

Committee Agenda



**Webcast
Meeting**



**Epping Forest
District Council**

Area Planning Subcommittee West Wednesday, 4th June, 2008

Place: Council Chamber, Civic Offices, High Street, Epping
Room: Council Chamber
Time: 7.30 pm
Democratic Services Officer Adrian Hendry - The Office of the Chief Executive
Email: ahendry@eppingforestdc.gov.uk Tel: 01992 564246

WEBCASTING 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.

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 and copies made available to those that request it.

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

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

Members:

Councillors J Wyatt (Chairman), Mrs P Brooks (Vice-Chairman), R Bassett, J Collier, Mrs A Cooper, J Demetriou, Mrs R Gadsby, Mrs J Lea, W Pryor, Mrs M Sartin, Mrs P Smith, Ms S Stavrou, A Watts and Mrs E Webster

A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 6.30 P.M. IN COMMITTEE ROOM 1 ON THE DAY OF THE SUB-COMMITTEE.

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 and will be capable of repeated viewing and copies of the recording could be made available for those that request it.

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 AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 6)

General advice to people attending the meeting is attached together with a plan showing the location of the meeting.

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

5. MINUTES (Pages 7 - 26)

To confirm the minutes of the last meeting of the Sub-Committee held on 14 May 2008 as correct record (attached).

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution 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.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

7. DEVELOPMENT CONTROL (Pages 27 - 48)

(Director of Planning and Economic Development) To consider planning applications as set out in the attached schedule

Background Papers: (i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are

summarised on the schedule. (ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

8. PROBITY IN PLANNING – APPEAL DECISIONS, OCTOBER 2007 TO MARCH 2008. (Pages 49 - 54)

(Director of Planning and Economic Development) to consider the attached report.

9. DELEGATED DECISIONS

(Director of Planning and Economic Development) Schedules of planning applications determined by the Head of Planning and Economic Development under delegated powers since the last meeting of a Plans Subcommittee may be inspected in the Members Room or at the Planning and Economic Development Information Desk at the Civic Offices, Epping.

10. 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.

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the 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 (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

Advice to Public and Speakers at Council Planning Subcommittees

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 Subcommittee.

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**. Ring the number shown on the top of 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 allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

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 Sub-Committee members.

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

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 through Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Subcommittee 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 Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

Further Information?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee West **Date:** 14 May 2008

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.20 pm

Members Present: J Wyatt (Chairman), R Bassett, Mrs P Brooks, Mrs A Cooper, Mrs R Gadsby, Mrs J Lea, Mrs M Sartin, Mrs P Smith, Ms S Stavrou, A Watts and Mrs E Webster

Other Councillors:

Apologies:

Officers Present: S Solon (Principal Planning Officer), A Hendry (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

94. 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.

95. APPOINTMENT OF VICE CHAIRMAN

With the agreement of the Sub committee, Councillor Mrs R Gadsby was appointed Vice Chairman for the duration of the meeting.

96. 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.

97. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs P Smith declared personal interest in agenda items 7 (1) (EPF/0407/08 Timber Lodge, Copped hall estate, High Road, Epping) by virtue of being a member of the Parish Council. The Councillor declared that her interests were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the items.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs R Gadsby declared a personal interest in agenda items 7 (4 and 5) (EPF/0034/08 and EPF/0035/08 8-8a Sun Street, Waltham Abbey) by virtue of being a member of the

Town Council. The Councillor declared that her interest were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Mrs P Brooks declared a personal interest in agenda items 7 (4 and 5) (EPF/0034/08 and EPF/0035/08 8-8a Sun Street, Waltham Abbey), and items 7 (6 to 14) (EPF/2729/07, EPF/2730/07, EPF/2731/07, EPF/2732/07, EPF/2733/07, EPF/2734/07, EPF/2735/07, EPF/2736/07 and EPF/2737/07 Land at Galley Hill Yard, Galley Hill Road, Waltham Abbey) by virtue of being a member of the Town Council and on the Planning Committee. The Councillor declared that her interests were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item.

(d) Pursuant to the Council's Code of Member Conduct, Councillor Ms S Stavrou declared a personal interest in agenda items 7 (4 and 5) (EPF/0034/08 and EPF/0035/08 8-8a Sun Street, Waltham Abbey), and items 7 (6 to 14) (EPF/2729/07, EPF/2730/07, EPF/2731/07, EPF/2732/07, EPF/2733/07, EPF/2734/07, EPF/2735/07, EPF/2736/07 and EPF/2737/07 Land at Galley Hill Yard, Galley Hill Road, Waltham Abbey) by virtue of being a member of the Town Council and on the Planning Committee. The Councillor declared that her interests were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item.

(e) Pursuant to the Council's Code of Member Conduct, Councillor Mrs E Webster declared a personal interest in agenda items 7 (4 and 5) (EPF/0034/08 and EPF/0035/08 8-8a Sun Street, Waltham Abbey), and items 7 (6 to 14) (EPF/2729/07, EPF/2730/07, EPF/2731/07, EPF/2732/07, EPF/2733/07, EPF/2734/07, EPF/2735/07, EPF/2736/07 and EPF/2737/07 Land at Galley Hill Yard, Galley Hill Road, Waltham Abbey) by virtue of being a member of the Town Council and on the Planning Committee. The Councillor declared that her interests were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item.

(f) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J Lea declared a personal interest in agenda items 7 (4 and 5) (EPF/0034/08 and EPF/0035/08 8-8a Sun Street, Waltham Abbey), and items 7 (6 to 14) (EPF/2729/07, EPF/2730/07, EPF/2731/07, EPF/2732/07, EPF/2733/07, EPF/2734/07, EPF/2735/07, EPF/2736/07 and EPF/2737/07 Land at Galley Hill Yard, Galley Hill Road, Waltham Abbey) by virtue of being a member of the Town Council and on the Planning Committee. The Councillor declared that her interests were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item.

(g) Pursuant to the Council's Code of Member Conduct, Councillors Mrs E Webster, Mrs J Lea, Mrs P Brooks, Mrs R Gadsby, Ms S Stavrou and A Watts declared a personal interest in agenda items 7 (6) (EPF/2729/07, Land at Galley Hill Yard, Galley Hill Road, Waltham Abbey) by virtue of being a member of the Town Council which has used the services of TSL Ltd in the past. The Councillors declared that their interests were not prejudicial and indicated that they would remain in the meeting during the consideration and voting on the item.

98. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 16 April 2008 be taken as read and signed by the Chairman as a correct record subject to the addition that the Sub Committee asked the Planning Officer to pursue with the Council's Legal Section the enforcement action on application EPF/2566/07, 12 Highbridge Street, Waltham Abbey.

99. ANY OTHER BUSINESS

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

100. DEVELOPMENT CONTROL

The Sub-Committee considered a schedule of applications for planning permission.

RESOLVED:

That, Planning applications numbered 1 – 14 be determined as set out in the annex to these minutes.

101. DELEGATED DECISIONS

The Sub-Committee noted that details of planning applications determined by the Head of Planning Economic Development under delegated authority since the last meeting had been circulated to all members and were available for inspection at the Civic Offices.

CHAIRMAN

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Report Item No: 1

APPLICATION No:	EPF/0407/08
SITE ADDRESS:	Timber Lodge Copped Hall Estate High Road Epping Essex CM16 5HS
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing Waltham Abbey High Beach
DESCRIPTION OF PROPOSAL:	Glazed link and garden room.
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class E and Part 2, Class A of Schedule 2 to the Order shall be undertaken at the application site without the prior written permission of the Local Planning Authority.

Report Item No: 2

APPLICATION No:	EPF/0309/08
SITE ADDRESS:	2B North Street (formerly Crossways 1 Middle Street) Nazeing Essex
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Conversion of garage to bedroom, grassed area to be changed to hardstanding for parking and turning area.(revised application).
DECISION:	Grant Permission (With Conditions)

CONDITIONS

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

Report Item No:3

APPLICATION No:	EPF/0403/08
SITE ADDRESS:	15 Kingsmead Hill Roydon Harlow Essex CM19 5JG
PARISH:	Roydon
WARD:	Roydon
DESCRIPTION OF PROPOSAL:	Two storey side extension.
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Prior to first occupation of the building hereby approved the proposed window openings in the flank elevation and east facing roof slope shall be fitted with obscured glass, and shall be permanently retained in that condition.
- 3 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 4 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 or east facing roof slope of the development hereby permitted without the prior written approval of the Local Planning Authority.

Report Item No: 4

APPLICATION No:	EPF/0034/08
SITE ADDRESS:	8 - 8A Sun Street Waltham Abbey Essex EN9 1EE
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
DESCRIPTION OF PROPOSAL:	Conversion and extension of existing building to provide enlarged shop and two self contained flats.
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of two years beginning with the date of this notice.
- 2 No development, including demolition, 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 by the Planning Authority.
- 3 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 4 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 in accordance with a management plan to be submitted concurrently with the assessment..
- 5 Notwithstanding the information shown on the submitted plans, the new windows at first floor level to Darby Drive elevation shall be traditional double-hung, vertically sliding sash windows in white painted timber and set within traditional reveals and incorporating traditional soldier course in brickwork above.
- 6 Prior to commencement of development detailed drawings of the proposed shopfront in Darby Drive shall be submitted to and agreed in writing by the Local Planning Authority, the shopfront shall be traditionally designed and detailed in painted timber. The works shall then be completed in accordance with the agreed details.
- 7 The existing shopfront and surround to the Sun Street elevation shall be retained, repaired and repainted prior to the first occupation of any part of the development hereby approved.

- 8 Prior to commencement of development detailed drawings of the new dormer windows at a minimum scale of 1:5, shall be submitted to and agreed in writing by the Local Planning Authority and the works shall be completed in accordance with the agreed details.
- 9 Prior to commencement of development detailed drawings of the rear elevation, first and second floors, from the proposed roof garden, shall be submitted to and agreed in writing by the Local Planning Authority. The drawing shall show the retained original sash windows and details of the proposed new door to the first floor flat.
- 9 Prior to the commencement of development, detailed drawings of refuse storage facilities for the flats and the shop shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the refuse storage facilities shall thereafter be permanently retained.

Report Item No: 5

APPLICATION No:	EPF/0035/08
SITE ADDRESS:	8 - 8A Sun Street Waltham Abbey Essex EN9 1EE
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
DESCRIPTION OF PROPOSAL:	Conservation Area Consent for the partial demolition of the building.
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.

Report Item No: 6

APPLICATION No:	EPF/2729/07
SITE ADDRESS:	Land at Galley Hill Yard Galley Hill Road Waltham Abbey Essex EN9
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
DESCRIPTION OF PROPOSAL:	Change of use to scaffolding yard. (Retrospective application)
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 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 and Bank Holidays.
- 2 No materials of any kind are to be burnt on the site.
- 3 No external lighting shall be erected at the site without the prior written consent of the Local Planning Authority.
- 4 There shall be no open storage within the site above the height of 2 metres without the prior written consent of the Local Planning Authority.
- 5 No siting of caravans/portacabins or other portable buildings shall take place within the site without the prior written permission of the Local Planning Authority.
- 6 There shall be no external loudspeakers or other similar public address systems used at the site.
- 7 Within 2 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 details shall include 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 and details of the means of foul drainage. The approved scheme shall be implemented within 6 months of the approval of the Local planning authority and thereafter adhered to.

Report Item No: 7

APPLICATION No:	EPF/2730/07
SITE ADDRESS:	Land at Galley Hill Yard Galley Hill Waltham Abbey Essex EN9
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
DESCRIPTION OF PROPOSAL:	Change of use to scaffolding yard. (Retrospective application)
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 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 and Bank Holidays.
- 2 No materials of any kind are to be burnt on the site.
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- 7 Within 2 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 details shall include 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 and details of the means of foul drainage. The approved scheme shall be implemented within 6 months of the approval of the Local planning authority and thereafter adhered to.

Report Item No: 8

APPLICATION No:	EPF/2731/07
SITE ADDRESS:	Land at Galley Hill Yard Galley Hill Waltham Abbey Essex EN9
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
DESCRIPTION OF PROPOSAL:	Change of use to storage of civil engineering materials and associated vehicle parking. (Retrospective application)
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 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 and Bank Holidays.
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Report Item No: 9

APPLICATION No:	EPF/2732/07
SITE ADDRESS:	Land at Galley Hill Yard Galley Hill Waltham Abbey Essex EN9
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
DESCRIPTION OF PROPOSAL:	Change of use to scaffolding yard. (Retrospective application)
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 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 and Bank Holidays.
- 2 No materials of any kind are to be burnt on the site.
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- 7 Within 2 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 details shall include 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 and details of the means of foul drainage. The approved scheme shall be implemented within 6 months of the approval of the Local planning authority and thereafter adhered to.

Report Item No: 10

APPLICATION No:	EPF/2733/07
SITE ADDRESS:	Land at Galley Hill Yard Galley Hill Waltham Abbey Essex EN9
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
DESCRIPTION OF PROPOSAL:	Change of use to vehicle storage yard. (Retrospective application)
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 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 and Bank Holidays.
- 2 No materials of any kind are to be burnt on the site.
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Report Item No: 11

APPLICATION No:	EPF/2734/07
SITE ADDRESS:	Land at Galley Hill Yard Galley Hill Waltham Abbey Essex EN9
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
DESCRIPTION OF PROPOSAL:	Change of use to storage of civil engineering materials and associated vehicle parking. (Retrospective application)
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 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 and Bank Holidays.
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Report Item No: 12

APPLICATION No:	EPF/2735/07
SITE ADDRESS:	Land at Galley Hill Yard Galley Hill Waltham Abbey Essex EN9
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
DESCRIPTION OF PROPOSAL:	Change of use to vehicle parking in association with existing civil engineering use. (Retrospective application)
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 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 and Bank Holidays.
- 2 No materials of any kind are to be burnt on the site.
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- 5 No siting of caravans/portacabins or other portable buildings shall take place within the site without the prior written permission of the Local Planning Authority.
- 6 There shall be no external loudspeakers or other similar public address systems used at the site.
- 7 Within 2 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 details shall include 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 and details of the means of foul drainage. The approved scheme shall be implemented within 6 months of the approval of the Local planning authority and thereafter adhered to.

Report Item No: 13

APPLICATION No:	EPF/2736/07
SITE ADDRESS:	Land at Galley Hill Yard Galley Hill Waltham Abbey Essex EN9
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
DESCRIPTION OF PROPOSAL:	Change of use to storage of reclaimed building materials. (Retrospective application)
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 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 and Bank Holidays.
- 2 No materials of any kind are to be burnt on the site.
- 3 No external lighting shall be erected at the site without the prior written consent of the Local Planning Authority.
- 4 There shall be no open storage within the site above the height of 2metres without the prior written consent of the Local Planning Authority.
- 5 No siting of caravans/portacabins or other portable buildings shall take place within the site without the prior written permission of the Local Planning Authority.
- 6 There shall be no external loudspeakers or other similar public address systems used at the site.
- 7 Within 2 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 details shall include 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 and details of the means of foul drainage. The approved scheme shall be implemented within 6 months of the approval of the Local planning authority and thereafter adhered to.

Report Item No: 14

APPLICATION No:	EPF/2737/07
SITE ADDRESS:	Land at Galley Hill Yard Galley Hill Waltham Abbey Essex EN9
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East Waltham Abbey Paternoster
DESCRIPTION OF PROPOSAL:	Change of use to storage of reclaimed building materials and vehicle parking. (Retrospective application)
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 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 and Bank Holidays.
- 2 No materials of any kind are to be burnt on the site.
- 3 No external lighting shall be erected at the site without the prior written consent of the Local Planning Authority.
- 4 There shall be no open storage within the site above the height of 2metres without the prior written consent of the Local Planning Authority.
- 5 No siting of caravans/portacabins or other portable buildings shall take place within the site without the prior written permission of the Local Planning Authority.
- 6 There shall be no external loudspeakers or other similar public address systems used at the site.
- 7 Within 2 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 details shall include 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 and details of the means of foul drainage. The approved scheme shall be implemented within 6 months of the approval of the Local planning authority and thereafter adhered to.

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AREA PLANS SUB-COMMITTEE 'WEST'

Date 4 June 2008

INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/0562/08	102 Western Road, Nazeing	GRANT	29
2.	EPF/0563/08	104 Western Road, Nazeing	GRANT	33
3.	EPF/0372/08	Tomary, Hamlet Hill, Roydon	GRANT	37
4.	EPF/0687/08	Sweet News, 3 Market Square, Waltham Abbey	GRANT	43

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Report Item No: 1

APPLICATION No:	EPF/0562/08
SITE ADDRESS:	102 Western Road Nazeing Essex EN9 2QQ
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	S Applegate
DESCRIPTION OF PROPOSAL:	Two storey rear extension and single storey front extension.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 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 development hereby permitted without the prior written approval of the Local Planning Authority.
- 4 The development hereby permitted shall not be constructed in isolation, and shall only be implemented contemporaneously with the development permitted under application EPF/0563/08 at the attached dwelling at 104 Western Road, Nazeing, Essex.
- 5 Notwithstanding the details shown on the approved plan numbered WSTN/01, there is to be no raised patio area to the rear of the property at all unless otherwise agreed in writing by the Local Planning Authority. Prior to commencement of works on the extension, full details of steps from the patio doors to ground level at the rear of the property are to be submitted to and approved in writing by the Local Planning Authority. The development is to be built in accordance with the approved details and retained as such thereafter.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

Single storey front and double storey rear extension. The front extension would extend the full width of the property forward by 1m and include a bay window, and the rear extension would extend the full width back by 3.5m at both ground and first floor. The twin semi has submitted a virtually identical proposal that is considered elsewhere on this agenda, Ref EPF/0563/08, and it is proposed that both developments would be built concurrently.

The extension at number 102 is offset at a slight angle to maintain access to a rear garage outbuilding.

Description of Site:

The site is a brick semi-detached property in a row of semi-detached houses within the urban area of Nazeing.

Relevant History:

EPF/2081/07 Certificate of Lawfulness for a proposed rear dormer window extension in connection with a loft conversion. Lawful

Policies Applied:

Local Plan:

Policy DBE9 – Excessive loss of amenity

Policy DBE 10 – Design of Residential Extensions

Issues and Considerations:

The principal issues to consider with this application are issues of residential amenity and design considerations.

1. Residential Amenity

There would remain a separation distance of over 35m to the properties on Palmers Grove to the rear, including 23m to the rear boundary. The ground level does slope away to the rear and there would be an element of overlooking from an elevated position. However, the degree of elevation and separation distances are such that the level of overlooking would not be excessive. The back to back distance between the extension and houses on Palmers Grove would exceed minimum standards that would be applied to new developments where windows are at an elevated position.

Furthermore, it is considered that effects to the rear of loss of light or of overbearing impact would not be to an excessive degree, due to the relatively large separation distances.

There is a patio area marked on the plans, but this would lead to an excessive level of overlooking into the rear gardens to either side, and as such a condition is proposed to prevent any raised patio area at the rear of the property from being formed.

To the southwest side is a 2.7m distance to the neighbouring property, and although there would be an element of loss of sunlight to the rear garden and loss of outlook to rear windows, the effects would not be excessive. This is due to the separation distance and the fact that it is offset at a slight angle to number 100 to the Southwest. There is an existing garage outbuilding to the rear

that is due to stay, and although its retention is not necessary to reduce impacts from the rear extension, its likely survival retains an element of additional screening to the Southwest.

To the northeast, the extension would adjoin the rear extension proposed at 104 Western Road.

2. Design Considerations

The rear extensions are relatively large additions to both properties in terms of height and width, but the ridge height and roof design leaves the extended part acceptably subordinate in scale to the original property. If constructed concurrently, the pair of rear extensions would form a cohesive unit and would represent an acceptable overall addition to this pair of properties.

The offset of the extension at number 102 would be well screened from the streetscene and is likely to appear acceptably unobtrusive.

With regard to the front addition, there are many other relatively similar extensions in the locality, including at numbers 98-100, and although the new front bays are not mirrored on the nearby extensions, they are relatively small-scale and acceptable in the streetscene.

Conclusion

It is considered that the proposed rear extension would not unacceptably impact upon the amenities that neighbouring residents could reasonably expect to enjoy. The large separation distances mitigate the effects to the rear to an acceptable level. With recommended conditions to limit potential overlooking to either side the proposal accords with the relevant policies contained in the adopted Local Plan and Alterations, and the application is recommended for approval.

SUMMARY OF REPRESENTATIONS:

NAZEING PARISH COUNCIL: Members raised concerns that the property overlooked Palmers Grove from an elevated position.

23 PALMERS GROVE: Commented that the proposals would be out of character, there would be loss of light and loss of privacy.

25 PALMERS GROVE: Objected on grounds of loss of privacy, loss of sunlight and that the extension will appear to be too large.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	1
Application Number:	EPF/0562.08
Site Name:	102 Western Road, Nazeing, EN9 2QQ
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0563/08
SITE ADDRESS:	104 Western Road Nazeing Essex EN9 2QQ
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mrs Caroline Poonwassie
DESCRIPTION OF PROPOSAL:	Single storey front and double storey rear extension.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 2 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 3 The development hereby permitted shall not be constructed in isolation, and shall only be implemented contemporaneously with the development permitted under application EPF/0562/08 at the attached dwelling at 102 Western Road, Nazeing, Essex.
- 4 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 development hereby permitted without the prior written approval of the Local Planning Authority.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

Single storey front and double storey rear extension. The front extension would extend the full width of the property forward by 1m and include a bay window, and the rear extension would extend the full width back by 3.5m at both ground and first floor. The twin semi has submitted a virtually identical proposal that is considered elsewhere on this agenda, Ref EPF/0562/08, and it is proposed that both developments be built concurrently.

Description of Site:

The site is a brick semi-detached property in a row of semi-detached houses within the urban area of Nazeing.

Relevant History:

EPF/2081/07 Certificate of Lawfulness for a proposed rear dormer window extension in connection with a loft conversion. Lawful

Policies Applied:

Local Plan:

Policy DBE9 – Impact on amenity

Policy DBE 10 – Design of Residential Extensions

Issues and Considerations:

The principal issues to consider with this application are issues of residential amenity and design considerations.

1. Residential Amenity

There would remain a separation distance of over 35m to the properties on Palmers Grove to the rear, including 23m to the rear boundary. The ground level does slope away to the rear and there would be an element of overlooking from an elevated position. However, the degree of elevation and separation distances are such that the level of overlooking would not be excessive. The back to back distance between the extension and houses on Palmers Grove would exceed minimum standards that would be applied to new developments where windows are at an elevated position.

Furthermore, it is considered that effects to the rear of loss of light or of overbearing impact would not be to an excessive degree, due to the relatively large separation distances.

To the northeast side is a 6m distance to the neighbouring property, and although there would be an element of loss of sunlight to the rear garden and loss of outlook to rear windows, the effects would not be excessive. This is due to the separation distance and the limited 3.5m depth of the rear extension.

To the southwest, the extension would adjoin the rear extension proposed at 102 Western Road.

2. Design Considerations

The rear extensions are relatively large additions to both properties in terms of height and width, but the ridge height and roof design leaves the extended part acceptably subordinate in scale to the original property. If constructed concurrently, the pair of rear extensions would form a cohesive unit and would represent an acceptable overall addition to this pair of properties.

With regard to the front addition, there are many other relatively similar extensions in the locality, including at numbers 98-100, and although the new front bays are not mirrored on the nearby extensions, they are relatively small-scale and acceptable in the streetscene.

Conclusion

It is considered that the proposed rear extension would not unacceptably impact upon the amenities that neighbouring residents could reasonably expect to enjoy. The large separation distances mitigate the effects to the rear to an acceptable level. With recommended conditions to limit potential overlooking to either side the proposal accords with the relevant policies contained in the adopted Local Plan and Alterations, and the application is recommended for approval.

SUMMARY OF REPRESENTATIONS:

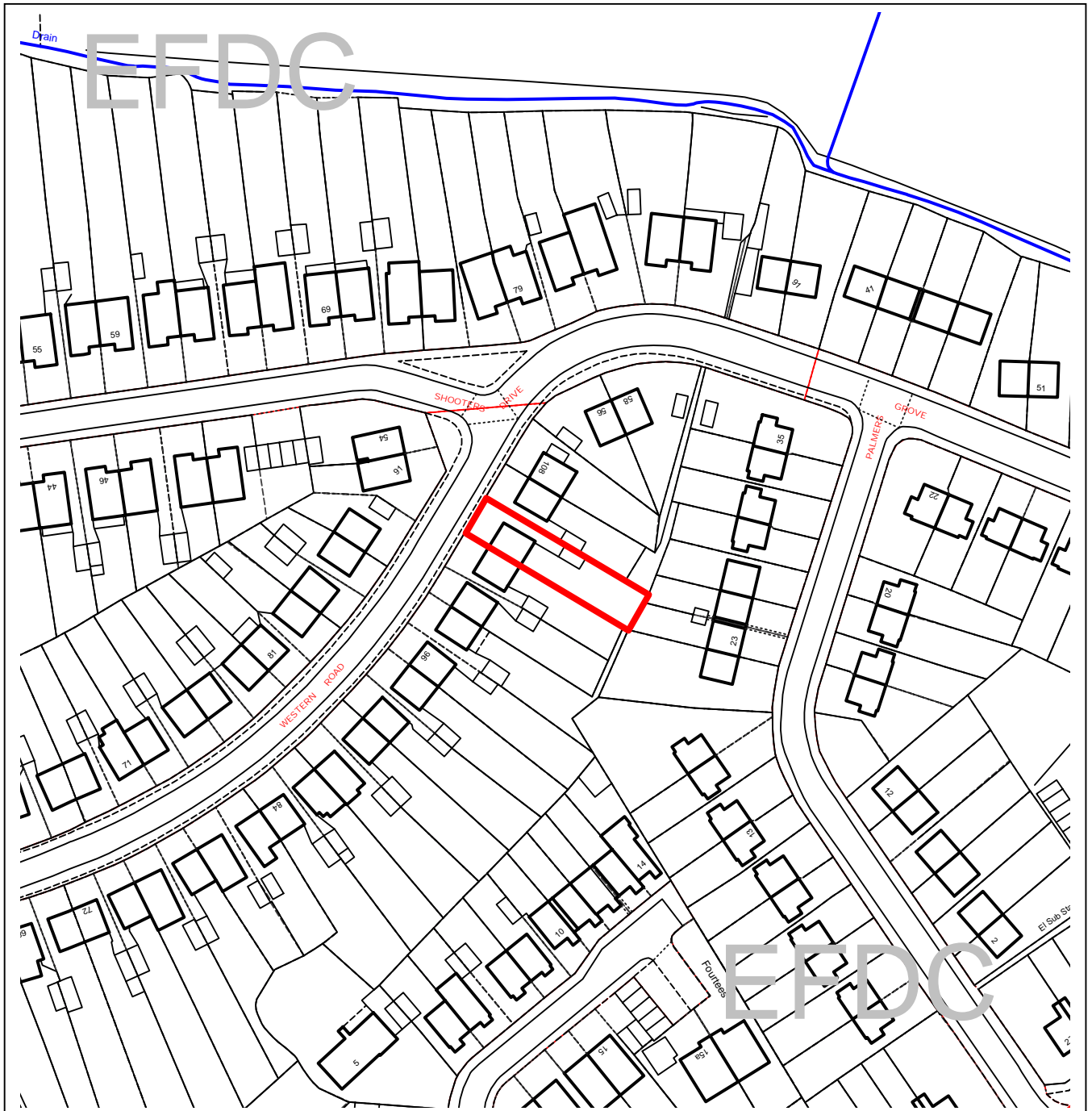
NAZEING PARISH COUNCIL: Members raised concerns that the property overlooked Palmers Grove from an elevated position.

23 PALMERS GROVE: Commented that the proposals would be out of character, there would be loss of light and loss of privacy.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	2
Application Number:	EPF/0563/08
Site Name:	104 Western Road, Nazeing, EN9 2QQ
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0372/08
SITE ADDRESS:	Tomary Hamlet Hill Roydon Harlow Essex CM19 5JY
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr Thomas Jones
DESCRIPTION OF PROPOSAL:	Six additional gypsy pitches for family members.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No more than 12 caravans shall be on the site at any one time and they shall not be occupied other than by the following people:
Mr Thomas Jones and wife,
Mr Thomas Jones' daughter Mary/partner and children
Mr Thomas Jones' daughter Lavinia/partner and children
Mr Thomas Jones' daughter Rebecca/partner and children
Mr Thomas Jones' daughter Carol/partner and children
Mr Thomas Jones' brother John/wife and children
Thomas Jones (D.O.B. 22.01.1988) his partner and children
Vanslow Brown/partner and children
Mary Beaney/partner and children
Thomas Beaney/partner and children
Amy Jones/partner and children
Sam Smith/partner and children
- 3 With the exception of the unit marked (d) on the approved plan, the remaining caravans shall be no more than 7.3m long and 2.1m wide as shown on the approved plan.
- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the existing hedge or hedges which are to be retained, the minimum heights at which they will be maintained and appropriate trees within the hedge or hedges which shall be retained and allowed to grow on. The plan shall also show where the hedgerows are to be reinforced with further planting, details of which indicated in a timetable of implementation. The hedges shall thereafter be maintained in accordance with the approved details.

- 5 Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority before any work commences and the development shall be implemented in accordance with such agreed details.
- 6 Prior to the stationing of any additional mobile homes on the site a scheme for the adequate storage of refuse from the site shall be submitted to and agreed in writing by the Local Planning Authority and the scheme shall be implemented and thereafter retained in accordance with the approved details.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

Use of land for the stationing of an additional 6 Gypsy caravans for occupation by relatives of the existing occupants of the site. The proposal will result in a total of 12 pitches at the site.

Description of Site:

Area of approximately 0.24 hectares located on the southern side of Hamlet Hill. The site is hardsurfaced throughout, and is surrounded by dense leylandii hedging. There are a number of permanent structures on the site including a day room, toilet/shower block and garage. There is a small service/parking area at the eastern side of the site which is separated from the main area of the site by a hedge. To the south east is Richards Farm and Gladwyns Farm lies to the west. To the south is agricultural land. At the time of the officer's site visit the site was tidy and well maintained.

Relevant History:

EPF/681/90 Erection of bungalow and stationing of 3 caravans for 1 Gypsy family. Refused.

EPF/905/90 Retention of 3 Gypsy toilets/utility room/caravans/mobile homes on a permanent basis. Approved.

EPF/147/93 Non-compliance with condition 1 of EPF/905/90 (ie no more than 3 mobile homes/caravans shall be retained on the land for human habitation) and stationing of 3 additional mobile homes/caravans for family occupation- Approved

EPF/941/95 Erection of utility block (2 bathrooms, washroom, day room) in connection with Gypsy caravan site – Approved.

EPF/2127/01 – 6 Additional travellers pitches (making 12 in all). Refused and dismissed on appeal.

Policies Applied:

Local Plan and Local Plan Alterations:

GB2A Development in the Green Belt.

H10A Gypsy caravan sites

RP5 Development likely to cause a nuisance.

DBE9 Amenity issues
ST1, ST2 Location and accessibility of development
ST4 Road safety.
CP2 Quality of environment
LL1, LL2 Impact on landscape.

East of England Plan:

H3 Provision for Gypsies and Travellers

Issues and Considerations:

Policy H10A of the Local Plan Alterations states: "In determining applications for Gypsy Caravan sites within the Green Belt the Council will have regard to (i) whether there are any very special circumstances which would justify an exception to the Green Belt policies of restraint, and (ii) The impact on the openness of the Green Belt and the character and appearance of the Countryside". In addition, the impact of the development in highway terms, the effect on residential amenity, visual amenity, sustainability and the need for Gypsy sites in the District need to be taken into account

1. Green Belt

The site lies within the Metropolitan Green Belt and the proposal is inappropriate development, by definition, harmful to the Green Belt and permission should only be given therefore, if there are considerations that outweigh this harm.

The existing site is well established and lawful and the proposed development is to provide for named Gypsies who are the grandchildren of the original occupants of the Site and their spouses. The applicant argues that the grandchildren have lived at the site all their lives with their parents and now are at an age when they need independence. Three of the grandchildren are married and they range in age from 17 to 25.

2. Highway Issues

The addition of 6 further pitches on this established site will result in additional traffic movements and turning movements into and out of the site, and the sight lines at the entrance to the site are not ideal. However highway safety was not a reason for refusal of the last application for 6 pitches at this site and the appeal Inspector concluded at that time that the traffic movements generated would not be so significant to unduly prejudice highway safety. There has been no significant change in circumstances since then. Additionally the Highway Authority has raised no objection to the proposal.

3. Visual Amenity

The site is very well screened by tall leylandii hedging and the additional pitches would not extend further onto open ground and would not be visually intrusive, they are accommodated entirely within the existing developed site. It is not considered therefore that the intensification of the use would have any impact on the visual amenity of the area provided the hedging is maintained at its present height. It is considered that this could be required by condition, if necessary.

4. Sustainability

The core policies of the Local Plan Alterations seek to ensure that new development is directed to urban areas with good access to facilities and public transport, to reduce reliance on the private car. This site is not ideally located. The site is about 2 miles from the nearest primary schools and

further from secondary schools. Some shops and community facilities are available in the villages of Roydon and Lower Nazeing, although Harlow would be likely to be the main provider of such facilities, situated approximately 3 miles to the north. The rural public transport in the area is not good and facilities for pedestrians are equally poor. However, the site is not isolated or remote and although not ideal in terms of sustainability the site is better placed than many Green Belt locations.

5. The need for Gypsy sites in the District

The Housing Act 2004 placed a duty on Local Authorities to include Gypsies and Travellers in their housing needs assessment. This assessment in Essex is still ongoing, but the latest suggest a need to provide a further 52 gypsy pitches in Epping Forest District. This need and the lack of identified suitable Gypsy sites in the District to meet this need is of some weight in the determination of this application. Circular 1/06 requires Local Authorities to identify sites to meet Gypsy and Traveller needs, in their Development Plan Documents. This work has still to be carried out in this District and at present we still have a reactive approach to meeting such need. The expansion of this existing established well maintained site that has minimal impact on the character and appearance of the countryside and provides a good living environment, provides an opportunity to help meet the identified need for sites.

6. Changes since the last appeal decision

It is 6 years since the last application for six additional pitches at this site was dismissed on appeal. At that time the inspector and the Secretary of State concluded that the intensification of the use of the site would be harmful to the openness of the Green Belt and that there were no very special circumstances sufficient to outweigh this harm. At that time the applicants did not specify who the proposed pitches were for, other than wider family members, including nieces and nephews, and did not wish to be restricted by personal conditions. There was no evidence that the potential occupants would have any direct link to the site or the locality or why they would wish to encamp on this particular site. There was at that time no evidence that there was a need for further pitches in the District or that other sites were not available that were more suitably located for services and community facilities.

The current application is therefore different, in that the occupants of the development have been named and are children of the existing occupants of the site, who have lived at the site most of their lives. Additionally there is an established need to find additional Gypsy pitches in the District.

7. Other issues

The Parish Council has raised concern that there is insufficient space within the site for the number of caravans proposed. The submitted plan indicates how the proposed caravans can be accommodated on the site and specifies that these will be a maximum size of 7.3m x 2.1m. The definition of a caravan, does include mobile homes and clearly mobile homes can be much larger than the caravans shown, and indeed the provision of 12 double unit mobile homes on the site would be very difficult to achieve. Given that the application drawing specifies a maximum size of caravan, it is considered that a condition can be attached preventing any larger units being brought on site. Apart from one mobile home marked (d) on the application drawings, the other units that exist within the site are relatively small touring caravans. It is considered that the site is of sufficient size to accommodate an additional 6 units of this scale and that adequate open space, and parking space is available within the site to meet the needs of the occupants.

Conclusion:

In conclusion, it is accepted that the proposed named occupants of the site comply with the legal definition of a gypsy on a continuing basis and that they have strong links with this site and the family that reside there. The site is well screened and has only minimal impact on the character and amenity of the countryside. There is an unmet requirement to provide for Gypsies and Travellers in the District that needs to be addressed and this site provides an opportunity to potentially reduce the number of sites that will need to be found in the future. The existing use for 6 pitches has not caused any harm to the character or amenity of the area, and the location is such that it does not cause harm to residential amenity. Built facilities already exist at the site to meet the needs of the additional occupants.

It is considered therefore that there are very special circumstances in this instance, which are sufficient to outweigh the harm to the Green Belt from inappropriateness, and that subject to the imposition of conditions similar to those that cover the existing site to restrict occupation to named individuals and their dependant children and prevent the use of the site for any business purpose, the development is in accordance with the adopted policies of the Local Plan and Local Plan Alterations. Accordingly the proposal is recommended for approval.

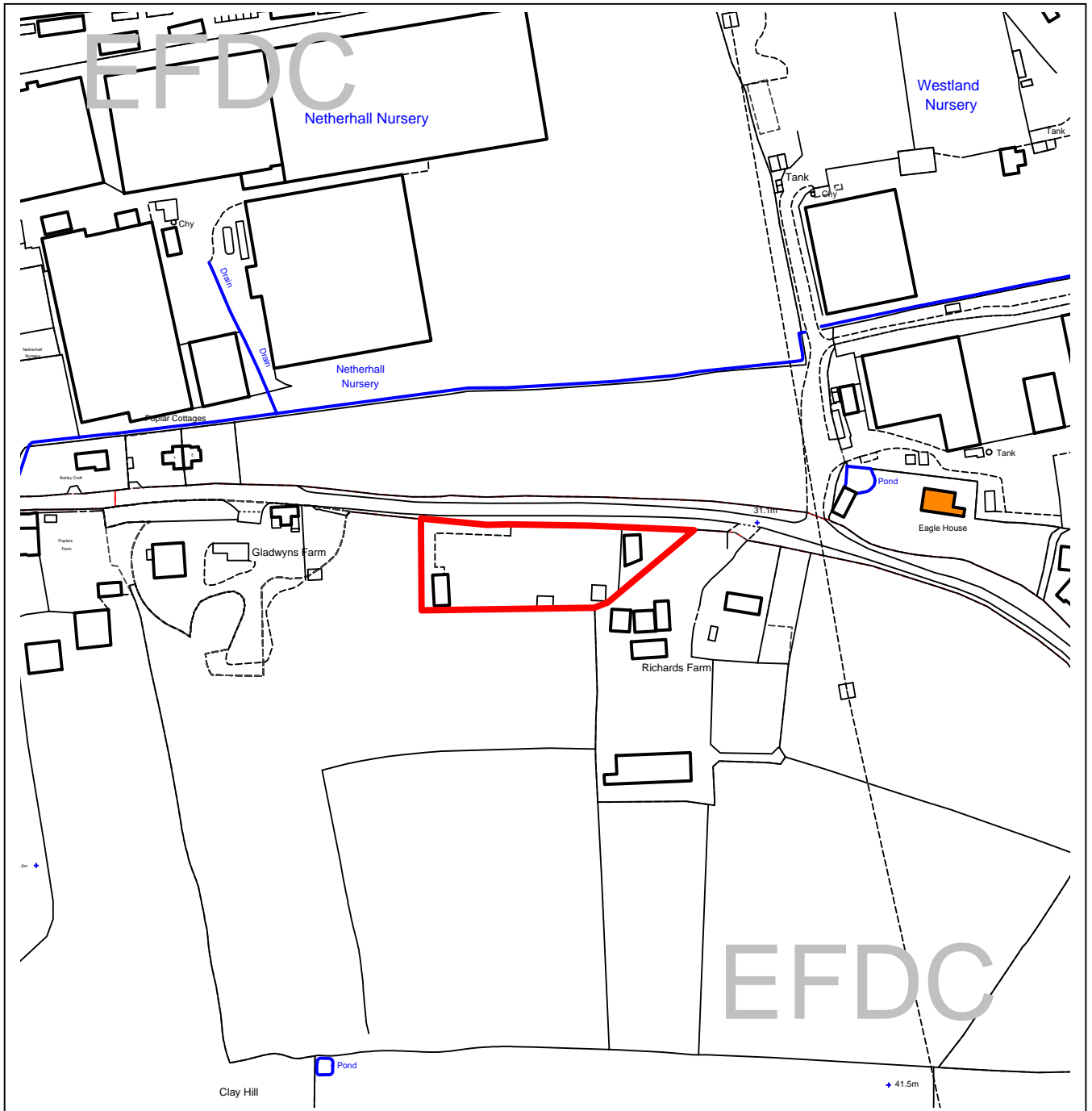
SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL – Insufficient space for further pitches.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	3
Application Number:	EPF/372/08
Site Name:	Tomary, Hamlet Hill, Roydon, CM19 5JY
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/0687/08
SITE ADDRESS:	Sweet News 3 Market Square Waltham Abbey Essex EN9 1DL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Mr Mohammed Perwaiz
DESCRIPTION OF PROPOSAL:	Change of use from A1 retail to A5 hot food take away and insertion of extraction flue. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Adequate provision for foul drainage from the kitchen shall be submitted to and approved by the Local Authority. Drains serving the kitchen in the development shall be fitted with a grease separator, as detailed in the Building Regulations 2000, Approved Document H (Drainage and waste disposal), to comply with prEN 1825-1 and designed in accordance with prEN 1825-2 (Installations for separation of grease) or other effective means of grease removal. The approved drainage shall be retained and maintained while the site is in use.
- 3 Equipment shall be installed to suppress and disperse cooking/food preparation fumes and smell to a minimum. The equipment shall be effectively operated and maintained for so long as the use continues. Details of the equipment shall be submitted and approved by the Local Planning Authority and the equipment shall be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.
- 4 Prior to the premises being brought into use for the purpose hereby permitted, a scheme providing for adequate storage of refuse from this use shall be submitted and approved by the Local Planning Authority. The scheme shall be carried out and thereafter retained at all times.

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

Description of Proposal:

The applicant is seeking planning permission to change the use from 'A1' (retail) to 'A5' (hot food take away) and the insertion of extraction flue.

Internal alterations are to include a new kitchen and store area towards the rear of the existing building and a small seating area towards the front of the building.

The only external changes to the building would be the insertion of the extraction flue at the rear of the property.

Description of Site:

The subject site is known as Sweet News which is located to the north of the Market Square within the town centre of Waltham Abbey. Church Street is located to the west of the site and Sun Street to the east. Located on the site itself is a double storey terraced building that is currently used as a shop on the ground floor and a residential flat on the first floor.

There is a mixture of different uses within the surrounding area ranging from shops, offices, drinking establishments, hot food takeaways on the ground floor of buildings and residential flats and offices on the first floor. The subject site does not form part of the Key Frontage Area of the town centre however it is within the Waltham Abbey Conservation Area.

Relevant History:

EPF/1903/07 - Change of use from A1 retail to A5 hot food Takeaway. (Withdrawn)

Policies Applied:

TC1 Town Centre Hierarchy
TC3 Town Centre Function
HC6 Development, Appearance and Setting of Conservation Area
HC7 Development within Conservation Areas.
ST6 Vehicle parking

Issues and Considerations:

The main issues for consideration for the proposed change of use is the principle of the use within the town centre, parking and whether there would be a harmful impact to the character of the conservation area or to the amenities of adjoining property owners.

1. Principle of the Use

PPG6 urges Local Authorities to encourage diversification of Town Centres. This is because different but complementary uses can widen the range and quality of activities, thereby making town centres more attractive to local residents.

Food and drink outlets can add to a range of uses offered within town centres however they should not undermine the daytime economy and vitality of centres. Proposals that could create a dead frontage during the daytime should be resisted.

The applicant proposes the following hours of operation:

Monday to Saturday 10am to 10pm
Sunday and Bank Holidays 12 noon to 9pm

The application premises are not within a Key Frontage identified in the Local Plan and therefore policies TC1 and TC3 apply which set out a series of criteria, the most relevant of which is a judgement as to whether a proposal would lead to a stretch of 'dead' daytime frontages. In this case it is considered that the change of use would not harm to a significant degree the vitality and viability of a principal town centre and would create a wider range of uses within the street and the town centre in general thereby meeting Policy TC1. It is also considered that the proposed use would not result in a dead frontage within the town centre as the hours of operation are reasonable for this particular type of use.

It is considered that the proposed change of use would complement and enhance the function of the shopping centre.

As mentioned above the only external change to the building would be the small extraction flue to the rear of the property.

It should be noted that Council's Conservation and Environmental officers have no concerns regarding the design, appearance and environmental impacts in relation to the extraction flue subject to conditions being placed on the recommendation to grant permission.

2. Highway/Parking issues:

Due consideration must be given with regard to parking facilities associated with the proposed change of use. Although there is no room for customer parking on the site, it is considered that there is good access to public car parks and transport within the surrounding area. Also it is not believed that the proposed change of use would have an impact to traffic flow within the town centre.

3. Impact on Neighbours:

Consideration has been given to the impact of the proposal to the adjoining and adjacent properties, primarily in respect to noise and disturbance. It is considered that the change of use would not have a significant impact to nearby residential units located within the surrounding area.

Conclusion:

In conclusion it is considered that the proposed change of use is acceptable in terms of complementing and enhancing the function of the town centre without having an impact to the key frontage area. It will also not have a harmful impact to adjoining property owners or to the character of the conservation area. It is therefore recommended that the application be approved for the reasons outlined above.

SUMMARY OF REPRESENTATIONS

WALTHAM ABBEY TOWN COUNCIL: No Observations due to personal interest of Members therefore making Committee inquorate.

6 HALFHIDES, WALTHAM ABBEY – Object to another takeaway outlet in this area as it would create more rubbish in the streets and possible problems with youths causing noise and disruption.

THE ABBEY INDEPENDENT FUNERAL DIRECTORS, 4 MARKET STREET – Objects to another takeaway outlet within Market Square, would cause more litter and is worried about the odour emitted from the flue at the back of the building.

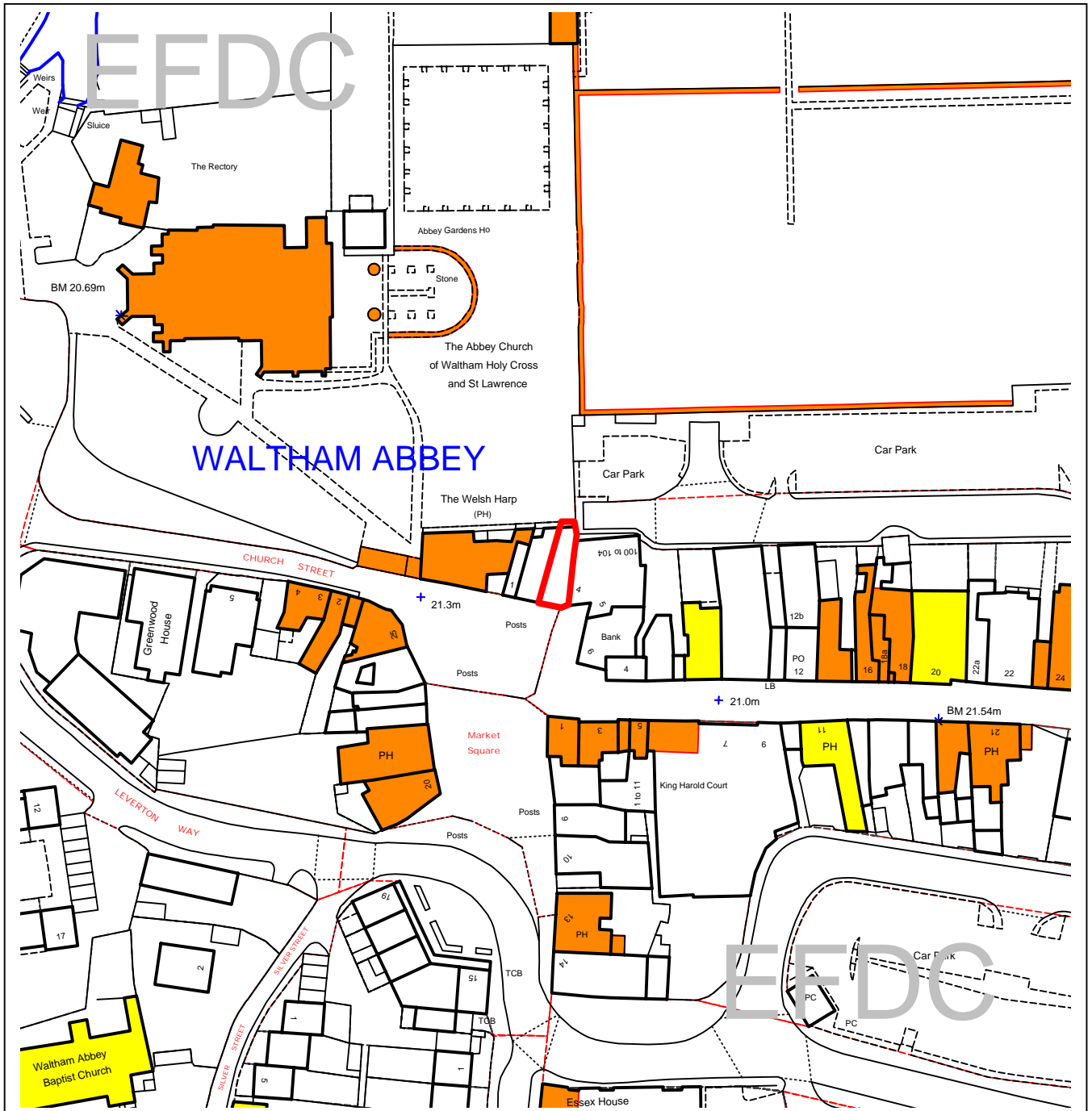
SIX LETTERS were also submitted to Council supporting the application from the following properties:

- 4a Sun Street, Waltham Abbey
- 1 Sun Street, Waltham Abbey
- 8 The Cobbins, Waltham Abbey
- 33 Moremead, Waltham Abbey
- 8-9 Market Street, Waltham Abbey
- 8 Walton Gardens, Waltham Abbey



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	4
Application Number:	EPF/0687/08
Site Name:	Sweet News, 3 Market Square, Waltham Abbey, EN9 1DL
Scale of Plot:	1/1250

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Report to Area Plans Sub-Committee South, East and West



**Epping Forest
District Council**

**Date of meeting: South – 21/05/08
East – 28/05/08
West – 04/06/08**

Subject: Probity in Planning – Appeal Decisions, October 2007 to March 2008.

**Officer contact for further information: Barry Land, (01992 – 564110).
Democratic Services Officer: Adrian Hendry, ext.4246**

Recommendation:

That the Planning Appeal Decisions be noted.

Report Detail:

Background

1. (Director of Planning & Economic Development) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful appeals, particularly those refused by committee contrary to officer recommendation. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.

2. To set the context, a Best Value Performance Indicator was for district councils to aim to have less than 40% of their decisions overturned on appeal. The latest figure for the national average for District Councils is 30.9%. That BVPI was scrapped but recently replaced by one which records planning appeals only (not advertisement, listed buildings, enforcements, telecommunications or tree related appeals) and where the Council sets its own target – set this year to align with top quartile performance at 25%. In fact in recent years the Council has been more successful than the national average with only 18% in 2003/04, 29% in 2004/05, 22% in 2005/06 and 30% in 2006/07.

Performance

3. Over the six-month period between October 2007 and March 2008, the Council received 78 decisions on appeals – 73 planning and related appeals and 5 enforcement appeals. Of the 73 planning and related appeals, 25 were allowed (34.2%) but none of the 5 enforcement appeals – a combined total of 32.1% of the Council's decisions being overturned during this period.

4. For the year 2007/08 as a whole: a total of 132 decisions were received – 120 planning appeals and 12 enforcement appeals. Of the 120 planning appeals 36 were allowed but none of the enforcement appeals – a total of 27.3% of the Council's decisions being overturned.

5. For the BVPI, which only considers appeals against the refusal of planning permission (so does not include advertisement, listed building, enforcement, telecommunications or tree-related appeals, nor appeals against conditions), the performance figure is 29%.

Planning Appeals

6. The proportion of appeals that arose from decisions of the committees to refuse contrary to the recommendation of officers during the 6-month period was 19% - almost 1 in 5 appeals derive from committee decisions to refuse contrary to recommendation and of the 14 decisions that this percentage represents, the Council was successful in sustaining its objection in only 2 of them. The remaining 12 were lost:

- EPF/0791/07 – Land r/o The Forge, Lambourne Road, Chigwell – 11 flats and 1 house (Area Plans South)
- EPF/1824/07 – 114, 116 & 118 Manor Road, Chigwell – 11 apartments (Area Plans South)
- EPF/0146/07 – 1 Church Hill, Loughton – 8 apartments (Area Plans South)
- EPF/0765/07 – 12A Alderton Close, Loughton – single and two storey extensions (Area Plans South)
- EPF/0911/07 – Land r/o 33 & 35 Spring Grove, Loughton – one detached house (Area Plans South)
- EPF/2212/06 – 7 Ashfields, Loughton – wind turbine on roof (Area Plans South)
- EPF/1458/06 – Land at 42/44 Ongar Road, Abridge – use as garden and erection of 2 timber buildings and gates (Area Plans East)
- EPF/1346/07 – 32 Blackacre Road, Theydon Bois – two detached houses (Area Plans East)
- EPF/2388/06 – r/o 12 Forest Drive, Theydon Bois – refrigeration unit and roof (Area Plans East)
- EPF/2464/06 – Wansfell College, Piercing Hill, Theydon Bois – use for 14 flats (Area Plans East)
- EPF/1671/07 – 64 Morgan Crescent, Theydon Bois – details of one detached dwelling (Area Plans East)
- EPF/0232/07 – Langridge Barn, Paynes Lane, Nazeing – use of barn as a 'granny annexe' (Area Plans West)

7. The 2 committee refusals that were sustained were:

- EPF/1638/07 – 9 Foxley Close, Loughton – two storey side extension (Area Plans South)
- EPF/1575/07 – 41 Duck Lane, Thornwood – two storey front extension (Area Plans East).

8. Therefore, the committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases where members are certain they are acting in the wider public interest and where the committee officer can give a good indication of some success at defending the decision.

9. It will be noted that 7 of the 12 cases allowed involved the erection of new dwellings and it is understood that the Inspectorate have been charged to allow appeals for new dwellings whenever possible in order to assist in meeting housing need. Refusals based upon density factors or overdevelopment are therefore

unlikely to succeed unless real harm to the surroundings or adjacent properties can be shown, or poor design can be identified.

10. This is also borne out by those 13 appeals allowed following refusals under delegated powers – 7 of which related to house extensions, 2 to business uses, but 4 related to proposals for new dwellings. In the past, officers feel that fewer of those appeals would have been won, particularly at Lower Park Road, Loughton and High Road, Epping, but the push to approve new dwellings has over-ridden previously robust arguments.

Costs

11. During this period, two awards of costs were made against the Council.

12. The first concerned the appeal by MacCarthy and Stone on land at 19-23 High Road, Epping. This was the second appeal relating to the development of apartments for the elderly at this site. Although the first Inspector did not agree that the character and appearance of the street was harmed by a block of flats, the Council tried to run that argument again. The second Inspector conceded that it is open to a Council to disagree with a previous Inspector but stated that if it is to do so the evidence must be far more robust, detailed and specific than it was. He felt that the Council had acted unreasonably in failing to produce evidence of such robustness in the light of the previous decision and made a partial award of costs to cover the costs of dealing with that one reason for refusal. A sum has yet to be claimed and agreed in that case.

13. The second case related to the appeal at Wansfell College, Piercing Hill, Theydon Bois. Here the Council had refused permission, contrary to officer's recommendation, on grounds related to the position and impact of the proposed car parking area to serve the apartments being created in the former college building. The Inspector criticised the Council stance in looking at the car park in isolation, not having regard to the removal of large parking areas at the rear of the site. In total; there would be no impact upon the Green Belt. A case was made to the effect that the car park was not proposed in the optimum place, but this, he said, could have dealt with by condition. An award of costs was made to cover the appellant's entire costs of that appeal (though not for the joint appeal covering the replacement dwelling on the site).

14. The appellants have submitted a claim in excess of £56,000, though this has been challenged and the Council have offered a sum less than 50% of that claimed. Whatever the final figure, this is a substantial sum for which there is no budget provision.

Conclusions

15. The Council's performance for this 6-month period has been disappointing, though the full year figure is still above average and not far short of the top quartile target. There have been some satisfactory defence of the Council's retail, Green Belt and Conservation policies and the support for the Council's decisions to take enforcement action is particularly encouraging but there were some particularly disappointing decisions relating to MacCarthy & Stone development in High Road, Epping and to the demolition of a locally listed building and its redevelopment at the corner of Lower Park Road, Loughton.

16. Note must be taken of the costs award in relation to the Wansfell College site at Theydon Bois.

17. The decisions are listed in the Council Bulletin from time to time but a full list of decisions over this six month period appears below.

Appeal Decisions April to September 2007

Planning Appeals Allowed:

1. EPF/1827/06 – 155 Princes Road, Buckhurst Hill – erection of a garage
2. EPF/0791/07 – Land r/o The Forge, Lambourne Road, Chigwell – 11 flats and 1 house
3. EPF/1824/07 – 114, 116 & 118 Manor Road, Chigwell – 11 apartments
4. EPF/2164/06 – 31 Lyndhurst Rise, Chigwell – two storey and single storey extension
5. EPF/0468/07 – 19-23 High Street, Epping – 28 sheltered apartments
6. EPF/1458/06 – Land at 42/44 Ongar Road, Lambourne – use as garden and erection of 2 timber buildings and gates
7. EPF/0020/07 – 188-194 High Road, Loughton – conversion of offices to 14 flats
8. EPF/0146/07 – 1 Church Hill, Loughton – 8 apartments
9. EPF/0765/07 – 12A Alderton Close, Loughton – single and two storey extensions
10. EPF/0911/07 – Land r/o 33 & 35 Spring Grove, Loughton – one detached house
11. EPF/2024/06 – 2 Lower Park Road, Loughton – 8 flats and parking
12. EPF/2107/06 – 2 Hill Top Close – two storey rear extension, single storey side extension and front dormers
13. EPF/2212/06 – 7 Ashfields, Loughton – wind turbine on roof
14. EPF/2309/06 – 18 High Beech Road, Loughton – three storey rear extension
15. EPF/2310/06 – 18A High Beach Road, Loughton – three storey rear extension
16. EPF/0032/07 – Lakeside Nursery, North Street, Nazeing – building to replace sheds for vehicle repairs
17. EPF/0232/07 – Langridge Barn, Paynes Lane, Nazeing – use of barn as a 'granny annexe'
18. EPF/0436/07 – 1 The Mead, Nazeing – revising a proposed dwelling to 5 flats
19. EPF/0372/07 – 13 London Road, Stanford Rivers – single storey rear extension
20. EPF/1346/07 – 32 Blackacre Road, Theydon Bois – two detached houses
21. EPF/2388/06 – r/o 12 Forest Drive, Theydon Bois – refrigeration unit and roof
22. EPF/2464/06 – Wansfell College, Piercing Hill, Theydon Bois – use for 14 flats
23. EPF/1671/07 – 64 Morgan Crescent, Theydon Bois – details of one detached dwelling
24. EPF/0832/06 – Green Barn Blunts Farm, Theydon Bois – use for storage of building materials
25. EPF/1768/07 – 8 Wood Lane, Willingale – rear dormer

Planning Appeals Dismissed

1. EPF/0093/07 – 2 Green Lane, Chigwell – alterations and extensions

2. EPF/1065/07 – 114, 116 & 118 Manor Road, Chigwell – 12 apartments
3. EPF/0114/07 – 86 The Plain, Epping – two storey double garage
4. EPF/0611/07 – Coopersale Hall School, Flux's Lane, Epping – new classroom block
5. EPF/1354/07 – 9 Ravensmere, Epping – first and second floor extensions
6. EPF/1568/06 – Coopersale Farm, Houbbons Hill Epping – conservatory and new gates
7. EPF/2033/06 – 24 Centre Drive, Epping – retention of rear extension and conservatory
8. EPF/1243/07 – 19 Millfields, High Ongar – erection of bungalow
9. EPF/0889/07 – r/o 5 Gould Cottages, Market Place, Abridge – conversion to 3 apartments
10. EPF/0388/06 – 25 Pump Hill, Loughton – loft conversion
11. EPF/0444/07 – 258 High Road, Loughton – Use as A3 restaurant
12. EPF/0836/07 – 22 Station Road, Loughton – two storey side and rear extensions
13. EPF/1160/06 – r/o 25 Staples Road, Loughton – new dwelling
14. EPF/1311/07 – 72 River Way, Loughton – loft conversion
15. EPF/1638/07 – 9 Foxley Close, Loughton – two storey side extension
16. EPF/2041/06 – 134 Church Hill, Loughton – forecourt car parking
17. EPF/2066/06 – 6 Albion Hill, Loughton – use for educational purposes
18. EPF/2139/06 – Loughton Tennis Club, Eleven Acre Rise, Loughton – new dwelling
19. EPF/2274/06 – 8 Southernhay, Loughton – first floor side extension
20. EPF/2381/06 – 45 Fallow Fields, Loughton – loft conversion
21. EPF/0411/07 – September Lodge, Matching Green – side extension
22. EPF/2344/06 – Blackwood House, Matching Green – detached house and garage
23. EPF/0790/07 – Great Notts, Moreton Road, Bobbingworth – use of barn as leisure annexe
24. EPF/0890/07 – 30 Colvers, Matching Green – rear extension and conservatory
25. EPF/1522/07 – 2 Bush Hall Cottages, Threshers Bush, High Laver – rear conservatory
26. EPF/1535/07 – The Oates, High Laver – conversion of barns to one dwelling
27. EPF/2326/06 – Land at Pedlars End, Moreton – use of land as business yard and stables as a dwelling
28. EPF/0933/07 – 2 Common View, Nazeing – rear extensions and new roof
29. EPF/1113/07 – Warwick House, Bumbles Green, Nazeing – rear extension, swimming pool, and basement
30. EPF/1323/07 – Perry Hill Farm, Perry Hill, Nazeing – garages, store and office
31. EPF/2483/06 – Lakeside Nursery, North Street, Nazeing – glasshouses, retention of two buildings and construction of roadway
32. EPF/0841/07 – Windyridge, Harlow Common, North Weald – two storey extension and conservatory
33. EPF/1575/07 – 41 Duck Lane, Thornwood – two storey front extension and rear extension
34. EPF/2334/06 – 2 Esgors Cottages, High Road, Thornwood – extension for cat boarding
35. EPF/0156/07 – 157-165, High Street, Ongar – reduce minimum age restriction of residents
36. EPF/0137/07 – Kingsmead, Epping Road, Roydon – use as 9 flats and erection of three dwellings

37. EPF/0359/07 – Tower View, Dobbs Weir Road, Roydon – replacement dwelling
38. EPF/2386/06 – adj Tetsworth, Curtis Mill Lane, Stapleford Abbots – use of agricultural buildings as residential annex
39. EPDF/0217/07 – 21 Elizabeth Drive, Theydon Bois – two storey side and rear extension
40. EPF/1146/07 – r/o 21 & 23 Forest Drive, Theydon Bois – house and garage
41. EPF/1162/07 – Former Caretakers House, Wansfell College, Theydon Bois – erection of new dwelling
42. EPF/2254/06 – 4 Theydon Priory, Coopersale Lane, Theydon Bois – rear extension
43. EPF/2255/06 – 4 Theydon Priory, Coopersale Lane, Theydon Boise – listed building application for rear extension
44. EPF/0291/07 – 12 Mott Street, Waltham Abbey – two storey and single storey extensions
45. EPF/0393/07 – Land adj. 174, Crooked Mile, Waltham Abbey – three cottages
46. EPF/0870/07 – 1&2 Stable Cottage, Monkams, Waltham Abbey – ground and first floor extensions
47. EPF/1035/07 – Hawkswood House, Woodman Lane, Waltham Abbey – garage and first floor over
48. EPF/1051/07 – Disused pumping station, r/o 18 Stoneyshotts, Waltham Abbey – erection of one house

Enforcement Appeals Dismissed

1. 1 Market place, Abridge – use as A3 restaurant
2. 24 Centre Drive, Epping – single storey rear extension and conservatory
3. Land at Golden Row – Mott Street, Waltham Abbey – use as a contractors yard
4. Land at Blunts Farm, Coopersale Lane, Theydon Bois – depot for highway maintenance contractors
5. Maybanks Farm, Epping Road, Toot Hill – commercial use of stables.