

# Committee Agenda



## Epping Forest District Council

### **AREA PLANNING SUB-COMMITTEE WEST** **Wednesday, 4th December, 2019**

You are invited to attend the next meeting of **Area Planning Sub-Committee West**, which will be held at:

**Council Chamber - Civic Offices**  
on **Wednesday, 4th December, 2019**  
at **7.30 pm** .

**Georgina Blakemore**  
Chief Executive

**Democratic Services**  
**Officer**

Democratic Services Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### **Members:**

Councillors D Dorrell (Chairman), J Lea (Vice-Chairman), N Avey, R Bassett, S Heather, H Kane, S Kane, Y Knight, J Leppert, A Mitchell, D Plummer, M Sartin, S Stavrou and D Stocker

#### **WEBCASTING/FILMING NOTICE**

**Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.**

**You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.**

**Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.**

**If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.**

**1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

**2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)**

General advice to people attending the meeting is attached.

**3. APOLOGIES FOR ABSENCE**

**4. MINUTES (Pages 9 - 20)**

To confirm the minutes of the last meeting of the Sub-Committee held on 6 November 2019.

**5. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**6. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

**7. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE**

A Planning Policy Briefing Note (March 2018) has been produced by the Planning Policy Team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version, which was published on 18 December 2017.

The primary purpose of the Planning Policy Briefing Note is to inform the development management process and to provide assistance for Development Management Officers, Councillors, applicants and planning agents. The Planning Policy Briefing Note is available at:

[http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note\\_Mar-2018.pdf](http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf)

#### 8. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

#### 9. PLANNING APPLICATION - EFP/1115/19 - 29 ORCHARD GARDENS, WALTHAM ABBEY, ESSEX, EN9 1RS (Pages 21 - 28)

To consider the attached report.

#### 10. PLANNING APPLICATION EPF/1712/19 ASHVIEW, HAMLET HILL, ROYDON, ESSEX, CM19 5LA (Pages 29 - 38)

To consider the attached report.

#### 11. EXCLUSION OF PUBLIC AND PRESS

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Background Papers:** Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

This page is intentionally left blank

## **Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees**

### **Are the meetings open to the public?**

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

### **When and where is the meeting?**

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

### **Can I speak?**

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### **Who can speak?**

Three classes of speakers are generally allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

### **What can I say?**

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

If you are not present by the time your item is considered, the Committee will determine the application in your absence.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee West or Area Plans Sub-Committee South you will address the Committee from within the Council Chamber at the Civic Offices. If you simply wish to attend a meeting of any of these Committees to observe the proceedings, you will be seated in the public gallery of the Council Chamber.

### **Can I give the Councillors more information about my application or my objection?**

**Yes you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

### **How are the applications considered?**

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
  - (i) the Council's approved policy framework; or
  - (ii) the development or other approved plan for the area; or
  - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

#### **Further Information**

Further information can be obtained from Democratic Services or through our leaflet 'Your Choice, Your Voice'.

## Area Planning Subcommittee West 2019-20

Members of the Committee and Wards Represented:



**Chairman  
Cllr Dorrell**  
Waltham  
Abbey  
Paternoster

**Vice-Chairman  
Cllr Lea**  
Waltham Abbey  
North East

**Cllr Avey**  
Broadley  
Common,  
Epping Upland  
and Nazeing

**Cllr Bassett**  
Lower Nazeing

**Cllr Heather**  
Waltham  
Abbey  
Honey Lane



**Cllr H Kane**  
Waltham Abbey  
South West

**Cllr S Kane**  
Waltham Abbey  
Honey Lane

**Cllr Y  
Knight**  
Lower  
Nazeing

**Cllr Leppert**  
Waltham  
Abbey  
Paternoster

**Cllr Mitchell**  
Waltham  
Abbey North  
East



**Cllr Plummer**  
Waltham  
Abbey South  
West

**Cllr Sartin**  
Roydon

**Cllr Stavrou**  
Waltham  
Abbey High  
Beach

**Cllr Stocker**  
Waltham  
Abbey Honey  
Lane

This page is intentionally left blank

## EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 6 November 2019  
West

**Place:** Council Chamber - Civic Offices **Time:** 7.30 - 8.35 pm

**Members Present:** D Dorrell (Chairman), J Lea (Vice-Chairman), N Avey, R Bassett, S Heather, H Kane, S Kane, J Leppert, A Mitchell, D Plummer, M Sartin, S Stavrou and D Stocker

**Other Councillors:**

**Apologies:** Councillor Y Knight

**Officers Present:** J Godden (Team Manager Planning (Heritage, Enforcement & Landscaping)), J Leither (Democratic Services Officer) and A Rose (Marketing & Digital Content Officer)

---

### 18. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

### 19. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

### 20. MINUTES

#### RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 14 August 2019 be taken as read and signed by the Chairman as a correct record.

### 21. DECLARATIONS OF INTEREST

- (a) Pursuant to the Council's Code of Conduct, Councillor H Kane declared a pecuniary interest in the following item of the agenda by virtue of being a Town Councillor and speaking on behalf of the Town Council regarding the application detailed below. The Councillor had determined that she would speak for three minutes in her capacity as a Town Councillor and leave the meeting for the consideration of the application and voting thereon:

- EPF/1115/19 – 29 Orchard Gardens, Waltham Abbey EN9 1RS.

**22. ANY OTHER BUSINESS**

It was reported that there was no urgent business for consideration at the meeting.

**23. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE**

It was noted that the Epping Forest District Local Plan Submission Version Planning Policy Briefing note was available at:

[http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note\\_Mar-2018.pdf](http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf)

**24. SITE VISITS**

The Sub-Committee agreed to hold a site visit for the following application:

- EPF/1115/19 – 29 Orchard Gardens, Waltham Abbey EN9 1RS.

**25. PLANNING APPLICATION - EFP/1061/19 - MANOR FARM, MOTT STREET, WALTHAM ABBEY IG10 4AP**

<b>APPLICATION No:</b>	EPF/1061/19
<b>SITE ADDRESS:</b>	Manor Farm Mott Street Waltham Abbey Essex IG10 4AP
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing building and construction of 2 x 2-bedroom (bungalow), 2 x 3 bedroom and 1 x 4 bedroom (chalet bungalow) dwellings with associated amenity space, parking and landscaping (Amended application to EPF/3187/18)
<b>DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=623317](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=623317)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1627/01, 1627/02, 1627/03, 1627/04, 1627/05, 1627/06, 1627/07, 1627/08, 1627/09

- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 5 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 6 The development shall be carried out in accordance with the flood risk assessment (Manor Stables FRA and Drainage Statement, Ref 1893 03-10-2018) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority
- 7 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 8 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.
- 9 Prior to any above ground works, details of the proposed landscaping of the site, including retention of trees and other natural features and the proposed times of planting (linked to the development schedule), shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at the agreed times.
- 10 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping 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 minor artefacts and structures, including signs and lighting and functional services above and below ground. The 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.
- 11 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
  - 12 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
  - 13 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
  - 14 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
  - 15 The development shall be undertaken in accordance with the recommendations contained within the submitted Ecological Impact Assessment dated September 2018 and prepared by Jay Ghumania and

Amy Smith (Greenwillows Associates Limited) unless otherwise agreed in writing by the local planning authority.

- 16 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 17 Prior to the commencement of the development hereby permitted details of the refuse storage area including details of enclosures to be provided shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A to E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

**26. PLANNING APPLICATION EPF/1115/19 - 29 ORCHARD GARDENS, WALTHAM ABBEY EN9 1RS**

<b>APPLICATION No:</b>	EPF/1115/19
<b>SITE ADDRESS:</b>	29 Orchard Gardens Waltham Abbey Essex EN9 1RS
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed two storey rear and side extension with new roof and accommodation in loft with roof lights, garage conversion to habitable room and new crossover.
<b>DECISION:</b>	Deferred

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=623519](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=623519)

**DEFERRED** – For site visit

27. **PLANNING APPLICATION EPF/1585/19 - MEADOWOOD, EPPING ROAD, EPPING UPLAND, ESSEX CM16 6PX**

<b>APPLICATION No:</b>	EPF/1585/19
<b>SITE ADDRESS:</b>	Meadowood Epping Road Epping Upland Essex CM16 6PX
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Replacement of existing double garage with a garage, with pitched roof and loft space used as workshop ancillary to the main dwellinghouse (Amendment to EPF/2824/17).
<b>DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=625533](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=625533)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings numbers: Existing Site Location Plan; C\_003 Revision CL2; C\_001 Rev CL2; Proposed Ground Floor Plan Revision DL14b; Proposed Roof Plan DL14b; Proposed Front Elevation; Proposed Rear Elevation; Site Plan DL14b; Proposed C3 Elevations DL14b; Proposed First Floor Plan Revision DL14b;
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

28. **PLANNING APPLICATION EPF/1624/19 - THE NEW INN, HIGH STREET, ROYDON CM19 5EE**

<b>APPLICATION No:</b>	EPF/1624/19
<b>SITE ADDRESS:</b>	The New Inn High Street Roydon Essex CM19 5EE
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective consent for erection of a pole mounted ANPR camera in a pub car park.
<b>DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=625716](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=625716)

### CONDITIONS

- The pole and cross member should be painted dark green or black within 6 weeks following the grant of planning permission.

29. **PLANNING APPLICATION EPF/1709/19 - GARDEN CENTRE, CROWN HILL, WALTHAM ABBEY EN9 3TF**

<b>APPLICATION No:</b>	EPF/1709/19
<b>SITE ADDRESS:</b>	Garden Centre Crown Hill Waltham Abbey Essex EN9 3TF
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing Garden Centre buildings and the erection of x 2 no. semi-detached houses. (Revised application to EPF/2583/18).
<b>DECISION:</b>	<b>GRANTED</b> (Subject to Legal Agreement)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=626136](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=626136)

## CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings numbers:  
ELA/1, ELA/111, ELA/2000, ELA/409, ELA/400, ELA/666 ELA/800,  
PLANNING STATEMENT, INCORPORATING DESIGN & ACCESS  
ELEMENTS UPDATED PLANNING STATEMENT.
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan has been submitted to and approved by the Local Planning Authority. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.
- 6 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority

- within 21 days of the report being completed and approved in writing by the local planning authority.
- 7 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
  - 8 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
  - 9 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
  - 10 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
  - 11 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping 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 minor artefacts and structures, including signs and lighting and functional services above and below ground. The 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.

- 12 Prior to the first occupation of the development the access arrangements, visibility splays, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 14 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 15 The development shall not be commenced until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.
- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 17 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling shall be installed and retained thereafter for use by the occupants of the site.
- 18 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 19 All construction/demolition works and ancillary operations, including vehicle movement on 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.
- 20 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 21 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the planning authority.

**30. PLANNING APPLICATION EPF/1897/19 - 80/80A UPSHIRE ROAD, WALTHAM ABBEY EN9 3PA**

<b>APPLICATION No:</b>	EPF/1897/19
<b>SITE ADDRESS:</b>	80/80a Upshire Road Waltham Abbey Essex EN9 3PA
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey Paternoster
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed double storey side extension with part single storey rear extension and skylights
<b>DECISION:</b>	Deferred

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=626921](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=626921)

**DEFERRED** - for further highway and light investigation.

**31. PROBITY IN PLANNING - APPEAL DECISIONS, 1ST OCTOBER 2018 TO 31ST MARCH 2019**

The Sub-Committee received a report regarding Probity in Planning – Appeal Decisions from 1 October 2018 to 31 March 2019.

In compliance with the recommendation of the District Auditor, the report advised the Sub-Committee of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation).

The purpose was to inform the Committee of the consequences of their decisions in this respect and, in cases where the refusal was found to be unsupportable on planning grounds, an award of costs might be made against the Council.

Over the six-month period between 1 October 2018 and 31<sup>st</sup> March 2019, the Council received 53 decisions on appeals (46 of which were planning related appeals and 7 were enforcement related).

Out of a total of 46 planning related appeals, 10 were allowed (21%). Broken down further, Committee reversals performed very well with only 4 out of 22 allowed (18%) and there was a good Officer delegated decisions performance of 6 out of 24 (25%) allowed.

Out of the planning appeals that arose from decisions of the Area Planning Sub-Committee West to refuse contrary to the recommendation put to them by officers during the 6-month period, 1 appeal was allowed against decisions made and none were dismissed.

Performance in defending planning application related appeals was reasonable at 21%, meaning of course the Council were successful in defending their decisions in 79% of cases. Whilst there was no national comparison of authority performance, Members and Officers were reminded that in refusing planning permission there needs to be justified reasons that in each case must be not only relevant and necessary, but also sound and defensible so as to avoid paying costs. This was more important now than ever, given that a Planning Inspector or the Secretary of State could award costs, even if neither side had made an application for them.

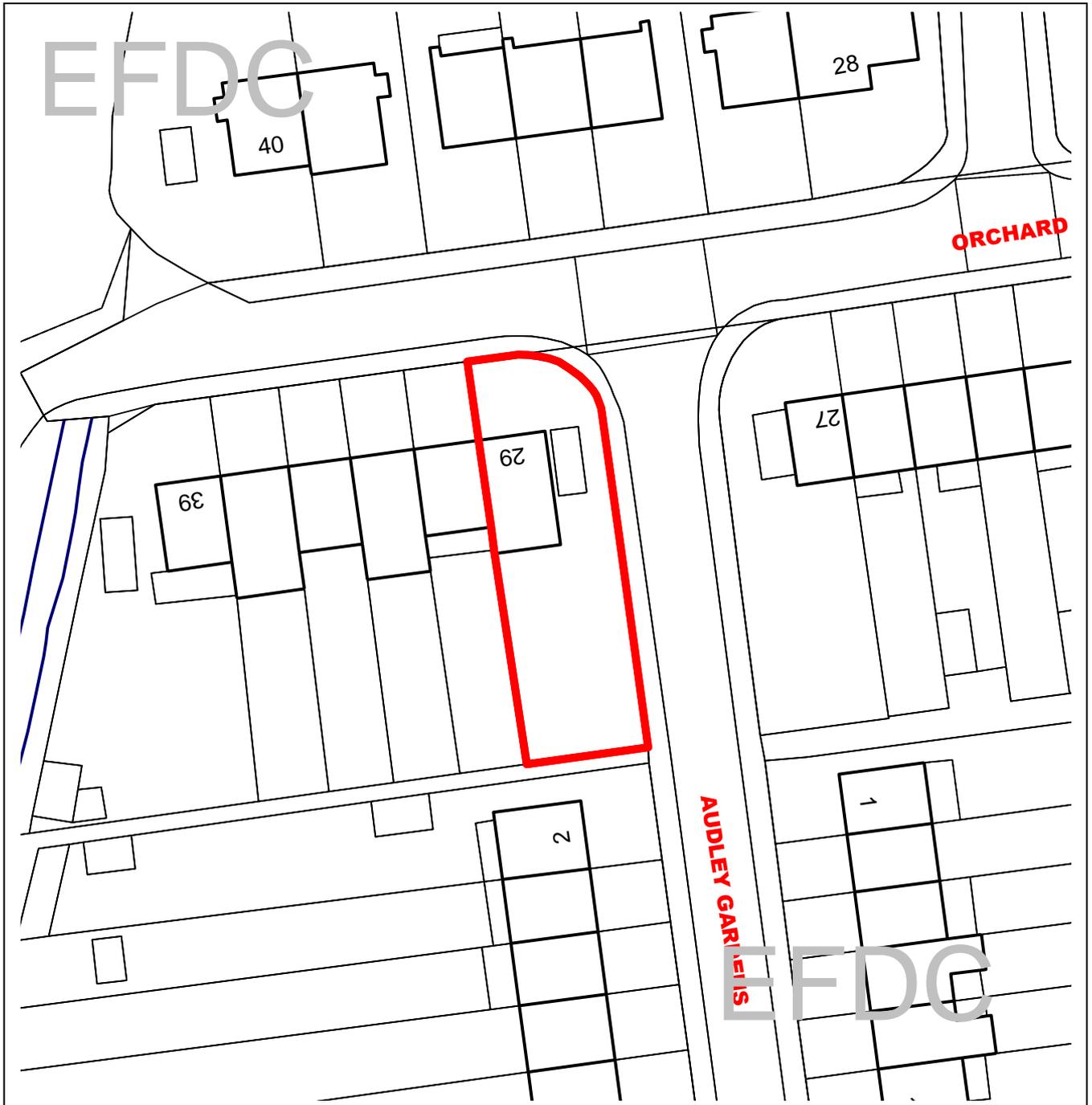
**RESOLVED:**

That the Probity in Planning report covering the period 1 October 2018 to 31 March 2019 be noted.

**CHAIRMAN**



# Epping Forest District Council



Unauthorised reproduction infringes  
Crown Copyright and may lead to  
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
Crown Copyright 2013 EFDC License No:  
100018534

Contains Royal Mail Data. © Royal Mail  
Copyright & Database Right 2013

Application Number:	EPF/1115/19
Site Name:	29 Orchard Gardens Waltham Abbey Essex EN9 1RS
Scale of Plot:	1:500

<b>APPLICATION No:</b>	EPF/1115/19
<b>SITE ADDRESS:</b>	29 Orchard Gardens Waltham Abbey Essex EN9 1RS
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>APPLICANT:</b>	Mr Mustafa Soydag
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed two storey rear and side extension with new roof and accommodation in loft with roof lights, garage conversion to habitable room and new crossover.
<b>RECOMMENDED DECISION:</b>	Prior Approval Required and Granted (with Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=623519](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=623519)

## **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings numbers: 19006: P0101, P0102/B
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

*This application was put before this committee at the previous meeting on 06/11/2019 however it was deferred at that meeting for a Committee Member's site visit and subsequent consideration at the next available meeting.*

*This application is before this committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)*

### **Description of Site:**

The site is a two storey end of terrace dwelling house located on the Southern side of Orchard Gardens in the built up area of Waltham Abbey. The site is found on the corner of the junction for Orchard Gardens and Audley Gardens. There are no listed buildings attributed to the site and it is not within a Conservation Area. The site is not within the Metropolitan Green Belt however part of the site is within Floodzone 2.

### **Description of Proposal**

Two storey side extension, part single part two storey rear extension, loft conversion with 2 no. rooflights to front and 1 no. rooflight to rear. Hard and soft landscaping to front.

### **Relevant History:**

EPF/2116/19 - Application for a Lawful Development Certificate for an existing use of structure as a rear garage, side cattery and a lamp post. (23/10/19) – Not Lawful

EPF/1048/19 - Application for a Lawful Development Certificate for a proposed garage in rear garden with a crossover and reposition of lamp post. (withdrawn)

ENF/0303/19 - Construction of 2 single storey buildings in rear garden not as EPF/1115/19 (enforcement investigation ongoing)

EPF/0817/88 - Attached garage. (22/07/1988) – Grant Permission (With Conditions)

### **Policies Applied:**

#### **Development Plan Context**

*Local Plan (1998) and Alterations (2006)*

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

*National Planning Policy Framework (NPPF) (February 2019)*

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph 124  
 Paragraph 127  
 Paragraph 130  
 Paragraph 131

*Epping Forest District Local Plan Submission Version (LPSV) (2017)*

Although the LPSV does not currently form part of the statutory development plan for the district, on 14<sup>th</sup> December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2<sup>nd</sup> August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
DM9 High Quality Design	Significant

**Summary of Representations:**

Number of neighbours Consulted: 7. 3 response(s) received

Site notice posted: No, not required

Neighbours

27 ORCHARD GARDENS: Objection - concerns regarding potential cattery and possible HMO.

(non – planning issues – modified car causing disturbance in early hours of the morning, upset pets)

11 AUDLEY GARDENS: Objection - overbearing development and potential loss of light

31 ORCHARD GARDENS: Objection - overbearing development and potential loss of light

#### Statutory consultees

N/A

#### Internal consultees

DC Enforcement – no comment

#### Town Council

**OBJECTION** - The committee believes this to be overdevelopment of the site. Concerns were also raised regarding pedestrian and road safety regarding the double crossover. The committee also believes that works have already been undertaken on an external outbuilding without planning permission.

#### Other Consultation

N/A

#### **Issues and Considerations:**

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality;
- b) The impact on the living conditions of neighbours

#### **Character and Appearance**

Policy DBE10 of the Adopted Local Plan and Alterations 2008 states that a residential extension will be required to complement and, where appropriate, enhance the appearance of the street scene and the existing building, which should be achieved by close attention to the scale, form, details, elevations materials roof treatment and fenestration of the existing building, with the separation between buildings and existence of landscaping taken into account.

Policy DM9 of the Epping Forest District Local Plan (Submission Version) 2017 states that all development proposals to be design-led and:

- (i) Relate positively to their context
- (ii) Make a positive contribution to a place

Development proposals must relate positively to their locality, having regard to:

- (i) Building heights;

- (ii) The form, scale and massing prevailing around the site;
- (iii) The framework of routes and spaces connecting locally and more widely;
- (iv) The rhythm of any neighbouring or local regular plot and building widths and, where appropriate, follow existing building lines;
- (v) The need to provide local active frontages to the public realm; and
- (vi) Distinctive local architectural styles, detailing and materials.

The design of the proposed two storey side extension would mirror the current design of the front of the existing dwelling. Bay windows would be installed at ground and first floor level and utilise materials that would match the existing dwelling. A rear box dormer would be installed to the roof. The rear extension would be part single and part two storey with a pitched roof. The proposed design is commonplace in such areas and would not be detrimental to the existing character of the street scene. The proposal therefore complies with local policies DBE10 of the Adopted Local Plan and Alterations (2008) and DM9 of the Epping Forest District Local Plan (Submission Version) 2017

#### **Impact on the Living Conditions of Neighbours**

Policy DBE9 of the Adopted Local Plan and Alterations 2008 states any new development should not result in an excessive loss of amenity for neighbouring properties, with the below factors taken into account:

- (i) Visual impact;
- (ii) Overlooking;
- (iii) Loss of daylight/sunlight; and
- (iv) Noise, smell or any other disturbance

Policy DM9 of the Epping Forest District Local Plan (Submission Version) 2017 states that development proposals must take account of the privacy and amenity of the development's users and neighbours. The Council will expect proposals to:

- (i) Provide adequate sunlight, daylight and open aspects to all parts of the development and adjacent buildings and land (including any private amenity space);
- (ii) Avoid overlooking and loss of privacy detrimental to the living conditions of neighbouring residents and the residents of the residents of the proposed development;
- (iii) Not result in an over-bearing or overly enclosed form of development which materially impacts on either the outlook of occupiers of neighbouring properties or the residents of the proposed development; and

- (iv) Address issues of vibration, noise, fumes, odour, light pollution, air quality and microclimatic conditions likely to arise from any use or activities as a result of the development or from neighbouring uses or activities.

The proposed two storey side extension would be 4 metres in width, 7.35m in depth and 8.8 metres in height. It would be 12 metres from the boundary with 27 Orchard Gardens and approximately 14 metres from 27 Orchard Gardens. The proposed two storey rear extension would be 3 metres in depth, 4.3 metres in width and 7.5 metres in height. The single storey rear extension would be 5.2 metres in width, 3 metres in depth and 3 metres in height. It would be adjacent to the boundary with 31 Orchard Gardens.

Two neighbours have objected to the scheme in relation to the development being overbearing and potentially causing loss of light for neighbouring properties. The Town Council also objected stating that this proposal would result in overdevelopment of the site.

Whilst adjacent to the boundary with 31 Orchard Gardens, the neighbouring property benefits from a single storey rear extension which would be level with the proposed extension at 3 metres in depth. It is considered that there would be limited impact caused to neighbouring properties as a result of the single storey rear extension.

The two storey rear extension would be 5.2 metres from the boundary with 31 Orchard Gardens and the extension is considered to be far enough away to not cause harm to the living conditions of neighbours in respect of overlooking. The two storey rear extension would not cause excessive harm to the living conditions of neighbours.

The two storey side extension, at 12 metres from the nearest neighbour boundary, is considered to be a sufficient distance away from neighbours to cause excessive harm to the living conditions of neighbours.

### **Other Considerations**

Two off-street parking spaces have been proposed to the front of the site. Essex Parking Standards (2009) state that for a dwelling with more than 2 bedrooms, a minimum of 2 parking spaces per dwelling is to be provided. By providing this, the proposal would comply with this aspect of local policies ST6 of the Adopted Local Plan and Alterations 2008 and T1 of the Epping Forest District Local Plan (Submission Version) 2017.

Within the comments/objections received via consultation as part of this application, various issues have been raised, including:

- concerns regarding the 'cattery' structure that has been erected. This structure is subject of a separate application and therefore not relevant to this specific application and can not be assessed in combination.
- disturbed domestic pets, noise complaints and property valuation are not planning considerations and therefore can not be taken into account.
- within the comments made, there has been mention of the use of the single residential dwelling being converted into a HMO should the proposal be approved. In order to convert a single dwelling into a HMO, planning permission would be required. It is not possible for this to be taken into account within this specific application as it has not been applied for and to do so would be prejudicial to the applicants and undermine the plan-led system.

### **Conclusion:**

The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

Therefore, as the design of the proposal would be acceptable and would not cause excessive harm to the living conditions of neighbours.

For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission to be granted subject to conditions.

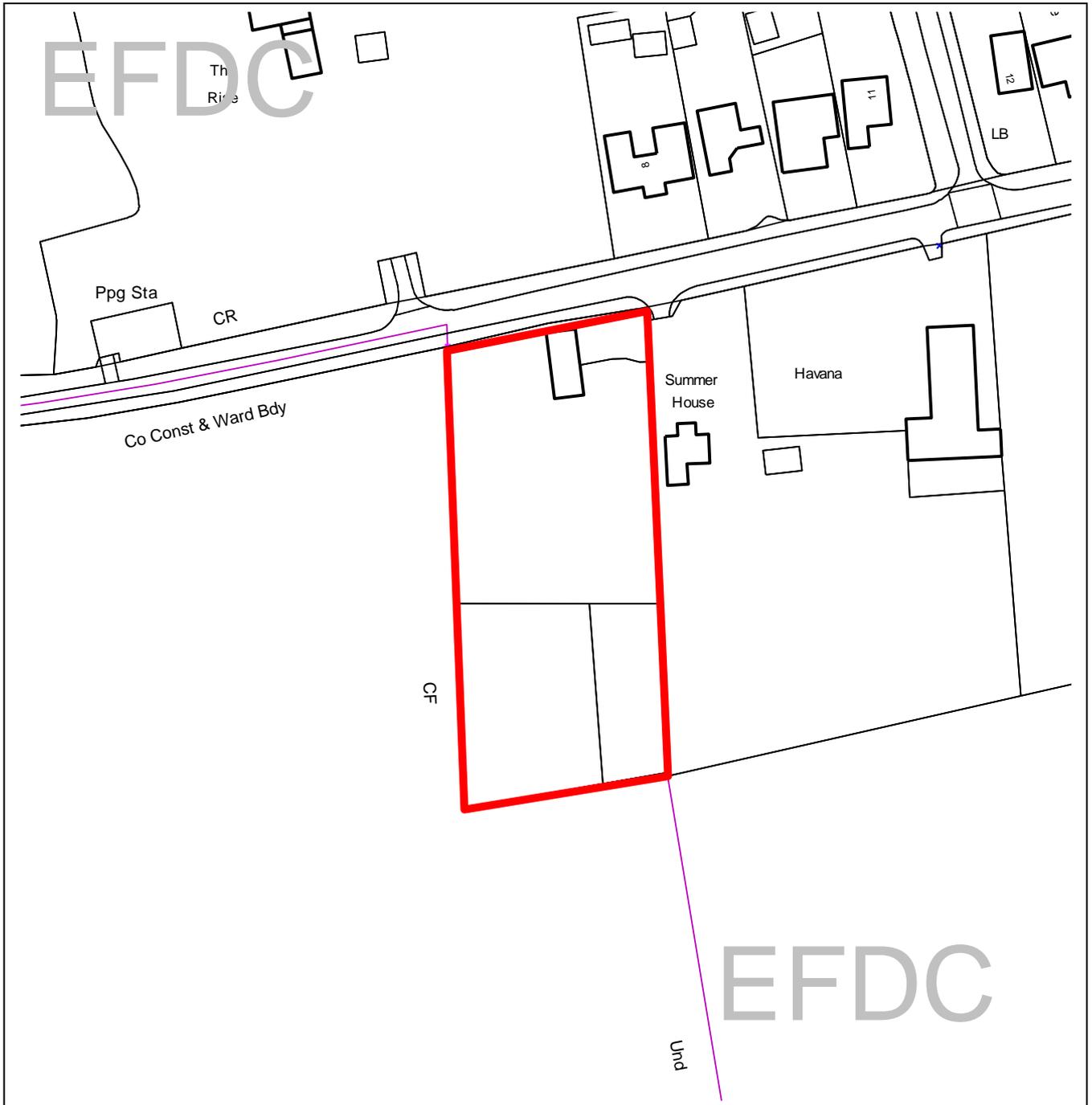
***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Alastair Prince***

***Direct Line Telephone Number: 01992 564462 or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council



Unauthorised reproduction infringes  
 Crown Copyright and may lead to  
 prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
 Crown Copyright 2013 EFDC License No:  
 100018534

Contains Royal Mail Data. © Royal Mail  
 Copyright & Database Right 2013

Application Number:	EPF/1712/19
Site Name:	Ashview, Hamlet Hill Roydon Essex CM19 5LA
Scale of Plot:	1:1250

<b>APPLICATION No:</b>	EPF/1712/19
<b>SITE ADDRESS:</b>	Ashview Hamlet Hill Roydon Essex CM19 5LA
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing  Roydon
<b>APPLICANT:</b>	Mr J Smith
<b>DESCRIPTION OF PROPOSAL:</b>	Application for Removal of Conditions 2, 3 & 5 for EPF/1965/12. Condition 2 "use permitted shall be for a limited period expiring four years after date of decision", 3 "when site ceases to be occupied, all materials and equipment shall be removed" & 5 "caravans shall be occupied only by JS & TS and any resident dependants". (Change of use to mixed use consisting of stationing of caravans for occupation by a gypsy traveller family and the use of yard for general storage of materials including scrap metal and old cars with paddock for keeping horses).
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=626139](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=626139)

## CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings numbers:
  - a) Drawing No. Plan 1 - Location Plan
  - b) Drawing No. Plan 2 . Block Plan showing Site Layout and siting of two Residential Caravans.
- 2 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the DCLG Document Planning Policy for Travellers Site, or any subsequent amended or replacement document.
- 3 No more than 3 Caravans, as defined in the Caravans Site and Control of Development Act 1960 and the Caravan Site Act 1968 (of which no more than 2 shall be static caravans or mobile homes) shall be stationed on the site at any one time.
- 4 There shall be no storage of materials, including scrap materials, nor of vehicles, lorry bodies, shipping container or caravans (except those allowed by Condition 3

above) anywhere on the site except inside the barn positioned immediately to the west of the access.

***This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).***

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

The application site is located on the southern side of Hamlet Hill approximately 2km north east of Lower Nazeing. The site itself has a slight slope that falls across the site from east to west, is mainly regular in shape and comprises approximately 1 acre.

The site currently contains two mobile homes, an outbuilding that is used to store a touring caravan, and a paddock to the rear. The site is located within the Metropolitan Green Belt.

The site lies on the edge of a small enclave on the southern side of Hamlet Hill. To the east is Summer House and there are various houses on the opposite side of the road. To the south and west the site is surrounded by fields and the whole area is washed over by Green Belt. The site is well screened from the road by makeshift fencing and a large solid gate.

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

Consent is being sought for the Removal of Conditions 2, 3 & 5 for EPF/1965/12. This original decision allowed for 'Change of use to mixed use consisting of stationing of caravans for occupation by a gypsy traveller family and the use of yard for general storage of materials including scrap metal and old cars with paddock for keeping horses' and was granted consent on appeal in July 2015.

The conditions being sought for removal are:

- Condition 2 "use permitted shall be for a limited period expiring four years after date of decision";
- Condition 3 "when site ceases to be occupied, all materials and equipment shall be removed"; and
- Condition 5 "caravans shall be occupied only by JS & TS and any resident dependants".

#### **Relevant History:**

**EPF/3232/15** - Application for Approval of Details Reserved by Conditions 8 'boundary treatments', 10 'details of surfacing material' and 11 'foul and surface water drainage' on planning application EPF/1965/12 (Change of use to a mixed use to include the stationing of caravans for occupation by gypsy traveller family). Details Partially Approved on 30/03/2016

**EPF/3240/15** - Application for Approval of Details Reserved by Condition 12 'contaminated land assessment' on planning application EPF/1965/12 (Change of use to a mixed use to include the stationing of caravans for occupation by gypsy traveller family). Details Refused on 11/03/2016

**EPF/1965/12** - Change of use to a mixed use to include the stationing of caravans for occupation by gypsy traveller family. **Refuse Permission on 11/12/2012**  
**APP/J1535/A/13/2190055 – Appeal allowed on 28/07/15.**

**EPF/1021/09** - Certificate of lawfulness for existing use of land to include storage of no more than three caravans. Not Lawful on 04/08/2009

**EPF/1949/08** - Change of use of land to mixed use to include stationing of three caravans for occupation by gypsy family. Refused on 12/12/08. Appeal dismissed on 24/03/10  
**EPF/0332/07**- Certificate of lawfulness for an existing use of the siting of a mobile home for residential purposes. Not Lawful on 04/04/2007  
**EPF/1010/75** - Details of 1/2 acre glasshouses including loading bay and nursery office with W.C. and kitchen accommodation. Grant Permission with Conditions 15/09/1975.

The site was subject to an Enforcement Notice regarding the stationing of a mobile home for residential purposes served in 2007.

#### National Planning Policy Framework NPPF (2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in the NPPF that protect areas or assets of importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are of relevance to this application:

Paragraph 124  
Paragraph 127  
Paragraph 130  
Paragraph 131

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

#### Local Plan Policies Applied

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
SP2 – Spatial Development Strategy 2011 -2033  
SP3 – Place Shaping  
DBE9 – Loss of amenity  
GB2A – Development in the Green Belt

## **Policy Considerations:**

GB5 – Residential moorings and non-permanent dwellings  
GB7A – Conspicuous development  
H4 – Traveller Sites Development.  
H10A – Gypsy caravan sites  
P14 (C (ii)) – Rural Sites in the West of the District  
ST4 – Road safety  
ST6 – Vehicular Parking

### Local Plan Submission Version 2017

Paragraph 213 of the National Planning Policy Framework 2019 (NPPF) requires that due weight be given to the relevant policies in existing plans. However, paragraph 48 of the NPPF states that decision-takers may also give weight (unless material considerations indicate otherwise) to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Council considers that the Plan is currently at an advanced stage of preparation and has been formally submitted to the Secretary of State for examination and that all the policies are consistent with the NPPF (although this will be tested through the examination). By this advanced stage of preparation, as well as the Council resolution taken on the 14th December 2017, the LPSV is a material consideration in determining planning applications.

Therefore, we need to consider the weight that should be given to each of the relevant policies in the context of the proposed development:

### Local Plan (1998) and Alterations (2006)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

**Policy SP2 (D (iv))** States that New Traveller sites in Green Belt areas which are appropriately located in terms access to healthcare, education and other services. This Site is already in use for the past 4 years as a Traveller Site with no detriment to the amenity of neighbouring properties as the objections submitted.

### Summary of Representations:

13 neighbours were consulted and a Site Notice displayed on 28/10/12.

**ROYDON PARISH COUNCIL** – Object - Stating that this site has not been confirmed as a location for Gypsy /Traveller use because the revised Local Plan has not yet been agreed – therefore there are no special circumstances. In accordance with the terms of the previous permission (and this current application) does this site have a waste licence?

**10 Hamlet Hill** – OBJECTION - 23/07/2019 I would like to object to this we do not want Gypsy Families living next to us and also scrap metals and old cars storage ,we have spent a lot of money doing up our houses and also we would not be able to sell them because of Gypsy 's they cause trouble and leave loads of rubbish it is very quite there and I think this will cause a lot of trouble in the area .Hope all the neighbours complained. You say 5 caravans for Gypsy families but refused me permission to rent out my annexe .

**Summer House- Hamlet Hill** – Objection on 31/07/2019 - We strongly oppose this application for reasons stated below.

- 1) There is a very long history of planning enforcements on this site. Also, there is still confusion as to who is the rightful owner of the land.
- 2) Mr Smith has not fulfilled all the conditions set out by the Planning Inspectorate even though he has had a number of years to do so.
- 3) When the land ceases to be occupied by the temporary permission it should be only right that it is returned to its former state and all materials to be removed by Mr Smith.
- 4) Mr J Smith has lived on the site with his wife since the planning Inspectorate, he moved a brand new mobile home onto the site immediately before any conditions were met. Even though he stated at the planning inspectorate that he had to live on site because he had to sell his house to pay a divorce settlement to his wife. MR T Smith has never spent one night at this site, they stated at the inspectorate that Mr T Smith lives on the road and stays on site when in the area

**Summer House - 31/07/2019** – I strongly oppose any permanent or further temporary permission on this site. I do feel that we already have a number of permitted, tolerated and temporary sites in this area. adding more sites to this area would be detrimental to the community and the green belt. There are many Gypsy and Traveller sites in the area far more than any other Epping forest ward. Many of these sites have far more caravans than the permission allows also a lot of eastern European greenhouse workers are living on these sites. Holmsfield Nursery which has permission for 8 pitches yet has over 40 caravans on site. Sons nursery which is 100-yard past Ash View on the opposite side of the road is occupied by eastern European workers not the Irish traveller family that are supposed to reside at the site. This site also has temporary permission. My point is with Epping Forest inability to deal with these breaches of planning dose not sit well for the future of the area. I do feel adding more pitches to this area will eventually upset the balance. I do feel MR Smith has no fulfilled the conditions set out by the planning inspector and as far as I'm aware the land is contaminated and not suitable for any sort of residential use. I Strongly Object

**9 Hamlet Hill - 06/08/2019** – Will there be a limit to the amount of caravans parked on site? Are there limits to the amount of scrap vehicles to be held on site, are they going to be allowed to stack them? If so how high? Is there going to be mechanical equipment on site to move the scrap vehicles. Also hold concerns from an environmental and fire risks as how will this be managed, would this effect my household insurance. Is this going to be used by the occupants only or would there be a heavy flow of traffic in and out of the site Is there going to be operating hours stipulated should the application be successful as this is a residential area, i.e. weekend restrictions, pre 8am week days and post 4pm week days! Is it intended to turn the site into an ELV scrap metal recycling plant? Will there be any fires onsite?

**Summer House, Hamlet Hill** – Object as the access was previous considered unsuitable at appeal, its inappropriate development within the Green Belt, the site is overlooked by

neighbouring properties, the land is likely to be contaminated, there is no history to residential use of the land, and as there is already a large concentration of allowed, temporary and tolerated traveller sites in this area.

**No.8 Hamlet Hill** – Object - I am writing on behalf of my father Mr Jack Grehan, who lives at No 8 Hamlet Hill and directly opposite Ashview

We strongly object to this application EPF/1712/19 for the removal of conditions 2,3 & 5 for EPF/1965/12 on the following grounds

1. The applicants have already breached the original application and already have an occupied mobile home on the land.
2. We believe should the application be granted and based on what they have tried to do over the past years the whole area will be used and they will not abide by the granted planning notices, once they have moved in the area will become an unlicensed dump with no regulations and will destroy the landscape of this part of Epping Forest
3. Environmentally having a scrap yard within this small compound would not be practical and dangerous, as there is not where enough room to install the correct safe guards to prevent potential contamination to the surrounding farm lands, water sources which run under Hamlet Hill and feed the reservoirs could become contaminated and the risk of damaging surrounding property.
4. The main road [Hamlet Hill] by nature of its name is a very steep hill and on the best of days is very busy, if this planning application is granted additional blockages of the road and disturbances not only to the local home owners, but to all the businesses which are established within the area that rely on this road to get their delivers in and out will be affected. As it is impractical and dangerous to try and turn lorries / loaded vans into this area without blocking the road especially should there be more than one vehicle at any time. When trying to exit the yard the line of sight is less the 20 meters and is heavily blocked up the hill by very large trees and down the hill by hedging which is on the road line directly from the yards entrance, this will cause lorries which will have to swing into the far side to enable a turning circle to block both lanes and a very large risk of additional accident on this already high accident zone within the area.
5. My Father would have no objection if the land was to be used by one family, but again the application is not defining this and is very open to interpretation which from passed experience can very easily be abused which is very evident from previous application abuse,
6. I am 100% confident if we were to make an application for 5No houses on this land the planning office would reject the application on many grounds [overcrowding, not enough parking, lack of facilities, dangerous exit and egress to the area, environmental impact on the area etc, etc.] so, we do not see any reason why this application should be approved.

#### **Officers Response to the Objections:**

It is officers view that the objections received fail to take in to consideration the policy changes in the Submitted Version Local Plan. Policy SP2 and P14 set out the site as an allocated Traveller site in the Local Plan, which the Parish Council failed to note in their objection letter.

The other neighbouring objections are taken into consideration in the determination of this application.

The Council lost an appeal four years ago with the Inspector, who allowed a temporary permission specifically for the site occupants. Following site selection considerations the site was deemed as an appropriate Gypsy/Traveller Site and therefore is allocated as such as **RUR.T2** within the Local Plan Submitted Version 2017 (SVLP). The Policy changes in the Local Plan and evidence base (including the site selection assessment) are material considerations and the Policies in the SVLP must be given weight when assessing and determining this application.

### **Issues and Planning Considerations:**

The allocation of this site as a Gypsy/Traveller Site (RUR.T2) in the SVLP is a material consideration in the determining of this application. The Local Plan Inspector did not raise any concerns to this allocation or the policy change in the SVLP in either the local plan hearing or her Interim Written Response.

The previous application Ref: EPF/1965/12 was refused on 11<sup>th</sup> December 2012. The applicant appealed this decision. In the appeal it was agreed that the development was inappropriate in the Green Belt and the Inspector gave substantial weight to the harm that follows from this. Therefore, the main issues were whether the harm to the Green Belt by way of inappropriateness and any other harm identified was outweighed by any other considerations and if so do these also amount to the very special circumstances required to allow the development?

In the Planning Inspector decision notice it was concluded that there were not very special circumstances sufficient enough to outweigh the harm from a permanent consent, however the material considerations did outweigh the harm from a temporary planning consent and as such the appeal was allowed with a four year conditional permission on 28<sup>th</sup> July 2015.

In the appeal decision the Inspector stated that the provision of Gypsy sites in the District was unmet and that this significant unmet need weighed heavily in favour of allowing the appeal. In July 2011 an appeal decision was issued on an enforcement notice against a Gypsy site at the Carthagena Estate (J1535/C/11/2148946) and in September of the same year the Secretary of State issued a decision on a proposed Gypsy caravan site at The Meadows, Waltham Road (J1535/A/10/2132314). In both appeals it was concluded there was a significant unmet need for Gypsy sites in the District, and that this weighed heavily in favour of allowing the appeals.

With regards to this site, the Inspector stated that it is reasonable to treat this as a well-defined and significantly degraded piece of Green Belt land where there is an opportunity to clear it up and control the future use to the benefit of both the Green Belt and the neighbours. Alongside the general unmet need for Gypsy sites, the Planning Inspector also gave weight to the Personal circumstances of the occupants. Both the Smiths, father and son, are Gypsies and have an aversion to living in a house. The Inspector stated that in terms of their human rights the refusal of the appeal would leave both the Smiths on the road with nowhere to go. As concluded in the 2010 appeal, it must be accepted that the refusal of this application and any subsequent enforcement action would result in a significant interference with their rights under article 8 of European Convention on Human Rights, the right for respect for private and family life and for the home.

The current application is submitted to remove the conditions on the Appeal in order to regularise the use of the site as a permanent Gypsy/Travellers Site for one pitch. This is to enable the permanent use of the site for any occupier that meets the definition of a Traveller as laid out in Annex 1 of the DCLG Document Planning Policy for Travellers Site (PPfTS). The applicants have stated that, should this not be acceptable then they are seeking a permanent consent for the use by the current site occupants. If this is not considered to be acceptable then they would be willing to accept a further temporary consent on the site.

Given the history of the site, the main consideration of the proposal is whether there have been any significant or material changes that would alter the previous decision.

The main change in circumstance is that the site is now an allocated site RUR.T2 (known as Land at Ashview, Hamlet Hill). Policy SP2 of the SVLP sets out the number of homes the

Council plan for over the Plan period in the District to meet local needs and sets out the Council's approach to the provision of Traveller Sites.

This Site RUR.T2 is shown on the Epping Forest District Local Plan Site Location Plan Appendix 6. The site size is 0.43 ha with description highlighting that the site that has a temporary planning permission for one pitch. The site is bounded to the north by Hamlet Hill, to the east by residential development and to the west and south by agricultural land

**As the site is allocated as RUR.T2 (Land at Ashview, Hamlet Hill) the proposal complies with Policy SP2 of the SVLP. Furthermore, given the evidence base and Site Selection Assessment the proposal complies with policy H10A (Gypsy Caravan Sites) of the adopted Local Plan (1998) and Alterations (2006).**

The applicant has submitted information to justify why planning permission should be granted on a permanent basis. This includes that *"the site has now been allocated as a Traveller /Gypsy Site permanent as part of the submission Local Plan (see SP2, SP4 and site allocation (RUR.T2). In allocating this site the Council is clearly satisfied that the site would meet the criteria of emerging policy H4"*.

When considering a permanent planning permission for the site, Policy H of the PPfTS states that the lack of a 5-year supply of sites should be a significant material consideration. When taking this into account the balance is tipped in favour of granting a permanent planning permission in view of the SVLP Policies SP2, P14 and site allocation RUR.T2.

The submission Local Plan has been through examination. The Inspector has reported on the Local Plan. There have been no objection to this site RUR.T2 as proposed. This is one of just a few existing private sites proposed for allocation in the Local Plan and is relied on to ensure the identified need for 2018-2022 is met.

Taking all the above into consideration it is concluded that there has been a significant change in circumstance since the previous appeal decision and there are now sufficient very special circumstances to enable this inappropriate development to be allowed in the Green Belt without the need to take into account the personal circumstances of the applicants. Therefore it is the opinion of officers that a permanent consent should be permitted for any occupant who meets the definition of a traveller as laid out in Annex 1 of the PPfTS.

Impact on neighbours:

*Within the original appeal decision the Planning Inspector concluded that "I do not think the positioning of another mobile home on the site would have any great impact on the neighbours at Summer House. The main problem for them is the use of the land as a scrap yard, which is clearly visible from their house and garden, and the occasional disputes over the activities taking place on the land. The conditions that could be attached to a permission would be of significant benefit to the neighbours and on balance would be an improvement over the current position"*.

Since this application does not propose any increase in the number of pitches or activities on the site there would be no additional impact on neighbours as a result of this proposal.

Highways:

ECC Highways have not objected to this application and sufficient evidence was provided about highway safety and the suitability of the access in the previous appeal.

Epping Forest SAC:

Since the proposal is to retain the existing use on the site there would be no net increase in the residential use or traffic movements on the site and therefore no mitigation measures would be required with regards to the Epping Forest SAC.

**Conclusion:**

Due to the above, and taking into account the change in Policy, the previous appeal decision, and the other more recent appeal decisions, it is considered that the proposed development would be appropriate since it results in limited harm to the neighbours and the rural character of the site and less than significant harm in terms of highway safety and the free flow of traffic.

The stated changes in Policy SP2 of the SVLP sets out the Council's approach to Traveller Sites within the District and this site is among the four sites that have been allocated for Traveller Accommodation within the rural area in the West of the District. These policy changes are a material consideration and constitute very special circumstances that outweigh the harm to the Green Belt.

Given the allocation of the site in the SVLP and the consideration given to Policy H of the PPfTS, it is considered that a permanent, non-personal consent for the site would be appropriate and would comply with the National Planning Policy Framework 2019, policies SP2, H4 and P14 of the SVLP, and policy H10A of the adopted Local Plan and Alterations. As such, the application is recommended for approval subject to Planning Conditions.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Francis Saayeng***

***Direct Line Telephone Number: 01992 564161 or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***