

**Committee Agenda
Webcast
Meeting**



**Epping Forest
District Council**

***Area Planning Subcommittee West
Wednesday, 23rd May, 2012***

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: democraticservices@eppingforestdc.gov.uk Tel: 01992 564246

Members:

Councillors R Bassett, Mrs R Gadsby, D C Johnson, Ms H Kane, Ms Y Knight, Mrs J Lea, A Mitchell MBE, Mrs M Sartin, Ms G Shiell, Mrs P Smith, Ms S Stavrou, A Watts, Mrs E Webster and J Wyatt

A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 7.00 P.M. IN COMMITTEE ROOM 1 ON THE DAY OF THE SUB-COMMITTEE.

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.

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. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

To note the Chairman and Vice-Chairman of the Planning Sub-Committee as appointed at Annual Council on 22 May 2012.

3. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 7 - 8)

General advice to people attending the meeting is attached.

4. APOLOGIES FOR ABSENCE

5. MINUTES (Pages 9 - 16)

To confirm the minutes of the last meeting of the Sub-Committee held on 18 April 2012 as a correct record (attached).

6. DECLARATIONS OF INTEREST

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

7. 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.

8. DEVELOPMENT CONTROL (Pages 17 - 38)

(Director of Planning and Economic Development) To consider the planning

applications 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.

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:** 18 April 2012

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.20 pm

Members Present: J Wyatt (Chairman), Mrs E Webster (Vice-Chairman), R Bassett, Mrs R Gadsby, Ms Y Knight, Mrs J Lea, A Mitchell MBE, Mrs M Sartin, Ms S Stavrou and A Watts

Other Councillors:

Apologies: Mrs P Smith

Officers Present: J Godden (Planning Officer), G J Woodhall (Democratic Services Officer) and R Perrin (Democratic Services Assistant)

63. 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.

64. 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.

65. APOLOGY FROM NAZEING PARISH COUNCIL

The Chairman read out a letter received from Chris Shorter, Chairman of Nazeing Planning Committee, offering their apologies to Officers and Members for an incident that occurred at the Planning Committee on 21 March 2012.

66. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 21 March 2012 be taken as read and signed by the Chairman as a correct record.

67. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors J Wyatt and R Bassett declared a personal interest in the following item of the agenda by virtue of

being Deputy Representative of the Lee Valley Regional Park Authority. The Councillors had determined that their interest was not prejudicial and they would stay in the meeting for the consideration of the application and voting thereon:

- EPF/0121/12 15 Elizabeth Close, Nazeing
- EPF/0166/12 Woodside Barn, Paynes Lane, Nazeing

(b) Pursuant to the Council's Code of Member Conduct, Councillors M Sartin and S Stavrou declared a personal interest in the following item of the agenda by virtue of being a representative of the Lee Valley Regional Park Authority. The Councillors had determined that their interest was not prejudicial and they would stay in the meeting for the consideration of the application and voting thereon:

- EPF/0121/12 15 Elizabeth Close, Nazeing
- EPF/0166/12 Woodside Barn, Paynes Lane, Nazeing

(c) Pursuant to the Council's Code of Member Conduct, Councillor E Webster declared a personal interest in the following item of the agenda by virtue of being a representative of the Lee Valley Regional Park Authority for ECC. The Councillor had determined that her interest was not prejudicial and she would stay in the meeting for the consideration of the application and voting thereon:

- EPF/0121/12 15 Elizabeth Close, Nazeing
- EPF/0166/12 Woodside Barn, Paynes Lane, Nazeing

(d) Pursuant to the Council's Code of Member Conduct, Councillor Y Knight declared a personal interest in the following item of the agenda by virtue of being an employee of the Lee Valley Regional Park Authority. The Councillor had determined that her interest was not prejudicial and she would stay in the meeting for the consideration of the application and voting thereon:

- EPF/0121/12 15 Elizabeth Close, Nazeing
- EPF/0166/12 Woodside Barn, Paynes Lane, Nazeing

(e) Pursuant to the Council's Code of Member Conduct, Councillors J Wyatt, J Lea, E Webster and A Mitchell declared a personal interest in the following item of the agenda by virtue of being a Member of Waltham Abbey Town Council. The Councillors had determined that their interest was not prejudicial and they would stay in the meeting for the consideration of the application and voting thereon:

- EPF/0125/12 110 Brooker Road, Waltham Abbey

(f) Pursuant to the Council's Code of Member Conduct, Councillors S Stavrou, A Watts and R Gadsby declared a personal interest in the following item of the agenda by virtue of being a Member of Waltham Abbey Town Council and Planning Committee. The Councillors had determined that their interest was not prejudicial and they would stay in the meeting for the consideration of the application and voting thereon:

- EPF/0125/12 110 Brooker Road, Waltham Abbey

68. ANY OTHER BUSINESS

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

69. DEVELOPMENT CONTROL

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

RESOLVED:

That, Planning applications numbered 1 – 3 be determined as set out in the annex to these minutes.

70. 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

This page is intentionally left blank

Report Item No: 1

APPLICATION No:	EPF/0121/12
SITE ADDRESS:	15 Elizabeth Close Nazeing Essex EN9 2HF
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Retention of detached outbuilding, garage and games room.
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=534447

CONDITIONS

- 1 The development hereby approved shall only be used for the garaging of vehicles, storage and as a games room (as shown on submitted plan no 2174-A2-01) and shall not be used for ancillary accommodation or occupied as a residential unit separately from the dwelling known as No15 Elizabeth Close.
- 2 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, Classes E and F shall be undertaken without the prior written permission of the Local Planning Authority.

Report Item No: 2

APPLICATION No:	EPF/0125/12
SITE ADDRESS:	110 Brooker Road Waltham Abbey Essex EN9 1JH
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
DESCRIPTION OF PROPOSAL:	Change of use on ground and first floor to D1 College/Community Centre.
DECISION:	Deferred

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=534467

Members deferred this item for further information to be sought and to allow a site visit to take place

Report Item No: 3

APPLICATION No:	EPF/0166/12
SITE ADDRESS:	Woodside Barn Paynes Lane Nazeing Essex EN9 2EY
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Change of use from a single dwelling to three self contained dwellings with minor external alterations.
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=534667

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 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, Classes A, B, C, D, E and F or Part 2 Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- 3 The dwelling shall be completed in accordance with the approved plans and the approved garaging and storage areas shall thereafter be retained for that purpose and shall at no time be converted to habitable floorspace.

This page is intentionally left blank

AREA PLANS SUB-COMMITTEE 'WEST'

23 May 2012

INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/0629/12	10 John Elliot Close Nazeing Waltham Abbey EN9 2NZ	Refuse Permission	17
2.	EPF/0458/12	20 Godwin Close Waltham Abbey E4 7RQ	Refuse Permission (Householder)	21
3.	EPF/0529/12	Land at Sunnyside Cathagena Estate Meadgate Nazeing EN10 6TA	Grant Permission - Time Limited Use (With Conditions)	26
4.	EPF/0559/12	Rosewood Tylers Cross Nursery Epping Road Waltham Abbey EN9 2DH	Grant Permission (With Conditions)	32

This page is intentionally left blank

Report Item No: 1

APPLICATION No:	EPF/0629/12
SITE ADDRESS:	10 John Elliot Close Nazeing Waltham Abbey Essex EN9 2NZ
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Michelle Mead
DESCRIPTION OF PROPOSAL:	TPO/EPF/25/84 T1 - Birch - Fell T2 - Birch - Fell T8 - Birch - Fell
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=536314

REASON FOR REFUSAL

- 1 Insufficient reasons have been provided to demonstrate the justification for the loss of the current and future visual amenity these trees provide, which is contrary to policy LL09 of the Council's Adopted Local Plan and Alterations..

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

Description of Site:

T1 and 2 stand approximately 10 metres tall, along the southern boundary and form part of a group of seven Birch, which fill the gap between the applicant's house and the neighbouring property to the south. The group provides a striking landscape feature when viewed from John Elliot Close. T8 is a similar size but stands alone on the northern boundary of this broadly rectangular, well maintained garden.

The group is of relatively uniform age but have been recently managed from around 14 metres tall to reduce their height and dominance in the garden area closest to the house. The public visibility of the trees is constrained by the nearby houses but their size and number maintains their landscape importance.

Description of Proposal:

T1, 2 & T8. Birch: Fell.

Relevant History:

TRE/EPF/0031/88 refused permission to fell three Birches

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

TRE/EPF/0357/10 granted permission to fell 2 Birch within the 9 tree linear group and selective pruning to 6 other trees

Policies Applied:

Epping Forest District Local Plan and Alterations:

LL09 Felling of preserved trees.

Summary of Representations

Two neighbours were notified but no representations were received.

NAZEING PARISH COUNCIL – made no objection, leaving the case to the arboricultural officer.

Issues and Considerations:

Applicant issues

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

- The trees have low amenity
- The trees are low in vitality.
- The trees are of poor quality

Planning considerations

The main planning considerations in respect of the felling of the three trees are:

Visual amenity

These three mature birches have clear public visual amenity due to their location towards the front of the applicant's garden. The two new houses immediately adjacent do limit broader views of all the trees but their collective size and relative prominence in their setting enhances their value.

Tree condition

In response to the assertion that the trees are of poor vitality, it would appear that they are generating new crowns normally and vigorously, in response to the recent pruning. Therefore, the trees appear in good health, despite the heavy pruning.

With regard to their poor quality, the trees are typical for their species, which naturally grow in close groups and promotes tall, narrow forms. The recent pruning has been excessive in some parts and the graceful archings the fine branches develop have been detrimentally affected. On this point, no record of the required notice is found, to offer officer supervision of the detailed pruning specification. Despite this harsh work all three trees have new growth that will develop into a new upper crown. They can be expected to have life spans of over 20 years and retain landscape quality.

Suitability of trees in their location

Originally, 12 Birch were listed in this garden. Through the years this number has reduced to 8, of which 5 are preserved. This indicates that concessions have been made to selective felling either due to overcrowding, individual tree flaws or unsuitability of location. The remaining group of trees are deemed suitable for their location, with only the need for periodic management of selected branches.

Conclusion:

The 3 trees have high public amenity value despite the excessive recent pruning. Planning Policy demands that tree removal is not simply justifiable but necessary. There is insufficient justification to remove these trees on grounds of poor health, quality and amenity, as explained above.

It is recommended to refuse permission to fell T1,2 and T8, Birch on the grounds that the reasons given do not justify the need to remove the trees. The proposal therefore runs contrary to the Local Plan Landscape Policy LL9.

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

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:

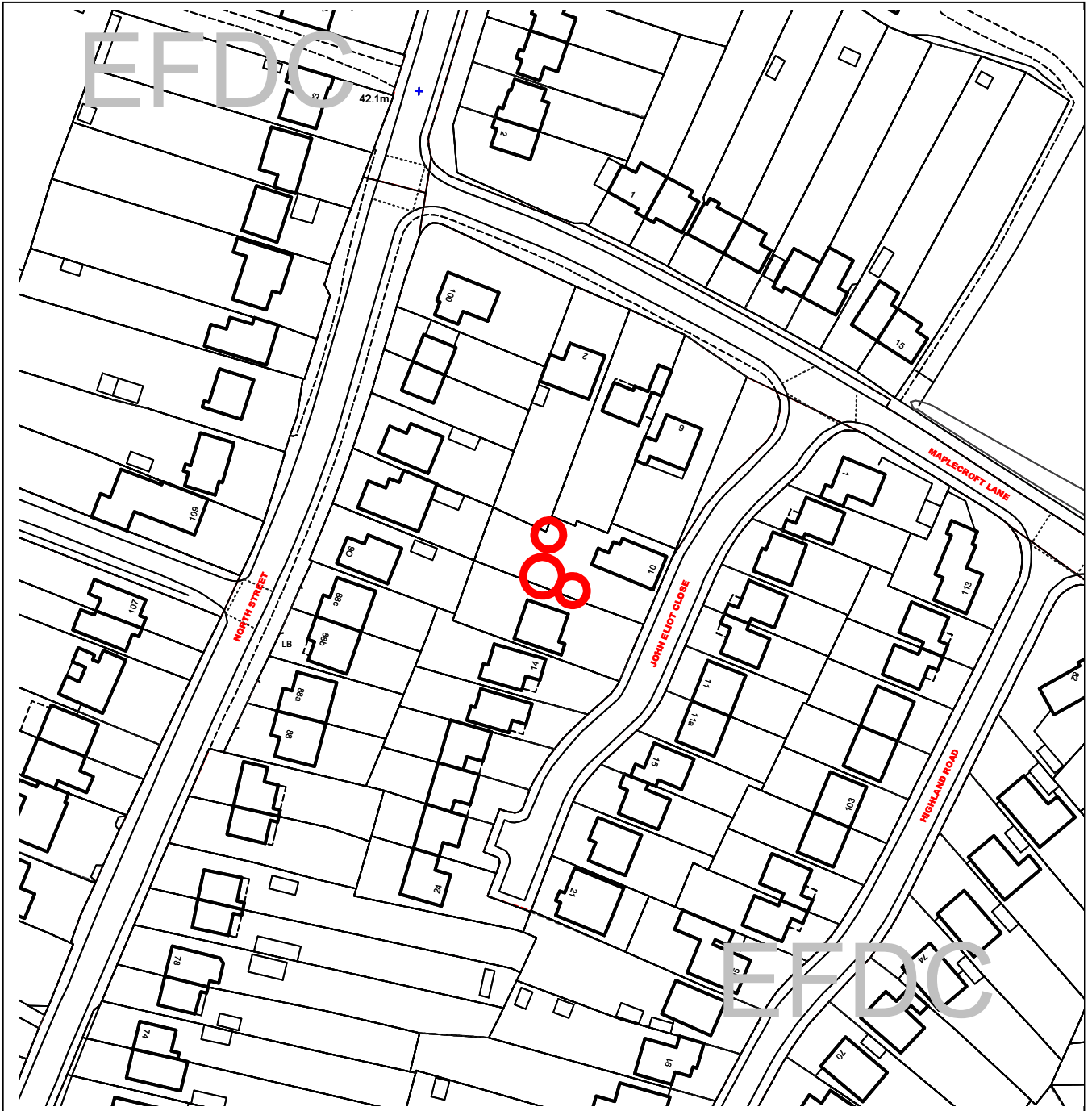
***Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee West



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	1
Application Number:	EPF/0629/12
Site Name:	10 John Elliot Close, Nazeing EN9 2NZ
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0458/12
SITE ADDRESS:	20 Godwin Close Waltham Abbey E4 7RQ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr A Eghoyan
DESCRIPTION OF PROPOSAL:	Erection of outbuilding for use as private gym (retrospective)
RECOMMENDED DECISION:	Refuse Permission (Householder)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=535722

REASON FOR REFUSAL

- 1 The site is located within the Metropolitan Green Belt. The development is at odds with policies CP2, GB2A and GB7A of the Adopted Local Plan and Alterations in that the development is harmful to the openness of the Green Belt due to its overall scale and bulk and furthermore no very special circumstances have been put forward sufficient to outweigh this harm.
- 2 The retention of the outbuilding by way of its relationship with the existing house and surrounding residential character represents an overly tall and incongruous addition, out of scale and keeping with the main property and designed with characterless elevations. As such this is contrary to policy DBE10 of the Adopted Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k))

Description of Site:

The property is an end of terrace, two storey dwelling within the Godwin Close housing estate located on the west side of Sewardstone Road. The proposal is adjacent to a parking area and garage court. The original garage for this property was unusual for this estate, in that it was a detached single garage close to the boundary with No.20, rather than within a block. The outbuilding the subject of this application replaced this garage. The application site backs onto a recently built care home and the application site, along with the land to the rear, is within the Metropolitan Green Belt but not a Conservation Area.

Description of Proposal:

This proposal is for the retention of an existing detached 'L' shaped outbuilding. The building replaced an existing single garage. Access to the building is from the rear garden of No. 20.

Along the rear boundary, the building measures 8.8m wide and within the garden area measures 6.7m deep for the full width of the garden (5.15m). It then drops back by 2.4m into the garage forecourt area. The outbuilding measures 4m to the ridge, and 2.5m to the eaves with five rooflights providing the only natural light to the building. The application was originally submitted due to an enforcement investigation which is ongoing.

Relevant History:

EPF/0381/09 – Retention of garage extension to rear of property – Refused and dismissed at appeal

EPF/1204/10 – Alteration and retention of existing unauthorised building with reduced floor level and change of pitched roof to flat roof – App/Con

EPF/2493/10 – Variation of condition 2 ‘timescale’ on planning permission EPF/1204/10 (Alteration and retention of existing unauthorised building with reduced floor level and change of pitched roof to flat roof – Refused and Allowed on Appeal

EPF/2581/11 – Variation of condition 2 timescale on planning permission EPF/1204/10 (Alteration and retention of existing unauthorised building with reduced floor level and change of pitch roof to flat roof) to allow until 20th June 2012 for completion – Withdrawn

Policies Applied:

Epping Forest District Local Plan and Alterations

DBE9 – Impact on amenity

DBE10 – Extensions to dwellings

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Development within the Green Belt

GB7A – Residential Development within the Green Belt

Summary of Representations:

WALTHAM ABBEY TOWN COUNCIL: No objection – if planning permission is granted we would like to see a condition attached that the amenity is for sole use of the main residents only.

9 Neighbours consulted – No responses received

Issues and Considerations:

This application site has an extensive history. This proposal has been previously appealed and although the Inspector dismissed the appeal it was on the impact of the proposal on the Green Belt and the impact on the character of the area rather than the impact on the amenity of the neighbours which was also a reason for refusal with the first application.

This proposal has been accompanied by a supporting statement suggesting that due to material changes the building is now acceptable. Therefore the main issue with this application is whether these changes have resulted in the application becoming acceptable in terms of:

- Design
- Green Belt
- Amenity

Design

The building has been designed with matching materials to the main house; notwithstanding this it is a large building which is considered out of scale with the existing dwelling and other buildings within the vicinity which are of a small scale domestic nature. It is clearly visible from the

neighbouring gardens and from the car parking/garage area to the north, with no effective screening other than the existing panel fence along the side boundaries, which offers little screening from the overall bulk and height of the building. The lack of windows creates bland, characterless elevations to the streetscene and to the garden frontage, which is also considered inappropriate in this residential garden location. The information put forward within the supporting statement is not considered to alter the assessment of this matter and the building is still considered to detract from the character and appearance of the area and is therefore still considered contrary to policy DBE10.

Green Belt

The outbuilding, although on the edge of the Godwin Close housing estate, is within the Green Belt, as is the whole of Godwin Close. The outbuilding was previously refused planning permission on Green Belt grounds as the overall scale and bulk of the proposal would detract from the openness of the Green Belt in this location. The building is still contrary to policy GB2A and GB7A as it is a large, out of character building within the Green Belt clearly visible within the surrounding area.

The planning statement has suggested that since the Inspector's decision in March 2010: 'there have been two major changes in circumstances, the permission granted by the LPA in September 2010 and the recent publication of the NPPF'.

The newly published NPPF generally follows the guidance within the PPG's and PPS's and any changes relevant are discussed below.

In September 2010 planning permission was granted to 'regularise' the development, the proposal which received planning permission was for the retention of the building along with lowering the roof to a flat roof, bringing the development in line with permitted development. This has not been implemented despite a condition requiring the works to be completed within 3 months of the decision. Subsequent applications have been submitted to extend the time for completing these works, one which was allowed at appeal and a recent application which was later withdrawn.

The planning statement quotes within paragraph 5.3 part of paragraph 89 of the NPPF which lists exceptions to inappropriate development within the green belt including the 'extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'. The Agent goes on to suggest that as the reduced height scheme (EPF/1204/10) has approval then this would be the 'original' building and this current scheme is not a disproportionate addition as adds only some 16% volume to the 'original' building. However, it is not the case that the flat roof proposal approved under EPF1204/10 is classed as the 'original' building as it has never actually been built or existed in this form.

The next bullet point within paragraph 89 of the NPPF is more applicable in this case where it states 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces' [can be appropriate development in the Green Belt]. This has changed from the guidance issued within PPG2 which only related to dwellings rather than buildings. In this case the current building replaced a single detached garage and it is not considered that the current building can be reasonably classed as not 'materially larger' given that it is almost three times bigger than the original garage building. Therefore, whichever 'exception to development within the Green Belt' that the building is assessed against it is contrary to the green belt guidance of the NPPF.

Within paragraphs 5.9 to 5.11 of the planning statement the Agent quotes the Inspector who identified, '*[the building's] footprint of almost 50 square metres, its scale and its close proximity to the dwelling*' as the key factors contributing to the unacceptable impact. The Agent goes on to suggest that as the footprint and siting would not change if it were modified to the approved flat roof scheme (EPF/1204/10) and it's scale only marginally reduced it is not considered that the

retention of the roof structure will harm the openness of the green belt or the appearance of the streetscene.

The basis for that assessment is not supported by the facts and the reduction in the roof to a flat roof as approved under reference EPF/1204/10 would certainly reduce the overall bulk and scale of the existing building to a more satisfactory degree, creating an outbuilding subservient to the main house which would be more fitting to the domestic scale of the building's surroundings. Reducing the height to the flat roof would remove 1.5m of bulk and height from the building which is considered more than 'marginal'. Furthermore, the flat roof proposal approved under reference EPF/1204/10 would result in a building that would fall within the limits of permitted development and is a reasonable alternative to the proposal.

Within paragraph 5.12 of the planning statement the Applicant suggests that 'the retention of the outbuilding as built will allow the applicant to train at home, thus substantially reducing the amount of car travel he might otherwise undertake'. It is agreed that at the heart of the NPPF is a presumption in favour of sustainable development, however the Applicant can train at home within the flat roof proposal approved under EPF/1204/10 and therefore it is considered that this argument holds very little weight.

In addition to the above, it is not considered that the Applicant's personal circumstances as outlined in the planning statement can be classed as very special circumstances to outweigh the harm to the Green Belt in this location.

Amenity

Within application EPF/0381/09, the Council considered the building to have a detrimental impact on the neighbouring property given the overall height and scale of the building coupled with the proximity to the rear wall of the neighbours property. As stated above the Inspector did not consider that the proposal resulted in an excessive loss of amenity to the neighbour and therefore it is not considered that this can form a reason for refusal with this current application.

Conclusion:

Although it is agreed that changes including the grant of planning permission and the publication of the NPPF have taken place it is not considered that these changes as outlined above have resulted in the proposal overcoming the previous reasons for refusal and therefore the existing building is considered to be of a poor design which, by reason of its scale and height, disrupts the appearance of the streetscene and the residential garden character and that the proposal is considered unacceptable development within the Green Belt. The proposal is, therefore, contrary to policies DBE10, GB2A, GB7A and CP2 and refusal is therefore recommended.

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:

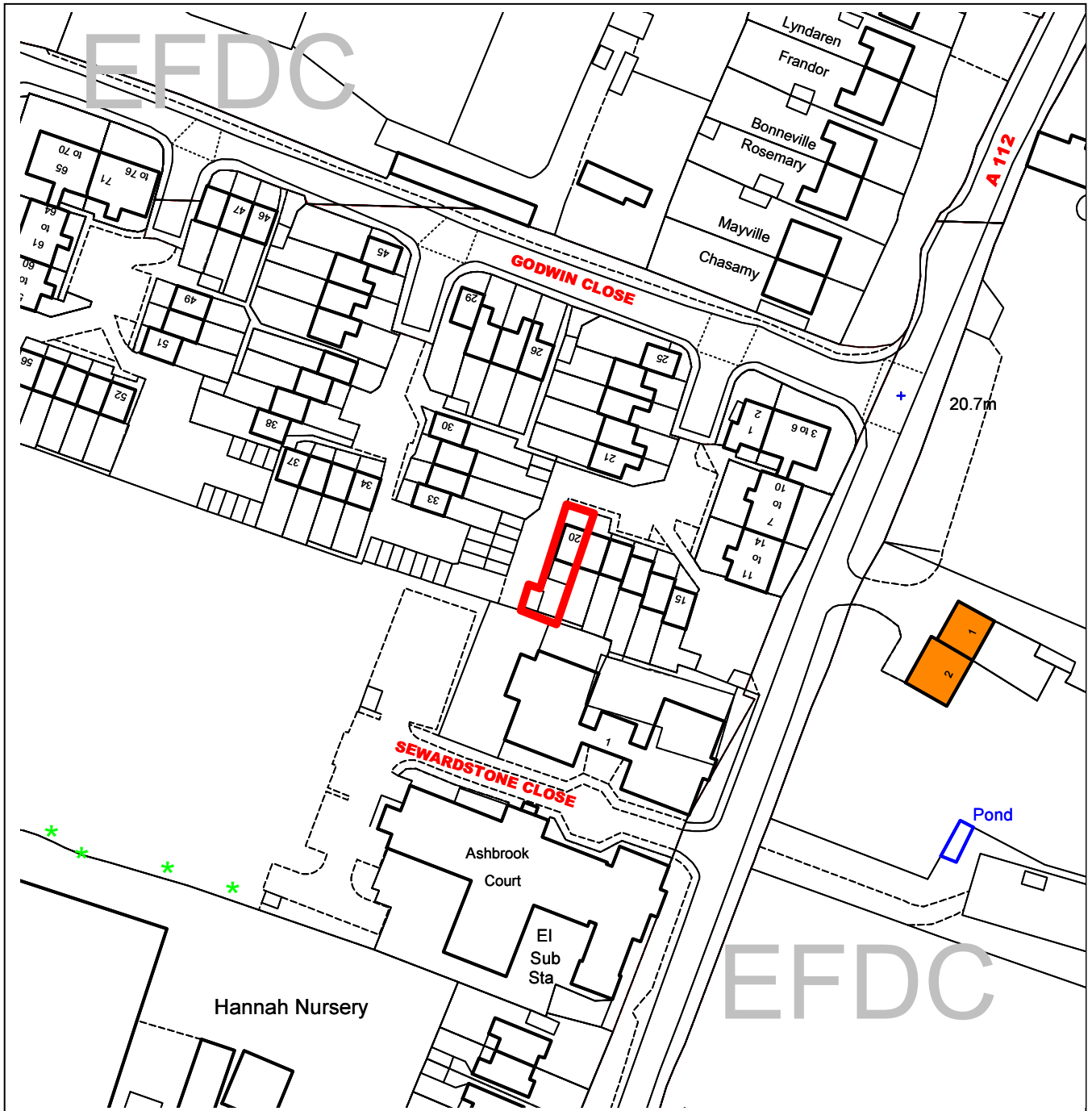
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee West



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	2
Application Number:	EPF/0458/12
Site Name:	20 Godwin Close, Waltham Abbey E4 7RQ
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0529/12
SITE ADDRESS:	Land at Sunnyside Cathagena Estate Meadgate Nazeing Hertfordshire EN10 6TA
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Miles O'Connor
DESCRIPTION OF PROPOSAL:	Use of land for the stationing of caravans for residential purposes for 2 no. gypsy pitches together with the formation of additional hard standing.
RECOMMENDED DECISION:	Grant Permission - Time Limited Use (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=535910

CONDITIONS

- 1 The use hereby permitted shall be for a limited period of 2 years from the date of this decision.
- 2 At the end of 2 years, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 10_397_001, 10_397_002, 10_397_003
- 4 No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be static mobile homes) shall be stationed on the site at any time.
- 5 Unless within 3 months of the date of this decision a Flood Risk Assessment is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within 3 months of the Local Planning Authority's approval, the use of the site hereby permitted shall cease until such time as a Flood Risk Assessment is approved and implemented; and if no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site hereby permitted shall cease until such time as a scheme approved by the Local Planning Authority is implemented.

- 6 There shall be no stationing or parking of LGVs or vehicles over 3.5T on site, and no commercial or business uses shall take place at any time on the site.

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 (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

The application site is a recreational chalet plot located within the Carthegena Estate, Nazeing. It has a site area of some 0.51 hectares. The site is located within the Metropolitan Green Belt, the designated Carthegena Holiday Estate, and the Lee Valley Regional Park. Furthermore the site lies within the Environment Agency Flood Zones 2 and 3.

Description of Proposal:

Part retrospective consent is being sought for the use of the site for residential purposes for two no. gypsy pitches together with the formation of additional hard standing. Works began on the site in January 2011. The development would consist of the stationing of two mobile homes, two touring caravans and two 'sheds', along with ancillary hardstanding and the new vehicle access.

Relevant History:

EPF/0549/83 - Erection of bungalow – refused 04/07/83
CLD/EPF/1077/96 - Certificate of lawful development for erection of replacement dwelling – refused 22/10/96

Policies Applied:

CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
GB5 – Residential moorings and non-permanent dwellings
GB10 – Development in the Lee Valley Regional Park
H10A – Gypsy caravan sites
RST9 – Carthegena and Riverside chalet estates
RST24 – Design and location of development in the LVRP
U2A – Development in Flood Risk Areas
U2B – Catchment effects

Summary of Representations:

3 neighbours were consulted and a Site Notice displayed on 10/04/12.

PARISH COUNCIL – Object. As with previous applications on gypsy and traveller sites within the Lea Valley Regional Park and Green Belt this is contrary to RST9, GB10 and GB15. Evidence from other residents that the applicants have occupied the site for less than 15 months.

Issues and Considerations:

The use of land within the Green Belt is considered to constitute 'inappropriate development', as such the main considerations of the proposal are whether there are sufficient very special

circumstances to outweigh this, and any other identified harm (such as the impact on the LVRP), and with regards to flood risk.

Harm to Green Belt:

The application site is located within the Green Belt where the presumption is against inappropriate development unless there are very special circumstances that clearly outweigh this harm. The stationing of caravans for residential purposes does not fall within the acceptable uses of the Green Belt as laid out within the National Planning Policy Framework (NPPF) and Local Plan policy GB2A, and therefore by definition is harmful to the openness of the Green Belt. In terms of the physical harm to the Green Belt, the use of the site for a permanent Gypsy/Traveller pitch, with the associated residential paraphernalia and intense use would clearly have a greater impact on this Green Belt location than the former recreational use. However, an Enforcement Notice for the use of Auburnville, also within the Carthegena Estate, for a Gypsy Site was recently granted planning consent on appeal for a limited period. Within this appeal decision the Planning Inspector recognises that *“there would be some additional impact on openness, given the parking of vehicles and ancillary moveable structures that would inevitably be associated with a year round use compared to a leisure activity”*, however they conclude that *“there is limited additional harm to the openness and the purpose of the Green Belt. The effect on the character and appearance of the surrounding countryside would not be unacceptable”*. A similar view was taken by the Council on two other sites within the Carthegena Estate, namely Devoncot and Haslingfield. Devoncot was granted a five year temporary consent in January 2012, and Haslingfield was granted a temporary consent until January 2017 to coincide with this.

Other harm:

Aside from the above ‘in principle’ harm to the Green Belt, the application site is also located within the Lee Valley Regional Park and Flood Zones 2 and 3. When assessing ‘very special circumstances’, these must clearly outweigh the harm to the Green Belt *“and any other harm”*. All three of the above applications would have had additional harm to the LVRP and with regards to flood risk, however the short term harm resulting from a temporary use on all three of the applications was considered acceptable. As such, it is considered that the same conclusion should be reached here.

Very Special Circumstances:

The key factor that was considered sufficient to outweigh the harm resulting from a temporary consent on the three recent developments within the Carthegena Estate is the need for additional Gypsy and Traveller sites. The Planning Inspector on the Auburnville appeal stated that:

“Bearing in mind the permissions which have been granted by the Council, or on appeal, in recent years it is clear that good progress has already been made towards the provision of additional Gypsy sites in order to achieve the RSS requirement, even though land has not yet been specifically allocated for this purpose. The Council indicates that Policy H10A was prepared and adopted having regard to quantitative assessments at that time. Even so, this criteria-based policy is now somewhat out-of-date and does not reflect the Circular 01/2006 guidance. The current inadequacies of the Development Plan Gypsy policy background is a material consideration of some weight in this appeal”.

The Inspector then goes on to state *“I conclude that a significant unmet need already exists in the District. This is a factor which weighs strongly in favour of the appellant”*.

Due to this, the Planning Inspector previously concluded that:

“The material considerations in support of this appeal taken together do not outweigh the conflict with Development Plan and national policies designed to protect the Green Belt so as to justify the grant of a full planning permission on the basis of very special circumstances.”

However, the Inspector goes on to state that:

“There is an unmet need but no available alternative Gypsy and Traveller site provision in the area. There is a reasonable expectation that substantial progress will have been made as regards the availability of alternative sites in the area to meet that need at the end of the period of 5 years. This will allow time for the Council’s emerging housing policy strategy that will include Gypsy and Traveller site provision to make substantial progress.”

“The grant of a 5 year temporary permission would also enable the family to access medical and educational services, and continue to receive the support and care that they need, without disruption. The harm resulting from a temporary planning permission would not endure permanently. I conclude that the factors in support of this appeal, including the need for Gypsy sites in the area, and the personal accommodation needs and circumstances of this particular Gypsy family, taken together amount to very special circumstances sufficient to justify the grant of a temporary planning permission for the period of 5 years”.

Based on this decision, Members concluded the same with regards to Devoncot and Haslingfield. At this time, due to the uncertainty with regards to the timescale for the adoption of the new Local Plan, a five year period was considered sufficient to allow for the site allocation process. However, the recently adopted NPPF states that:

“For 12 months from the day of publication (March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”

“In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework”.

Due to this, there is now a requirement for the new Local Plan to be adopted by March 2013. After this date the Council would need to prove a five year land supply for housing, including Gypsy and Traveller sites. Failure to do so would weigh heavily in favour of an applicant proposing such housing.

It is therefore no longer considered that a five year period would be required to allow for site allocation as such allocation should have been undertaken within the next 12 months. It is now considered justified that a two year temporary consent would be an adequate period to allow for site allocation to take place, and for subsequent applications to be made and for the occupiers of this site to relocate.

Conclusion:

The proposed development constitutes inappropriate development within the Green Belt, would adversely impact on the character and use of the Lee Valley Regional Park, and is in a location not suitable for this type of development due to flood risk. Insufficient very special circumstances exist to clearly outweigh this harm and to justify a permanent consent being given.

However, as concluded by the Planning Inspectorate at the nearby Auburnville site and by Members at the nearby Devoncot and Haslingfield sites, the need for additional Gypsy sites within the area would be considered sufficient to amount to very special circumstances to justify the grant

of a temporary planning permission. Given the tight time-scale recently set by the NPPF, a two year temporary consent would be sufficient time to allow for the Council to progress with their housing policy strategy to provide allocated Gypsy site provision. As such the proposed development is recommended for a temporary planning approval, 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:

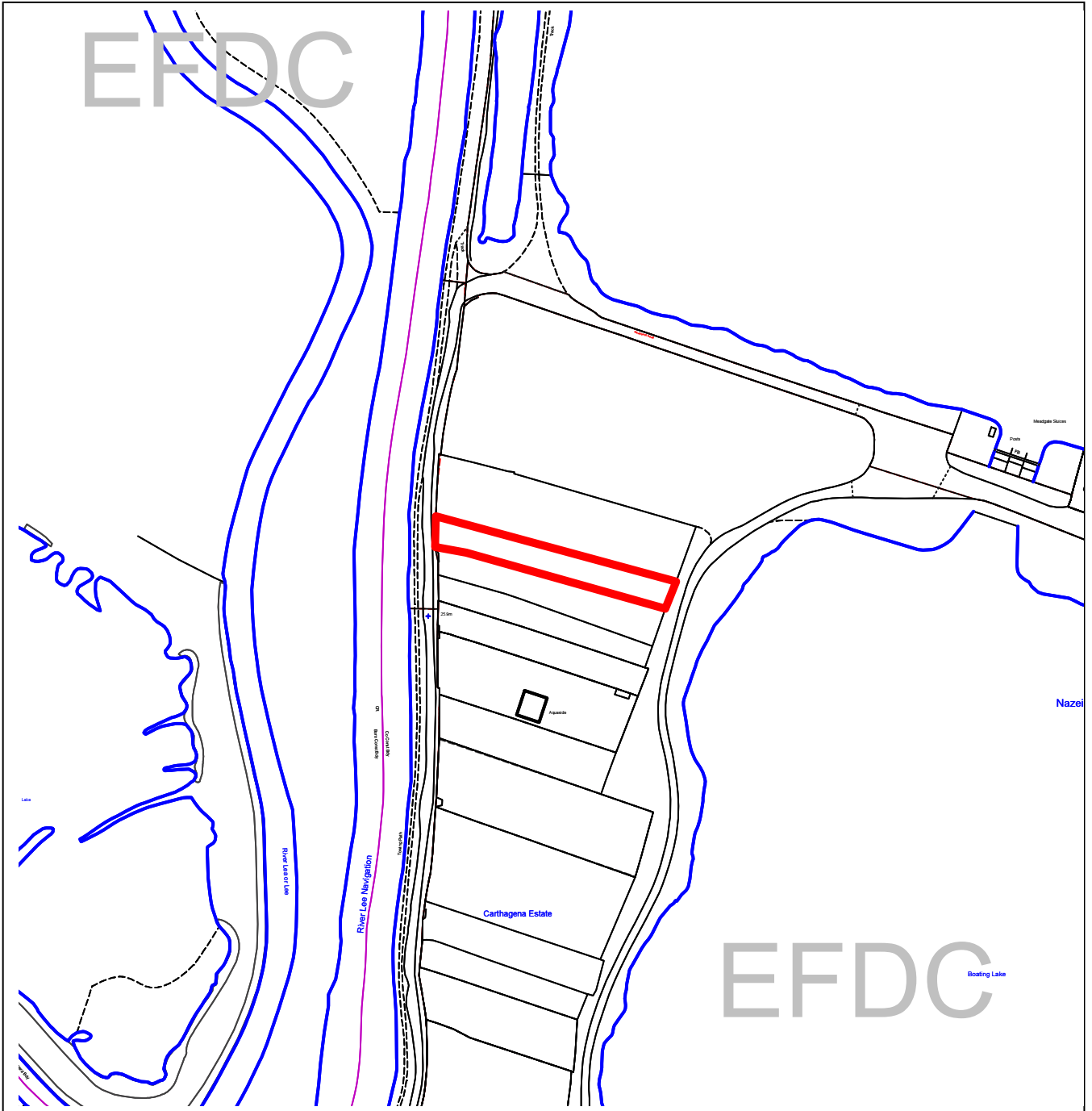
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee West



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	3
Application Number:	EPF/0529/12
Site Name:	Land at Sunnyside, Cathagena Estate Meadgate, Nazeing , EN10 6TA
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/0559/12
SITE ADDRESS:	Rosewood Tylers Cross Nursery Epping Road Waltham Abbey Essex EN9 2DH
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Thomas Breaker
DESCRIPTION OF PROPOSAL:	Retention of 2 pitches (one mobile home and one towing caravan on each pitch) at the rear of Rosewood for residential use by Gypsy/Travellers.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=536011

CONDITIONS

- 1 The site shall only be occupied for residential purposes by the following named persons and their resident dependants:

Mr Levi Breaker
Mr Johnjohn Breaker
- 2 No more than one mobile home and one touring caravan shall be stationed on Plot 2 and 3 (4 structures in total), as identified in the submitted plans, at any given time.
- 3 The site shall be used for residential purposes only and no commercial, industrial or retail activity shall take place on the site, including the storage of goods, materials or other items not ancillary to the residential use. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.
- 4 Within 3 months from the date of this decision, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority, and any drainage works shall be implemented and retained thereafter in accordance with such agreed details.

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 (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site

The red lined application site is a roughly rectangular area of land measuring approximately 115.0m x 25.0m. The front of the site has a historically lawful use for the stationing of mobile homes for occupation by Gypsy/Traveller families. The rear of the site is a general yard area. The immediate area is characterised by plots housing gypsy/traveller families and a number of nursery sites containing large glasshouse buildings. The site is accessed down a long track, off Epping Road. The entire site is within the boundaries of the Metropolitan Green Belt.

Description of Proposal

The applicant seeks consent to retain two pitches to the rear of the site for residential purposes. The plots would each contain one mobile home and one touring caravan. The use of the plots for these purposes has already commenced on site.

Relevant History

There is a long history of planning applications in the immediate area around Tyler's Cross for Gypsy/Traveller uses. The enforcement reference for this proposal is;

ENF/0044/12 - Caravans on site and large structures at rear of land.

Policies Applied

GB2A - Development in the Green Belt.
H10A - Gypsy Caravan Sites
DBE2 – Effect on Neighbouring Properties
CP2 - Protecting the Quality of the Rural and Built Environment
LL1 - Rural Landscape
LL2 - Inappropriate Rural Development

Summary of Representations

7 neighbours consulted and site notice displayed – no replies received.

PARISH COUNCIL: Objection. Inappropriate development in the Green Belt. Is there sufficient room for these pitches?

Issues and Considerations

The main issues to consider relate to the site's location within the boundaries of the Metropolitan Green Belt and whether any special circumstances exist which would justify a departure from normal Green Belt policies of restraint.

Green Belt

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

Rosewood, and adjacent plots, are established lawful gypsy/traveller sites. It is not considered that there are any concerns with regards to amenity, land drainage or highway matters. Therefore this application's determination rests on the issue of whether there are "very special circumstances" to justify an exception to Green Belt policy.

The appellant, Mr Thomas Breaker, has stated in his submissions that the plot would be used by his sons, Levi and Johnjohn Breaker and their dependents, three children in each case. The plots in the immediate vicinity are occupied by other relatives, including an uncle and grandmother. Both brothers, and their families, are registered with doctors in Hoddesdon and the children attend the local school in Epping Green. Both families therefore have ties to this wider site and the immediate locality. It is not considered however that this information, considered on its own, would amount to very special circumstances.

However, the immediate area is long established as a Gypsy/Traveller site and there is a recognised need for additional Gypsy/Traveller pitches in the district. This is an important material consideration which adds considerable weight in favour of this proposal. The immediate area is well developed and includes a significant number of Gypsy/Traveller pitches and is also home to a number of large scale nursery and light industrial buildings. The addition of two plots, effectively sub dividing the existing plot, would have no serious impact on the openness of the Metropolitan Green Belt. The plots would be surrounded on all sides by development and as a location to increase the number of pitches in the district this site is very suitable to help meet this need.

The site is of adequate size to accommodate the proposed 2 additional plots. The suggested layout as shown on the submitted plans appears appropriate and similar to the existing development. Although the proposal will result in an intensification of use, the site is well screened by existing development and will not be visually prominent in the Green Belt.

The National Planning Policy Framework (NPPF) states at Para. 88 that considerable weight should be given to any harm to the Green Belt and that "very special circumstances" will not exist unless the harm to the Green Belt is clearly outweighed by other considerations. In this instance the impact on the purposes of including land within the Green Belt is marginal and any harm is outweighed by the need for additional pitches in this district and the suitability of this site.

Land Drainage

There are no land drainage objections to this application, subject to conditions ensuring suitable surface water drainage details and foul drainage disposal. The application will be conditioned accordingly.

Conclusion:

In conclusion it is considered that although the personal circumstances of the applicants do not constitute "very special circumstances" they should be given appropriate weight and there is an unmet need for Gypsy/Traveller pitches within the district and this site appears relatively suitable to help meet this need. The immediate area is well developed and the sub divided plot would not appear visually prominent within the Green Belt. It is therefore recommended that the application is approved with 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:

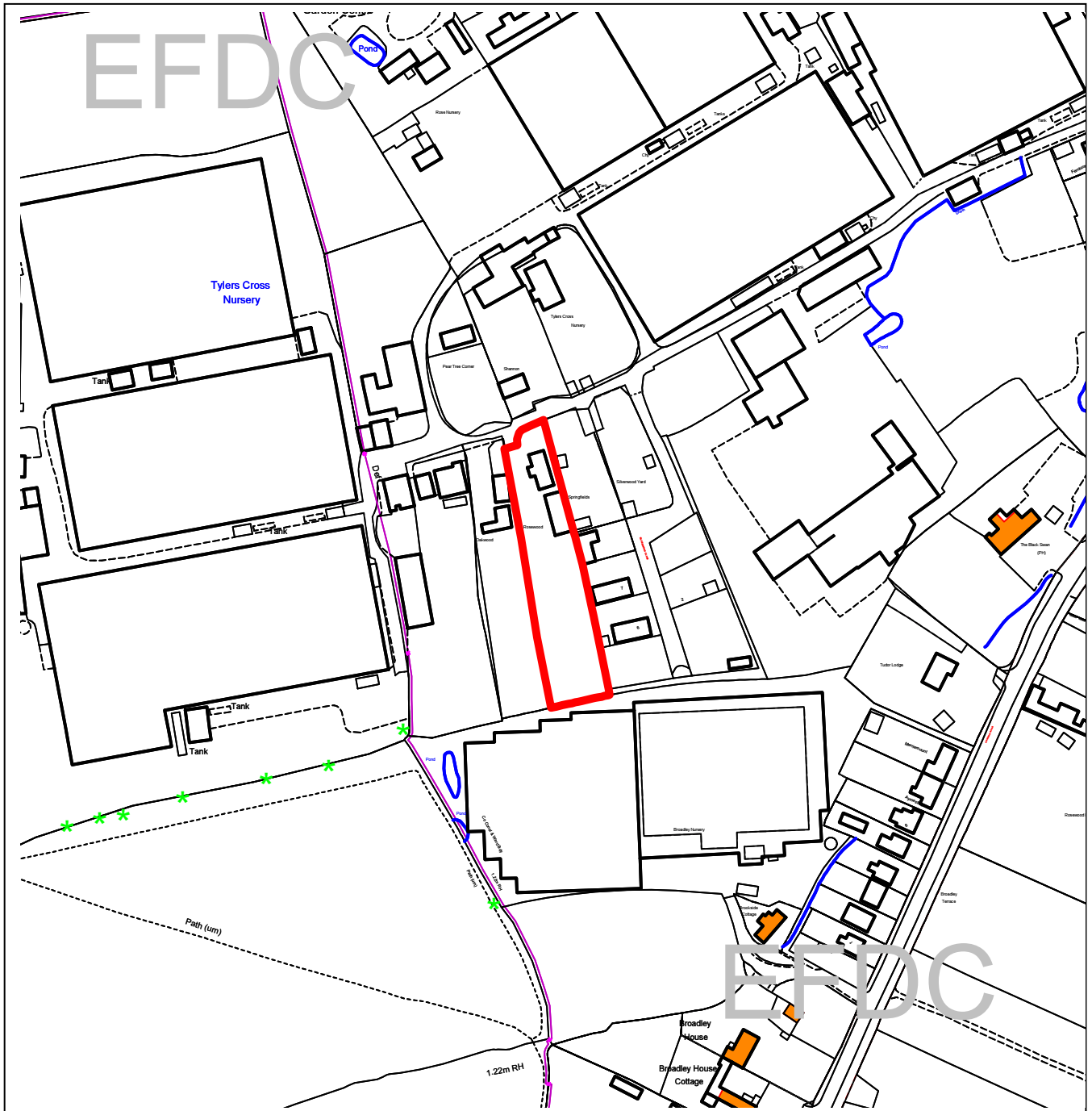
***Planning Application Case Officer: Dominic Duffin
Direct Line Telephone Number: 01992 56433***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee West



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	4
Application Number:	EPF/0559/12
Site Name:	Rosewood, Tylers Cross Nursery Epping Road, Waltham Abbey, EN9 2DH
Scale of Plot:	1/2500

This page is intentionally left blank