Description of Site:

Tylers Cross Nursery lies around 1km south-west of the built-up area of Harlow, with access off Epping Road. The application site comprises most of the western end of the larger Nursery site, occupied by two glasshouses which are separated from the boundary with open fields to the west by the outbuilding and two units of accommodation. The nursery is around 1.2ha and grows cucumbers, with the outbuilding used for packing, storage, workers' canteen and a computer room. The remainder of the Tylers Cross site contains a salad packing and distribution depot, haulage and car repair businesses and a settlement of gypsy travellers.

The whole Tylers Cross site is within the Green Belt and is shown designated for glasshouses under adopted Local Plan policy E13. The site adjoins the Nazeing and South Roydon conservation area.

Relevant History:

None relevant

Planning Policy:

Structure Plan Policies:

CS4 Sustainable new development.

C2 Green Belt.

Local Plan Policies:

GB2 Development in the Green Belt.

GB5 Residential moorings and non-permanent dwellings

GB17 Agricultural workers' dwellings

HC6 Development within or adjacent to conservation areas

E13 Glasshouses in the Lea Valley

RP3 Pollution prevention

LL2 Landscaping of rural developments

Issues and Considerations:

The main issues raised by the application are the appropriateness of the development in the Green Belt, and whether there is a need for the residential accommodation for agricultural workers at the site as a legitimate exception to Green Belt policy. Other issues relate to landscape impact, visibility from the Nazeing conservation area and site drainage.

The use of land for residential purposes, even on a temporary basis is inappropriate development in terms of national and local Green Belt policy, by definition harmful to the Green Belt. The onus is therefore on the applicant to demonstrate very special circumstances, which could include agricultural need. Policy GB5(ii) does not assist the case for the mobile home and caravan, as it states that the Council will refuse permission for '*non-permanent dwellings, including mobile homes and caravans, except as replacements within the existing caravan sites shown on the Proposals Maps*'. This is not the case at Tylers Cross.

Government policy as set out in 'Planning Policy Statement 7: Sustainable Development in Rural Areas' (PPS7), and Policy GB17 of the adopted Local Plan indicate that permission will only be granted for agricultural workers' accommodation if essential. The applicant states that there is such a need for two full-time staff at all times (the proprietor lives away from the site), and that the units are both occupied by permanent workers. One had already been employed by the business for 6 years at the time of submission of this application and has been living in the mobile home. The caravan has been occupied by another employee since just before the application was submitted. In each case wives and dependent children also live in the accommodation. The applicant cites difficulties in recruiting experienced and reliable labour for seasonal work in support of retaining the accommodation as an essential element of the employment package of the two men. Wages are at the Agricultural Wages Board minimum, placing permanent housing out of reach even though Harlow and Roydon are nearby. Regular monitoring of glasshouse temperatures and automatic heating, watering and irrigation systems is stated to be needed, as well as potential power failures, alarm systems and checking site security.

Permission was granted on appeal in 1990 (Ref. EPF1997/88) for an agricultural worker's dwelling at Tylers Cross, on an adjoining nursery site, also growing cucumbers. The Inspector in that case concluded that monitoring of systems, essentially the same as that in this case, called for rapid response to failures to avoid serious crop loss or damage. He also accepted the security case, due to a right of way running through the site to other mobile homes at Tylers Cross.

The horticultural holding is profitable on the basis of the figures supplied, with enough income for the applicant and his son as well as the employment of the two resident workers.

Annexe 1 to PPS7 gives guidance on agricultural dwellings. On temporary accommodation such as proposed here, it advises that:

“If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);*
- (ii) functional need (see paragraph 4 of this Annex);*
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;*
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and*
- (v) other normal planning requirements, e.g. on siting and access, are satisfied.”*

It is considered that the continued operation of the nursery for some years and the need for constant on-site monitoring and supervision shows that criteria (i) to (iv) are met. A temporary approval would enable review of these factors to see if they still applied in the future. In relation to other planning issues, there is minimal effect on traffic movement, and no land drainage implications.

Landscaping along the western boundary consists of an incomplete hedgerow, which acts to reduce the impact of the two structures. There is insufficient room to add further planting along this immediate stretch of the boundary within the applicant's ownership.

The site adjoins the boundary of the Nazeing and South Roydon conservation area. The most important characteristic of the Conservation Area is its open appearance based on ancient field system boundaries identified by hedgerows. Views of the mobile home and caravan from the Conservation Area are partially screened by an existing hedge on the boundary of the site. Moreover, such views place them within the context of adjacent larger nursery buildings and against the backdrop of extensive glasshouses. It is therefore considered that the character and setting of the Conservation Area are not materially affected by the structures. The visual impact on open countryside and the Nazeing conservation area is acceptable, given that the height of the units in relation to the hedge.

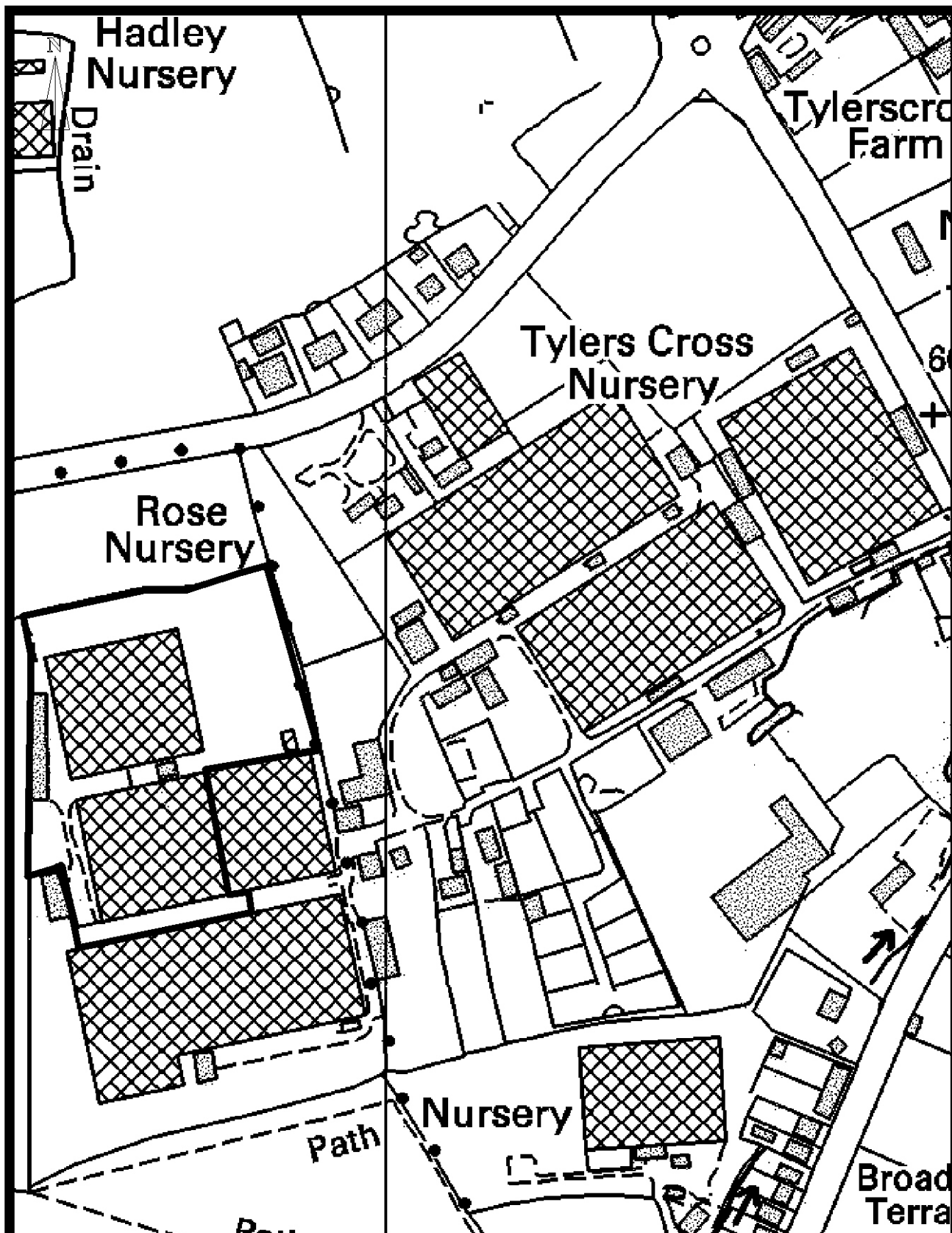
Conclusion

It is recommended that temporary permission be granted for the caravan and mobile home at the nursery, for a limited period of 3 years subject to their occupation solely by persons employed in agriculture.

SUMMARY OF REPRESENTATIONS:

ROYDON PARISH COUNCIL – Objection. There is no reason to permit these two ‘homes’ in the Green Belt.

NEIGHBOURS – Girton Cottage, Tylers Road – Objection. Sewage empties into ditch; residential use not in conformity with any structure plans; no case for nursery workers to live on site, which is within walking distance of Harlow and Roydon; accommodation likely to be used for people not entitled to reside in UK.



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. EFDC licence No.100018534

Item No:5
Scale: 1:2500



Report Item No: 6

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/0629/04 |
| SITE ADDRESS: | LAKE VIEW NURSERY, DOBBS WEIR ROAD, ROYDON |
| PARISH: | Roydon |
| APPLICANT: | C & P Cappalonga |
| DESCRIPTION OF PROPOSAL: | Replacement of and extension to existing aluminium glasshouse. |
| RECOMMENDED DECISION: | GRANT |

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 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained.
- 3 At least 48 hours prior notice shall be given to the Archaeological Advisory Group of Essex County Council of the date works will be commenced on this site or any part thereof, and persons authorised shall be afforded access for inspection of the site, and for carrying out works of excavation for the purpose of recording any features thereon of historical or archaeological significance.
- 4 The development shall not commence until details of existing and approved ground levels are submitted to and approved in writing by the Local Planning Authority, the development shall be carried out in accordance with such details.

Description of Proposal:

This is a full application is for the erection of replacement glasshouses, which would cover the 'footprint' of the more southerly of the two present structures, linking it partly with the remaining building and slightly extend it towards both the west and south site boundaries. The total additional floorspace proposed is 1700 sq. m representing an increase of about 19% on the total existing area of glasshouses on the land. The replacement glasshouses would have an overall height of 5.4m, compares with 4m for the existing glasshouses.

Description of Site:

This is a site of 1.2ha, occupied by a nursery immediately to the east of Nazeing Meads North Lagoon, a recreational lake mid-way along the south side of Dobbs Weir Road. The site is largely

occupied by two roughly square glasshouses with a combined floorspace of 8819 sq. m, together with two small outbuildings in between. Access is along the eastern boundary from Dobbs Weir Road. There is a separate large area of glasshouses immediately east of the site, but otherwise it borders open recreational areas and an additional lake slightly to the east on the opposite side of Dobbs Weir Road.

The site is within the Metropolitan Green Belt and area of the Lee Valley Regional Park on land identified in the Local Plan as at risk from flooding.

Relevant History:

(Formerly Ardleigh nursery)

EPR/68/50 – Erection of 2 glasshouses – approved

EPO/325/70 – O/A for glasshouses – approved

EPO/544/72 – O/A for 2 nurseryman's dwellings – refused

EPO/974/72 – O/A and layout for nurseryman's dwelling – approved

EPO/936/73 – Details of new packing shed, boiler house & extension with 45ft high chimney – approved

EPF/104/74 – Erection of bungalow for residential use in connection with nursery – approved

EPF/194/78 – Glasshouses (4941 sq m) – approved

EPF/53/83 – O/A detached agricultural worker's dwelling – refused

Planning Policy:

Structure Plan Policies:

CS4 Sustainable new development.

C2 Green Belt.

Local Plan Policies:

GB2 General restraint in the Green Belt.

RST24 development within the Lee Valley Regional Park

E13 Glasshouses in the Lee Valley

DBE4 Development in the Green Belt.

T17 Traffic impact

LL11 Landscaping

U2 Development in areas at risk from flooding

Issues and Considerations:

This is an application for replacement and extension of glasshouses. The main issues are whether the proposed development is appropriate in the Metropolitan Green Belt, whether it accords with Local plan policy E13 on glasshouses and policy GB10 on the recreational functions and landscape character of the Lee Valley regional Park, traffic implications, and design and landscaping. Contributions to cumulative flood risk and any effect on amenity of neighbours are also considered.

Glasshouses are considered acceptable in the Green Belt as they are for horticultural purposes (Policy GB2(i)). The policy specifically dealing with glasshouses is E13, which states that permission will be granted in the various parts of Nazeing and Roydon parishes shown on the

Proposals Map, including the area east of Sedge Green adjoining the site. For sites outside these defined areas, policy E13 provides exceptions to refusal where they are

- (i) immediately adjacent to existing glasshouses (within or outside the Local plan defined areas);
- (ii) are necessary for existing horticultural undertakings lacking space to expand, within the defined areas; and
- (iii) will not have a significantly adverse effect on the open character or appearance of the countryside.

The existing Lake View Nursery is outside the defined glasshouse areas in the Local Plan, but In this case, all three criteria are considered applicable.

There are views from open countryside to the south and west, reduced by landscape screening afforded along the boundary with the adjoining lake. This family business seeks to renew ageing glasshouses which do not have the greater height needed for flexible plant species, ventilation and creation of ancillary storage, or formation of staff welfare and other areas. These circumstances accord with the first two criteria in policy E13 for permitting replacement glasshouses on land outside the areas identified for glasshouses on the proposals map of the Local Plan. The increase in floorspace of around 19% represents a reasonably modest extension in terms of the policy and having regard to the visual impact of the proposal as discussed below.

The effect on the open character and appearance of the countryside (the third criterion) is not considered unduly significant. Although the tree belt alongside the lagoon to the west is somewhat incomplete, it acts to reduce views of the present glasshouses along what is the longer boundary of the site. The small additional length, width and overall height of the replacement glasshouses would not appear unduly dominant in this part of the Lee Valley Regional Park. This view is not shared by the Regional Park Authority, which objects that the proposal would affect landscape, amenity and nature conservation. However, the development is clearly within the boundaries of a constrained site that is already nearly entirely covered with glasshouses therefore it is considered the Park Authority's assessment of impact must be somewhat subjective.

Although longer working hours would be enabled by the development, only one more member of staff and no additional vehicle movements are proposed.

The additional area of new buildings generates a need to seek mitigation of the impact of the limited additional rainwater runoff that would be generated by the replacement glasshouse. A condition is therefore recommended for a full Flood Risk Assessment, to enable detailed capacity calculations to be made to inform the design of additional surface water storage capacity on the site.

The County Archaeology section has records of significant pre-historic activity through finds in the immediate vicinity, leading to recommendation of a 'watching brief' condition.

The site is located about 200m away from the nearest residential enclave in Dobbs Weir Road from which it is separated by the lake. It is well away from Roydon and Nazeing settlements. Accordingly, it is considered that there would be no material impact on residential amenity or neighbours.

Conclusion

Subject to suitable conditions to secure a full Flood Risk Assessment for the development, and also for an archaeological watching brief during construction, it is recommended that outline approval be granted.

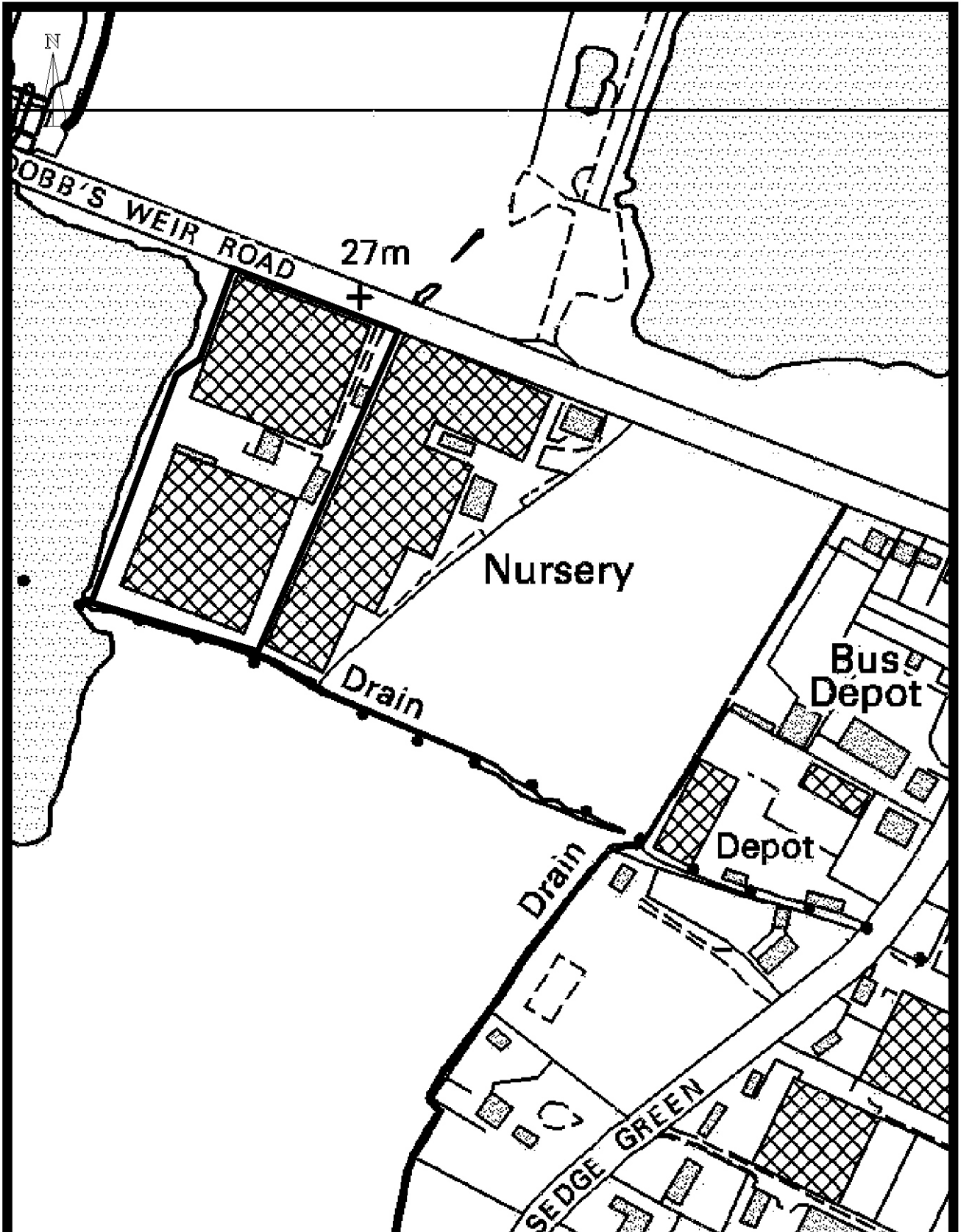
SUMMARY OF REPRESENTATIONS:

ROYDON PARISH COUNCIL – No objections.

LEE VALLEY REGIONAL PARK AUTHORITY – Objects as over-development, having adverse effect on existing vegetation, visual amenity and nature conservation interests.

ESSEX COUNTY COUNCIL (ARCHAEOLOGY) – Due to extensive records of finds demonstrating pre-historic activity, recommends archaeological watching brief condition as per PPG16.

NEIGHBOURS – No replies received



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. EFDC licence No.100018534

Item No:6
Scale: 1:2500



Report Item No: 7

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/1801/05 |
| SITE ADDRESS: | Land Adj 21Albion Terrace, Sewardstone Road, Waltham Abbey |
| PARISH: | Waltham Abbey |
| APPLICANT: | Homestyle Properties |
| DESCRIPTION OF PROPOSAL: | Erection of 6 no. terraced houses with 3 no. affordable housing. (Resubmitted application) |
| RECOMMENDED DECISION: | REFUSE |

REASONS:

- 1 The site is within the Metropolitan Green Belt. The proposal represents inappropriate development and is therefore at odds with Government advice, Policy GB2 of the adopted Local Plan and Policy C2 of the adopted replacement structure plan for Essex and Southend on Sea. The latter state that within the Green Belt permission will not be given, except in very special circumstances for the construction of new buildings or for the change of use or extension to existing buildings except for the purposes of agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, cemeteries, or similar uses which are open in character. The application for dwelling houses fails to comply with Policies GB2, resulting in a considerable harm to the Green Belt. No very special circumstances have been put forward to outweigh the harm to the Green Belt.
- 2 The site is within the Lee Valley Regional Park. The proposed development is at odds with Policy GB10 of the adopted Local Plan, in that the use of the site for dwelling houses would have an adverse affect on the character and appearance of the Regional Park.
- 3 The site is adjacent to the A112, a classified highway. The proposal will intensify vehicle traffic, which would cause deterioration in the efficiency of the through road and also cause a danger to highway safety. In addition the vision splay would be inadequate causing a highway hazard. Both are contrary to policy T17 of the adopted Local Plan, and policies T7 and T8 of the replacement Structure Plan.

Councillor Knapman has called this application to committee.

Description of proposal:

Erection of six 3 bedroom terraced houses. The terrace would be 29m long, 14m deep and 7.5m high with 7 parking spaces to the rear of the site. Three of the dwellings are proposed to be affordable housing.

The proposal is very similar to one refused in May 2005 under delegated powers. The only difference between the two proposals is that the previous proposal did not include any social housing.

Description of Site:

An 'L' shaped area of land to the south and rear of a residential terrace at Albion Terrace. The King George Reservoir is to the immediate west. The land is flat and has been partially hard surfaced at some time in the last few years. The site is within the Metropolitan Green Belt, Lee Valley Regional Park, and adjacent to the District boundary with the London Borough of Waltham Forest.

Relevant History:

WHX/140/57 Residential development - refused
EPF/1799/03 Use of land for car washing - refused and dismissed on appeal
EPF/805/05 – Erection of six 3 bedroom terraced houses - refused

Polices Applied:

Structure Plan

C2 Green Belt
H5 Affordable Housing
T7 Road Hierarchy
T8 Safety

Local Plan

GB2 Green Belt
GB10 Lee Valley Regional Park
H5 Affordable Housing
H6 Securing affordable housing
DBE 1 Design of new buildings
DBE 2 Amenity of new buildings
DBE 4 Design in Green belt
DBE 8 Amenity Space
DBE 9 Amenity
T17 Traffic Criteria
U2 Flooding

National Planning Policy Guidance

PPG2 – Green Belts

Issues and Considerations:

The main issue in this application is whether this proposal is appropriate development within the Green Belt, and if not, whether there are any very special circumstances that would outweigh the harm to the Green Belt. Any impact on the Lee Valley Regional Park, traffic implications and impact for flood risk are also relevant.

Green Belt

Structure plan Policy C2 states that within the Green Belt permission will not be given, except in very special circumstances, for the construction of new buildings for purposes other than agriculture, mineral extraction or forestry or other specified purposes. Local Plan Policy GB2 states that planning permission will not be granted for the use of land or the construction of new buildings unless it accords with the laid down criteria, which are similar to those identified in the Structure Plan.

The site is wholly within the Green Belt, and the proposed dwellings are not intended to serve the purposes of agriculture or forestry. Therefore this proposal would be inappropriate development in the Green Belt, which is by definition harmful. Moreover, it is considered that the loss of this plot to a new ribbon development would be seriously detrimental to the amenity of the Green Belt by reason of reducing the openness of the area, which is its fundamental characteristic.

It is therefore necessary to consider whether any very special circumstances exist in this case that are of sufficient weight to override the harm that would be caused by the proposal and justify allowing inappropriate development.

The applicant argues that as three of the six houses would be affordable such very special circumstances exist.

No information has been provided to say in what form the affordable housing shall take, however. The applicants argue in a supporting statement that as the site over the last few years has seen many different occupants of an undesired nature, for many reasons they are sure that a development of houses would be welcomed by other local residents and with the need for more affordable homes locally they would like to think that members would agree with this proposal.

Previous undesirable uses of the site include that of a car wash. The car wash was unlawful and planning permission to continue that use was refused by the Council and a subsequent appeal dismissed with the Inspector citing its impact on the openness of the Green Belt as the reason for his decision. Previous uses of the site such as the above cannot be taken into consideration when dealing with this application and although this particular site is in a poor condition PPG2 makes it clear that the condition of the land is not material to the continued protection of Green Belt land.

Suggestions were made to the applicant previously that 100% affordable housing may represent very special circumstances and that such a proposal might be looked at more favourably, however the applicants state that this would not be financially beneficial and are unable to propose this.

A proposal for 50% affordable housing is not considered to be very special circumstances of sufficient weight to override the harm that would be caused by the proposal and justify allowing inappropriate development. The proposal for the erection of 6 houses in the Green Belt remains unacceptable and there is no justification in planning terms to allow housing on this site.

Design & Building in Context

The terrace has a very similar appearance to the long terrace to the immediate north, and would be not dissimilar to the properties to the southeast within Waltham Forest. It is considered that the detailed design is acceptable. However, it would infill a gap between existing buildings that forms part of the Green Belt. The loss of that part of the Green Belt to housing would be harmful to the character of the locality and therefore it would be harmful to the street scene.

Lee Valley Regional Park

The site is within the boundaries of the Park. The Park Authority has requested that this application be refused, as the proposed dwellings would represent an undesirable ribbon development in the Metropolitan Green Belt and Lee Valley Regional Park, which would adversely affect the amenity of the area.

Flooding

The site lies within a flood plain. The applicant submitted a Flood Risk Assessment in conjunction with the previously submitted identical application, which has met the concerns of the Environment Agency.

Highways

Essex County Council as highway authority has commented that the applicant does not appear to own sufficient land to provide adequate vision splays. The sub-standard vision splay that is proposed would result in a hazardous lack of vision along the adjacent highway. In addition, the proposal would intensify use of a substandard access onto a classified highway, which would be detrimental to road safety.

Conclusion

This proposal is contrary to Green Belt policy, Regional Park policy and would have an adverse effect on highway safety. Special circumstances of sufficient weight have not been demonstrated to override the harm this proposal would cause. Therefore it is recommended that this application is refused.

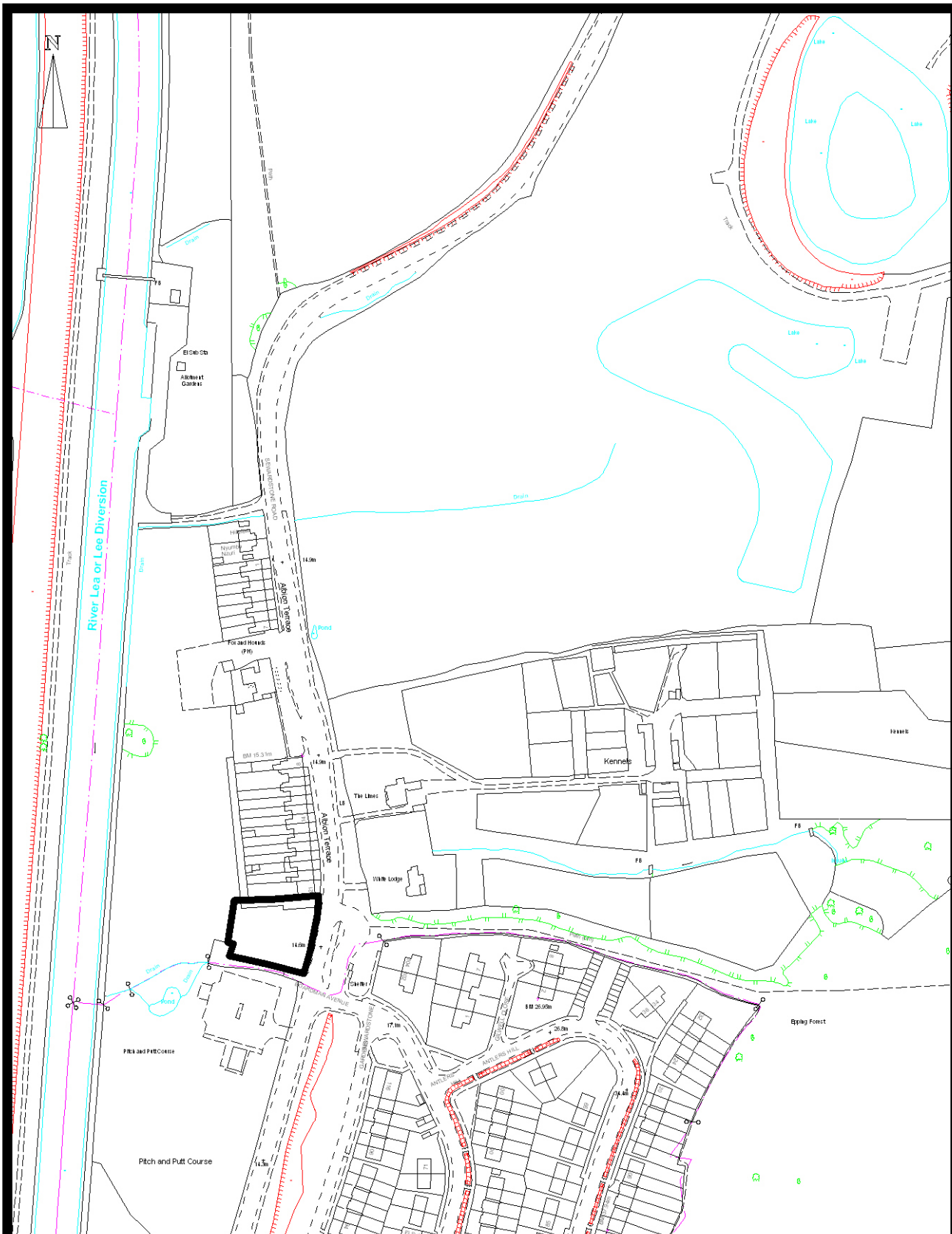
SUMMARY OF REPRESENTATIONS

WALTHAM ABBEY TOWN COUNCIL – object on the grounds of overdevelopment.

LEE VALLEY REGIONAL PARK – The development represents an undesirable ribbon development in the Metropolitan Green Belt and Lee Valley Regional Park, which would adversely affect the amenity of the area.

ESSEX COUNTY COUNCIL – The development would result in an unacceptable degree of danger to all road users.

NEIGHBOURS – No response received



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. EFDC licence No.100018534

Item No:7
Scale: 1:2500



Report item No: 8

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/1882/05 |
| SITE ADDRESS: | 1 Tatsfield Houses, St Leonards Road, Nazeing, EN9 2HL |
| PARISH: | Waltham Abbey |
| APPLICANT: | Mr & Mrs V F Jenkins |
| DESCRIPTION OF PROPOSAL: | Two storey side extension. |
| RECOMMENDED DECISION: | GRANT |

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.
- 3 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in the flank walls of the building hereby permitted without the prior written approval of the Local Planning Authority.
- 4 Prior to first occupation of the building hereby approved the proposed window openings in the first floor flank wall shall be fitted with obscured glass and have fixed frames, and shall be permanently retained in that condition.
- 5 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The approved measures shall be carried out prior to the first occupation of the building hereby approved and shall be adequately maintained.

Description of Proposal:

Erection of a two storey side extension 4.3m wide and projecting forward of the main house by 1.525m and back for the full depth of the house. The extension will provide a garage and kitchen at ground floor with two bedrooms above. The proposal retains a 1m gap from the side elevation to the boundary with the adjacent property.

Description of Site:

Semi detached property located on the western side of St Leonards Road to the north of Tatsfield Avenue within the urban area of Nazeing. Residential properties to the north, south and west. The houses are set back from the road and are on higher land than the road. There is an existing single garage to the side of the dwelling, that is to be removed.

The house is of an unusual design, with full two storeys to the front but a cottage appearance to the rear.

Relevant History:

An application for the same extension was approved back in 1988 but not implemented.

Policies Applied:

Local Plan:
DBE9 Loss of amenity to neighbouring properties
DBE 10 design of residential extensions.

Issues and Considerations:

This site is within the urban area of Nazeing and the main concerns are the impact on the street scene, the pair of dwellings, and on the amenities of neighbours.

Although this is a large extension it is well designed to fit with the existing dwelling. A hipped roof is retained and the extension to the front helps to break up the bulk of the frontage. With regard to the street scene it is not considered that the proposal will be overly prominent. The adjacent dwelling to the north is set further forward than the front extension and there is not a definite building line in this part of the road.

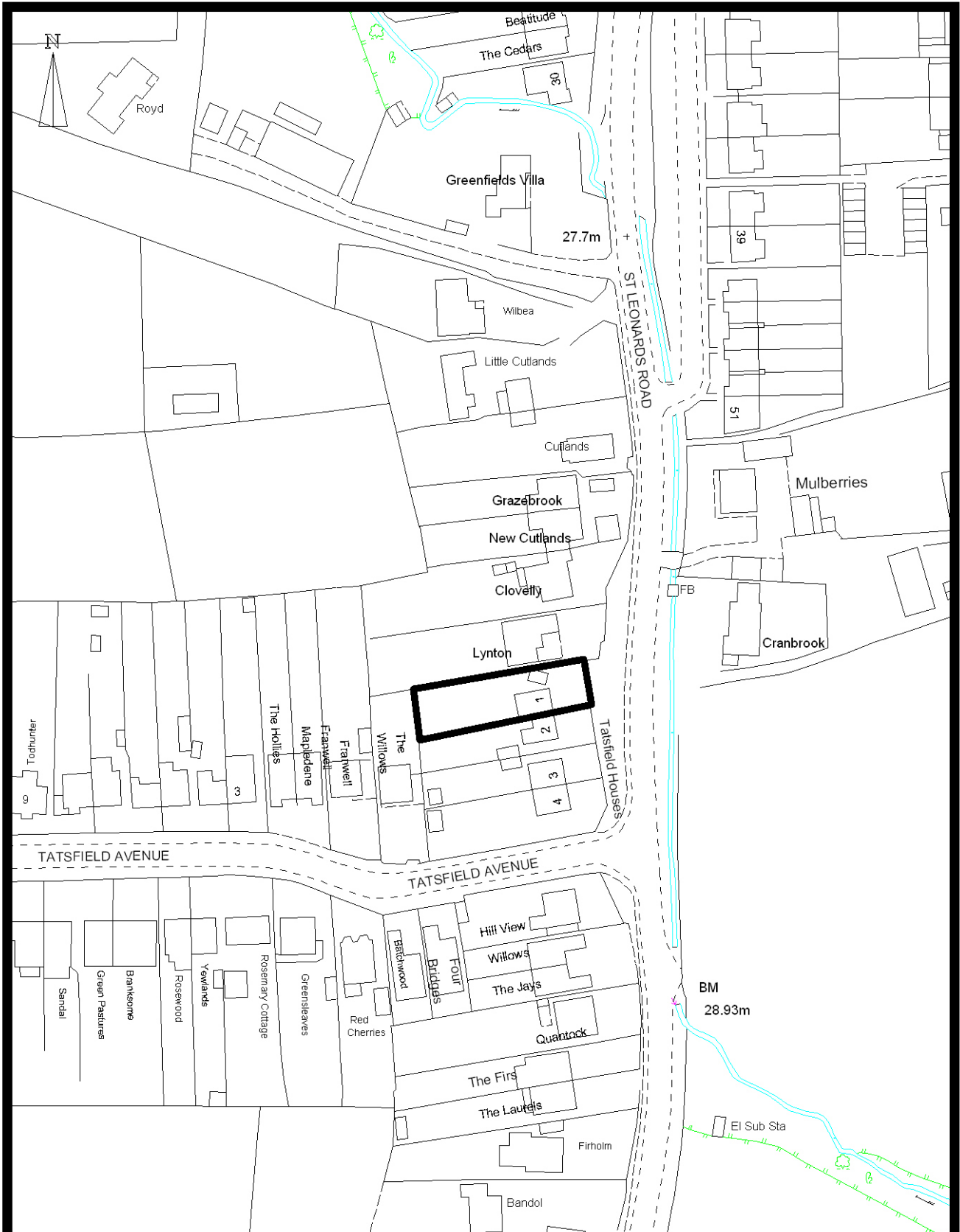
The scheme will not have any significant impact on the residential amenity of neighbouring residents. There is one high level side facing ground floor window in the flank of the house to the north, but this appears to be a recent addition and is not the main light source to a living room. There will be no significant increase in overlooking as a result of the proposal.

Conclusion

It is considered that the proposal is in accordance with the policies of the Local Plan and the application is recommended for approval accordingly.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL – Object. The proposals are contrary to policies DBE9 and 10.
NEIGHBOURS – No response received



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. EFDC licence No.100018534

Item No:8
Scale: 1:1250



Report Item No: 9

| | |
|---------------------------------|-------------------------------------|
| APPLICATION No: | EPF/1978/05 |
| SITE ADDRESS: | 17 Parkfields, Roydon, CM19 5JA |
| PARISH: | Roydon |
| APPLICANT: | Mr & Mrs Foot |
| DESCRIPTION OF PROPOSAL: | Two storey side and rear extension. |
| RECOMMENDED DECISION: | GRANT |

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.
- 3 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in the flank walls of the building hereby permitted without the prior written approval of the Local Planning Authority.

Description of Proposal:

Two storey side and rear extension.

Description of Site:

End of terrace of 4 ex Local Authority house built 1951 on spaciouly laid out estate with communal garage block on west side. Forms part of urban area of Roydon.

Relevant History:

None.

Policies Applied:

DBE9 – Impact of extensions on amenity.
DBE10 – Design of extensions.

Issues and Considerations:

1. Amenity

The rear extension projects 3.7m and the single storey section is marginally away from the common boundary with No. 19 to the east. The 2 storey section at the rear will be 3.2m away from this boundary and is well clear of a 45 degree line from the first floor windows of No. 19. The side extension affects no other property and there will be no adverse effect on neighbours.

2. Design/appearance

The wide sideway of 4.5m and the proximity of the adjoining garage block to the west enables an extension of this scale to be created in a satisfactory manner. The side extension, particularly, is set well back from the existing front wall by 3.6m and the roof finishes below main ridge level, whilst the rear section, although 5.6m wide will maintain the same roof pitch and read as a hipped roof projection central to the rear elevation. Adequate private amenity space is retained as garden and the proposal cannot be described as 'overdevelopment'.

Conclusion

This is an acceptable scheme that accords with adopted planning policy and approval is recommended.

SUMMARY OF REPRESENTATIONS

PARISH COUNCIL – Object; over-development.

NEIGHBOURS – No response received



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. EFDC licence No.100018534

Item No:9
Scale: 1:1250

