

Committee Agenda



Epping Forest District Council

Area Planning Subcommittee West Wednesday, 20th June, 2012

Place:	Council Chamber, Civic Offices, High Street, Epping
Room:	Council Chamber
Time:	7.30 pm
Democratic Services Officer	Mark Jenkins - The Office of the Chief Executive Email: democraticservices@eppingforestdc.gov.uk Tel: 01992 5644607

Members:

Councillors Mrs P Smith (Chairman), Ms Y Knight (Vice-Chairman), R Bassett, Mrs R Gadsby, D C Johnson, Ms H Kane, Mrs J Lea, A Mitchell MBE, Mrs M Sartin, Ms G Shiell, 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. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 9 - 14)

To confirm the minutes of the last meeting of the Sub-Committee held on 23 May 2012 as a correct record (attached).

5. DECLARATIONS OF INTEREST

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

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 15 - 34)

(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.

8. PROBITY IN PLANNING - APPEAL DECISIONS, OCTOBER 2011 TO MARCH 2012 (Pages 35 - 42)

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'

Area Planning Subcommittee West 2012-13

Members of the Committee:



Cllr Smith

Cllr Knight

Cllr Bassett

Cllr
Gadsby

Cllr
Johnson

Cllr Kane



Cllr Lea

Cllr Mitchell

Cllr Sartin

Cllr Shiell

Cllr Stavrou

Cllr Watts



Cllr Wyatt

Cllr
Webster

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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee West **Date:** 23 May 2012

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.40 pm

Members Present: Mrs P Smith (Chairman), Ms Y Knight (Vice-Chairman), R Bassett, Mrs R Gadsby, Ms H Kane, Mrs J Lea, A Mitchell MBE, Mrs M Sartin, Ms G Shiell, Ms S Stavrou and A Watts

Other Councillors:

Apologies: D C Johnson, Mrs E Webster and J Wyatt

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

1. 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.

2. 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.

3. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

The Panel noted the appointment of the Chairman and the Vice Chairman of the Subcommittee appointed by Council at their meeting held on 22 May 2012.

4. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 18 April 2012 be taken as read and signed by the Chairman as a correct record.

5. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors Y Knight, M Sartin and S Stavrou declared personal interests in agenda item 8 (3) (EPF/0529/12 Land at Sunnyside, Cathagena Estate, Meadgate, Nazeing) by virtue of being a

members of the Lea Valley Regional Park Association. 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 items.

(b) Pursuant to the Council's Code of Member Conduct, Councillor R Bassett declared a personal interest in agenda item 8 (3) (EPF/0529/12 Land at Sunnyside, Cathagena Estate, Meadgate, Nazeing) by virtue of being a deputy member of the Lea Valley Regional Park Authority. The Councillor declared that his interests were not prejudicial and indicated that he would remain in the meeting during the consideration and voting on the item.

6. ANY OTHER BUSINESS

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

7. DEVELOPMENT CONTROL

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

RESOLVED:

That, Planning applications numbered 1 – 4 be determined as set out in the annex to these minutes.

8. 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

Minute Item 7

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
DESCRIPTION OF PROPOSAL:	TPO/EPF/25/84 T1 - Birch - Fell T2 - Birch - Fell T8 - Birch - Fell
DECISION:	Refuse Permission

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=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..

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
DESCRIPTION OF PROPOSAL:	Erection of outbuilding for use as private gym (retrospective)
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=535722

CONDITIONS

- 1 The building hereby approved shall only be used as a personal gymnasium for the use of the residential occupants of No 20 Godwin Close only; and for no commercial or business use, nor for any unpaid use of the facilities by any other person not residing at No 20 Godwin Close.
- 2 The development hereby approved shall only be used as ancillary accommodation for the existing dwelling house and shall not be occupied as a unit separately from the dwelling known as 20 Godwin Close.
- 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 2 Class E shall be undertaken without the prior written permission of the Local Planning Authority.

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
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.
DECISION:	Refuse Permission

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=535910

REASON FOR REFUSAL

- 1 The proposed development is located within the Metropolitan Green Belt, the Lee Valley Regional Park and is within a flood zone. This constitutes inappropriate development harmful to the openness of the Green Belt and the overall character and use of the Lee Valley Regional Park. No information has been put forward with regard to the applicant's personal circumstances, and it is considered that the other circumstances put forward do not clearly outweigh this harm and therefore no very special circumstances exist. As such the development is contrary to the National Planning Policy Framework and policies CP1, CP2, GB2A, GB5, H10A, U2A, U2B, RST9, RST 23 and RST24 of the adopted Local Plan and Alterations.

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
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.
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=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.

AREA PLANS SUB-COMMITTEE 'WEST'

30 June 2012

INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/0633/12	Pear Tree Corner Tylers Cross Nursery Epping Road Roydon Harlow	Grant Permission (With Conditions)	17
2.	EPF/0686/12	Land Rear of 66 -70 Western Road Nazeing	Grant Permission (With Conditions)	21
3.	EPF/0821/12	Woodview Cottage Pynest Green Lane Waltham Abbey	Grant Permission (With Conditions)	26

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Report Item No: 1

APPLICATION No:	EPF/0633/12
SITE ADDRESS:	Pear Tree Corner Tylers Cross Nursery Epping Road Roydon Harlow Essex EN9 2DH
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr William Breaker
DESCRIPTION OF PROPOSAL:	Retention of one single unit and 4 touring caravans.
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=536336

CONDITIONS

- 1 The additional caravans shall only be occupied for residential purposes by the following named persons and any resident dependants:

Ms Kathleen Breaker
Ms Jade Louise Breaker
MS Madeline Breaker
- 2 No more than two mobile homes and four touring caravans shall be stationed on the application site (6 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 site is irregular in shape and the four touring caravans and static unit for which consent is sought are already in place. This therefore would result in a total of two static mobile homes and four touring caravans on the site. The site is demarcated by close boarded fencing and is surfaced in a pea shingle.

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 the additional mobile home and four touring caravans for use by his three daughters.

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/0360/11 - Unauthorised gypsy caravans. 30/06/11.

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

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

PARISH COUNCIL: Objection. Inappropriate development in the Green Belt, why four touring caravans? We were of the opinion that Epping Forest District Council was no longer under pressure to provide Gypsy/Traveller 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.

The immediate area consists of a large number of established Gypsy/Traveller plots and they house the applicant (Mr Breaker) and members of his wider family. Mr Breaker states that the caravans would be used by his three daughters for residential accommodation. The wider site 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 surrounds is therefore in established use as a Gypsy/Traveller site and the applicant's daughters do have family ties to this site. From this perspective an intensification in the use of the site for additional provision for Gypsy/Travellers is appropriate and in compliance with Policy H10A. Although the site is more populated than was previously the case it is evident that the increased numbers can be accommodated without any serious reduction in amenity levels. Furthermore the development would provide the daughters with a suitable level of accommodation in close proximity to their families. The children have attended school in the area and have therefore clear links to the wider community around Roydon. The site is a reasonable distance to the village in order to provide reasonable access to services provision. There are no concerns with regards to road safety as an established accessway would be utilised.

The site is within the Metropolitan Green Belt, however the immediate surrounds consist of other Gypsy/Traveller families and large scale nursery and light industrial buildings. Taken in this context this development would not compromise the openness of the Green Belt or the purposes of including land within it. 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 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. This therefore amounts to very special circumstances which in this instance outweighs the marginal harm to the Metropolitan Green Belt.

Conclusion:

It is considered that appropriate weight should be given to the 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 development does 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:

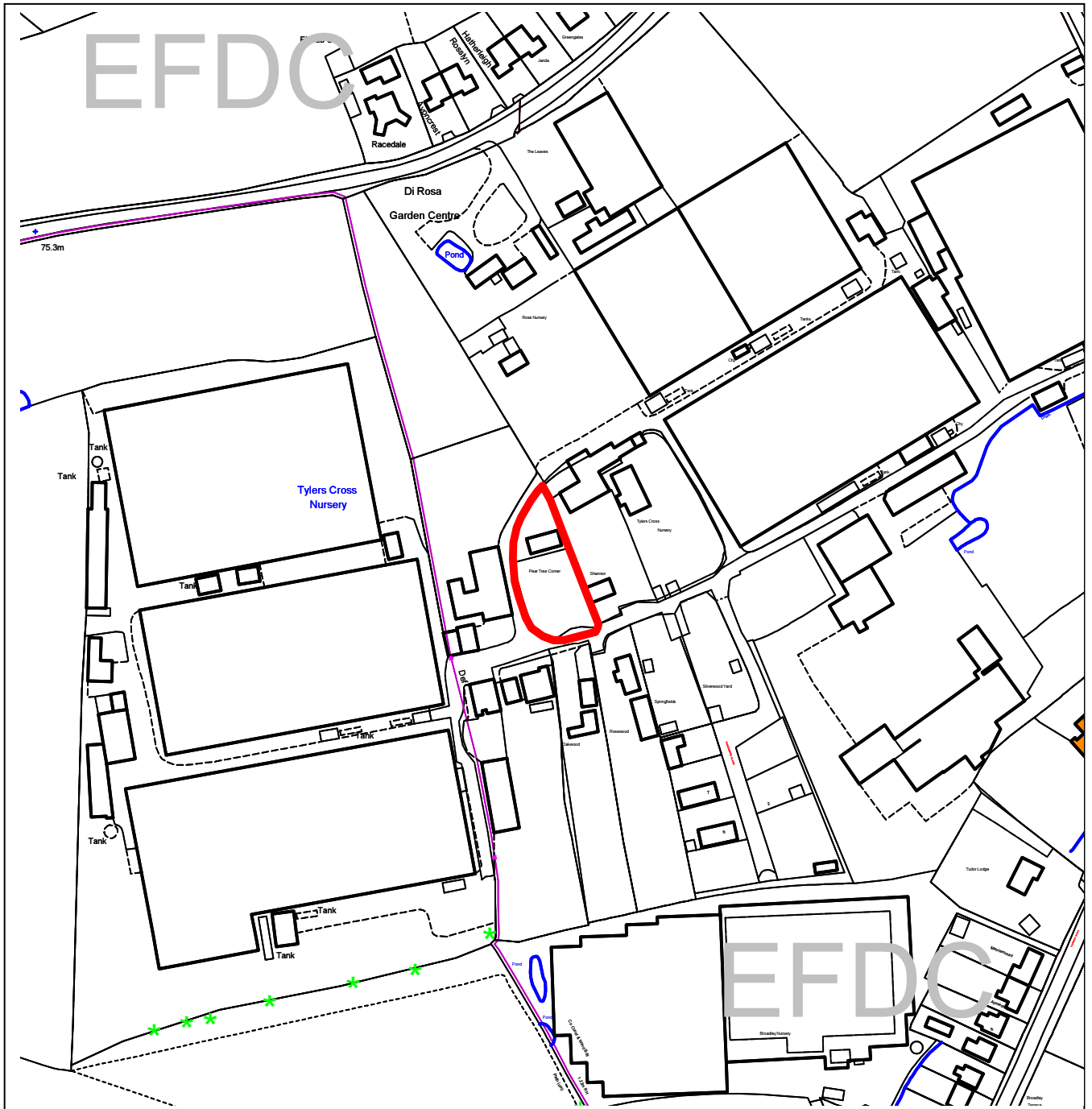
***Planning Application Case Officer: Dominic Duffin
Direct Line Telephone Number: 01992 56433***

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	1
Application Number:	EPF/0633/12
Site Name:	Pear Tree Corner, Tylers Cross Nursery Epping Road, Roydon, EN9 2DH
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/0686/12
SITE ADDRESS:	Land Rear of 66 -70 Western Road Nazeing Essex EN9 2QQ
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Bidmead, Mrs Constantino, Mrs Smith Mrs Cooper
DESCRIPTION OF PROPOSAL:	Minor material amendment of planning permission EPF/2556/11 (Proposed 2 no. three bedroom detached two storey houses with integral garages and parking fronting Wheelers Close. Amendment to rectify inconsistencies of previously approved plan.
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=536560

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawing no: D 305 100, D 305 104, A 305 105
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until the hedge on the western boundary of the site and the trees shown on the approved plan No BF/6111.001 (received 15th December 2011) as being retained (and any trees whose canopies overhang the site) have been protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus material have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made without the prior written consent of the local planning authority.

- 5 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 6 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials used in constructing the development
 - d) wheel cleaning facilities
 - e) measures to control the emission of dust and dirt during construction
 - f) a scheme for recycling/disposing of waste resulting from site preparation and construction works
- 7 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 8 The garages and car parking spaces hereby permitted shall be provided before the occupation of the dwelling hereby permitted and shall be kept available for the parking of motor vehicles at all times. The garage/car spaces shall be used solely for the benefit of the occupants of the dwelling of which forms part and their visitors and for no other purpose and shall be permanently retained as such.
- 9 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 10 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 17.30 Monday to Friday and 09.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since it for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

Description of Site:

The site is formed from the rear of gardens serving 66-70 Western Road. The proposed plot maintains a comparable depth to that provided along the eastern side of Wheelers Close and the proposed dwellings would front Wheelers Close opposite numbers 7 and 9. The application site would be accessed from a private access off the existing turning head in Wheelers Close. The ground level rises from the entrance from Wheelers Close to Western Road and beyond. There is a drainage ditch indicated to be for run off in the locality that runs inside and along the western

side of the site adjacent to the boundary. The application site is within the built up area of Nazeing, outside of the Green Belt and Conservation Area.

Description of Proposal:

This proposal is a minor material amendment application to rectify inconsistencies with the previously approved plans. The application **is not** proposing any increase over and above the size of the dwellings previously approved, however it is simply ensuring that all plans show the correct size and location of the dwellings and size of the site, rather than having inconsistent plans as previously approved.

Relevant History:

EPF/0054/11 - Proposed 2 no. three bedroom detached two storey houses with integral garages and parking fronting Wheelers Close – refused 09/06/11 (allowed at appeal on 11/11/11 - copy of appeal decision attached as Appendix 1)

EPF/2556/11 - Proposed 2 no. three bedroom detached two storey houses with integral garages and parking fronting Wheelers Close (amended application to provide larger kitchen areas, changes to and new windows, increased front porch roof and alterations to front parking area at No. 8 Wheelers Close) – approved/conditions 23/02/12

Policies Applied:

DBE1 - Design of new buildings

DBE2 - Effect on neighbouring properties

Consultation Carried Out and Summary of Representations Received:

25 neighbouring residents were consulted and a Site Notice was displayed on 04/05/12.

PARISH COUNCIL – None received at time of producing the Committee Report.

1 WHEELERS CLOSE – Objections as those previous. The dwellings appear to be becoming bigger and bigger and totally out of proportion to Wheelers Close.

5 WHEELERS CLOSE – Objection as this will further enlarge the dwellings.

7 WHEELERS CLOSE – Objections as those previous. The dwellings appear to be becoming bigger and bigger and totally out of proportion to Wheelers Close. It also appears that the access has changed.

Issues and Considerations:

The original proposal for two dwellings on this site was allowed at Appeal, and a subsequent amended application enlarging the properties was granted consent. As such the principle of the development has been agreed. It has since been raised by the applicant that the original and subsequently amended plans were inconsistent and did not all show/allow for the enlarged garage as required to meet parking requirements. As a result of this requirement the original plans were amended, enlarging the properties to a width of 9.35m. This enlarged size was shown on the plans and approved by both the Planning Inspector (re: EPF/0054/11) and the LPA (re: EPF/2556/11). However the changes that were made were only shown on the ground floor plan and on the street scene elevation, and not on the first floor plan and stand alone elevations. Furthermore, the street scene drawing, which showed the houses to the correct width, failed to show the correct distance from the boundary with No. 8 Wheelers Close. Due to this the site as shown on the street scene is wider than that on the location and site plan.

As a result of these inconsistencies, the construction of the dwellings at 9.35m in width would result in the closest dwelling being just 1m from the shared boundary with No. 8 Wheelers Close, rather than the originally shown 2m gap. If this were to be built as such then it would be difficult to enforce against, as the size of the dwellings would be correct, however the applicant wishes to address this issue so that there is an approved set of correct plans.

Due to the above, the only issues to consider in this minor material application is the impact on the amenities of the residents of No. 8 Wheelers Close and the overall design and impact on the street scene that results from a 1m distance from the boundary, rather than 2m as previously shown/assessed.

Given that the neighbouring property at No. 8 is benefiting from the provision of a garage as part of this development, which would be located between their flank wall and that of the closest new dwelling, there would still be a minimum distance of some 5.5m with this minor material amendment. The proposed new dwelling would still retain a 1m gap between the flank wall and the shared boundary, which complies with the requirements of the Local Plan, and the neighbouring residents at No. 8 Wheelers Close have not objected to this application. As such, it is not considered that this change would be detrimental to the neighbour's amenities.

The proposed development would continue to retain a 1m set back from the side boundary, which would protect against any future 'terracing effect', and would be no more harmful or dominant within the street scene as that previously agreed. Whilst neighbours have objected to this application on the basis that the dwellings are increasing in size, this is not the case. The dwellings have been approved at the size shown on the submitted plans, and this minor material amendment application is simply clarifying the situation and correctly showing the distance from the boundary.

One neighbour has stated that they believe that the access has changed as part of this application, however there is **no alteration** to the access arrangements as part of this proposal.

Conclusion:

This proposed minor material amendment application will not result in any enlargement to the dwellings, nor will there be any change to the access arrangements. The new properties can be built to the size shown on the plans submitted with this application, however the previous approved plans were wrong and failed to show the correct distance from the shared boundary with No. 8 Wheelers Close. The correct separation (at 1m) is considered to still be acceptable and would not be detrimental to the amenities of the neighbouring resident or the appearance and character of the street scene. As such, this minor material amendment application complies with the relevant Local Plan policies and is therefore recommended for approval.

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



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Agenda Item Number:	2
Application Number:	EPF/0686/12
Site Name:	Land Rear of 66 -70 Western Road Nazeing, EN9 2QQ
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0821/12
SITE ADDRESS:	Woodview Cottage Pynest Green Lane Waltham Abbey Essex EN9 3QL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr Russell Rackham
DESCRIPTION OF PROPOSAL:	Replacement of existing dwelling (Revised application)
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=537117

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Promap Site Plan date stamped 27/04/12, COH/107/1, COH/107/10 Rev: A, COH/107/11 Rev: A, COH/107/12 Rev: A
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 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 A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3

months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

- 7 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 8 No development shall take place until details of the proposed surface materials for the front driveway have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.
- 9 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 10 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).) and since it has been ‘called in’ by Councillor Stavrou (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h))

Description of Site:

The dwelling is a detached bungalow with separate garage building to the rear, located on the south eastern side of Pynest Green Lane within the Metropolitan Green Belt. The dwelling is close to the junction of Pynest Green Lane and Wellington Hill and is in an elevated position to the properties to the east, and sits on lower land than the adjacent property to the southwest.

Description of Proposal:

Consent is being sought for the demolition of the existing bungalow and erection of a two storey detached dwelling. The proposed dwelling would be 11.6m in width and 8.7m in depth and would have a pitched roof to a maximum ridge height of 6.8m. The proposed dwelling would retain a gap of 1.35m from the shared boundary with the neighbour to the east (Brookside, Wellington Hill), and a minimum distance of 1.3m, and maximum distance of 1.9m from the shared boundary with the neighbour to the southwest (No. 1 Park Cottages, Pynest Green Lane). The new dwelling would be served by the existing access and front parking area.

Relevant History:

EPF/2238/11 - Erection of first floor extension over existing bungalow and single storey side addition to create two storey house – refused 14/12/11

EPF/0255/12 - Replacement of existing dwelling – withdrawn 12/04/12

Policies Applied:

GB2A – Development in the Green Belt
GB15A – Replacement dwellings
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
DBE9 – Loss of amenity
LL10 – Adequacy of provision for landscape retention
ST4 – Road safety
ST6 – Vehicle parking

These policies do not significantly differ from the guidance contained within the National Planning Policy Framework (NPPF).

Consultation Carried Out and Summary of Representations Received:

9 neighbours were consulted and a Site Notice was displayed on 11/05/12.

TOWN COUNCIL – No objection, however concerns were expressed regarding the removal of the garage from the plans, therefore want assurance that there will be sufficient off-road parking.

1 PARK COTTAGES, PYNEST GREEN LANE – Object as this is inappropriate development within the Green Belt, due to overlooking, loss of visual amenity, loss of light, as it would be out of keeping with the surrounding area, and due to health and safety issues during construction.

BROOKSIDE, WELLINGTON HILL – Object due to loss of light, loss of privacy, as it would be out of keeping with surrounding properties, due to the impact on the neighbours trees, and due to potential structural and health and safety issues.

DELLBROOK, WELLINGTON HILL – Object as this would be inappropriate development, it would have an oppressive impact on the surrounding area, would be out of character with surrounding properties, would result in overlooking and loss of privacy, and would result in increased vehicle movements and highway safety concerns.

THE RISINGS, WELLINGTON HILL – Object due to overlooking, would be inappropriate development in the Green Belt, is out of proportion with neighbouring properties, it would be detrimental to the character of the area, and due to potential health and safety issues during construction and sewage problems.

Issues and Considerations:

The main considerations are the impact on the Green Belt, neighbouring residents, existing landscaping, parking and highway, and with regards to the overall design.

Green Belt:

A previous application to extend the property (to create a two storey dwelling) was refused for the following reasons:

The proposed development would not result in a 'limited extension' and would therefore constitute inappropriate development harmful to the openness of the Green Belt. No very special circumstances exist that clearly outweigh this harm and therefore the application is contrary to PPG2 and policy GB2A of the adopted Local Plan and Alterations.

This previous application for extensions to the dwelling more than doubled the floor area of the existing house, and therefore was considered inappropriate development. A further application was then submitted for a replacement house, rather than an extension, which was smaller than that refused under EPF/2238/11. Although the policy for replacement houses in the Green Belt differs from the considerations for an extension (as it requires that a replacement property “*not be materially greater in volume than that which it would replace*” – my emphasis), the previous application (EPF/0255/11) still proposed an increase in volume of around 70% over the existing dwelling. Again this was considered as inappropriate development and, because Officers were going to refuse the application, it was subsequently withdrawn by the applicant. This current application has further decreased the size of the proposed development, and this would now have a total volume of 517 cu. m., compared to the previous replacement dwelling application that totalled 610 cu. m. This reduces the increase in volume to 18%, which is considered appropriate in this location.

Further to the above volume calculations, Local Plan policy GB15A also states that a replacement dwelling should “*not have a greater impact on the openness of the Green Belt than the original dwelling*” (my emphasis). The existing bungalow has a large flat roofed addition to the rear and a considerably smaller flat roofed addition to the side. These previous additions equate to an approximate 70% increase in volume over and above the original property. Whilst the existing additions on the site have themselves had a greater impact on the openness of the Green Belt over the ‘original dwelling’, as they resulted in a 68% increase in footprint, the proposed replacement dwelling would not have a significantly greater impact on the openness of the Green Belt than the previous additions. Whilst the new dwelling would be two storeys in height, the second storey would be primarily located within a roof area and, as such, the maximum height of the building would only increase by 1m. Furthermore, the new dwelling would result in a 23% reduction in footprint when compared to the existing building. Due to this, whilst there would clearly be an impact on the openness of the Green Belt as a result of this new dwelling, which increases the height and bulk of the property, it is not considered that this would be significantly greater than the existing situation on site. However, given the previous extensions and further increase in the size of the property, all permitted development rights should be removed from this dwelling to control any further enlargements.

The applicant has submitted comparisons with other development that has occurred in recent years within the surrounding area, with particular emphasis being placed on Pantiles, Wellington Hill. An application was approved for Pantiles in 2007 for the ‘demolition of existing extensions and replacement with new extensions’, which equated to an increase of 130 sq. m., or 150%, over and above the original property. Notwithstanding this being contrary to the then relevant GB14A (and recommended for refusal by Planning Officers based on this), it is stated in the printed minutes that “*the fact that the footprint of the building would not be increased in area by the proposal, the*

small increase in the height of the roof, the positive relationship of the proposal with adjacent properties and the context of the site within a built-up enclave, amount to very special circumstances sufficient to outweigh any harm caused by the development to the Green Belt”.

Whilst it is not considered that the development at Pantiles is directly comparable to this scheme, given that this application site is located within the linear enclave to the west of High Beech rather than the more ‘built up’ location of Pantiles, as this application relates to a replacement dwelling rather than residential extensions, and given that this site is located on considerably higher land than the neighbouring bungalow to the east (Brookside), it is nonetheless a material consideration in this case, as is the presence of several two storey properties, replacement dwellings and large scale residential extensions within this section of High Beech.

Given the above it is considered that the proposed replacement dwelling would not be ‘*materially greater in volume than that which it would replace*’ nor would it have a ‘*greater impact on the openness of the Green Belt than the original dwelling*’. As such it is considered that the proposed replacement house would not constitute ‘inappropriate development’ and therefore complies with the Green Belt guidance contained within the NPPF and Local Plan policies GB2A and GB15A.

Impact on neighbouring residents:

The proposed new dwelling would be located 1.35m from the shared boundary with Brookside and a minimum of 1.3m, and maximum of 1.9m, from the shared boundary with No. 1 Park Cottage. The existing bungalow has a pitched roof to a ridge height of 5.7m towards the front of the site, with a 2.75m high flat roofed section towards the rear. The proposed new dwelling would increase the maximum ridge height of the dwelling to 6.8m, and the application site sits on land considerably higher than the neighbour’s site at Brookside, but significantly lower than that of No. 1 Park Cottage. Whilst this increased height would clearly result in a more visually prominent dwelling, particularly when viewed from Brookside, the new dwelling would be reduced in depth by some 4m (8.7m as opposed to the existing 12.7m deep bungalow). Furthermore, the neighbour to the east (Brookside) is located at an almost right angle to this site and fronts onto Wellington Hill. Whilst it sits on land lower than the application site and is a single storey bungalow, it is located some 15m from the shared boundary and contains a large amount of vegetation acting as a screen to the application site. The vegetation is primarily located within the neighbour’s land, and therefore cannot be removed by the applicant, and a condition can be imposed ensuring that adequate protection is put in place during the construction of the dwelling. This, combined with the 1m increased height and 1.35m set back of the proposed dwelling, would ensure that the development would not detrimentally impact on the light and visual amenities of this neighbour resident.

The neighbour to the southwest (No. 1 Park Cottage) is located on higher ground to the application site and is itself a two storey property. Whilst a large proportion of this neighbour’s garden is located to the side of the dwelling, between No. 1 Park Cottage and Woodview Cottage, the proposed new dwelling would be located at least 1.3m, and at most 1.9m, from this shared boundary and would be shallower in depth than that which it replaces. Furthermore, given the orientation of the dwellings, the proposed new house would not extend beyond the front or rear walls of the neighbouring dwelling, nor would it impinge on the sunlight received by this neighbouring resident. Although the proposed dwelling would be located closer to the shared boundary than the existing bungalow, it would retain a distance in excess of the standard 1m requirement as laid out within the Local Plan, and any harm would not be further exacerbated by the significant change in levels.

The only proposed first floor side windows would serve en-suite bathrooms, which would be obscure glazed, and as such these would not result in any loss of privacy. Whilst the proposed development would introduce a large amount of second floor glazing to the rear of the site, which currently does not exist, the application site backs onto open fields. Although there are neighbouring properties running at a right angle beyond this dwelling (along Wellington Hill), these

are all of a sufficient distance and at an obscure enough angle to not suffer any undue overlooking from this proposal.

Due to the above, it is considered that the proposed development would not have any detrimental impact on the amenities of neighbouring residents, and therefore complies with Local Plan policies DBE2 and DBE9.

Landscaping:

The application site is relatively devoid of landscaping itself, this being limited to a front hedge and some small planting within the rear garden, however there is a large amount of vegetation located along the shared boundary, which is located within the neighbouring site of Brookside. As the proposed new dwelling would be predominantly built on the footprint of the existing bungalow, and as almost the entire front garden is currently laid to hardstanding, the proposed development would not detrimentally impact on the existing trees and landscaping on and around the site. The existing hedge to the front of the site has been proposed for retention, and this would provide some established screening along the road frontage. It is considered that this hedge should certainly be retained, and a suitable condition added protecting against its removal, and a condition will also be required to ensure that any trees within and close to the application site are suitably protected during the demolition and construction phases of the development.

Parking/highways:

The proposed new dwelling would utilise the existing vehicle crossover and front parking area. The front garden (which would be repaved and enlarged due to the smaller footprint of the replacement house, is more than sufficient to provide adequate off-street parking provision and all required manoeuvrability space, and the development would cause no further highway safety issues than the current situation. Concern has been raised by neighbouring residents about the highway safety implications that would result from construction vehicles, material storage, etc. during construction works. However such issues would be short term inconveniences and are dealt with/addressed by other legislation. Therefore this is not considered to be a 'material planning consideration' in this instance.

Design considerations:

The existing property is one of few bungalows left within the locality, with the immediate neighbours to the south and the majority of properties within Wellington Hill being two storey dwellings. The overall design of the proposed development is considered appropriate to the area, which contains a vast mix of houses in varying sizes, styles and designs, and it is not considered that the new property would appear incongruous within the street scene. Although there is a significant change in land levels, which would make any development more imposing when viewed from the east, there is a high level of existing screening within the eastern neighbour's garden that would screen and soften the development and would reduce any resulting visual dominance within the street scene. As such, the design of the proposed new dwelling is considered acceptable.

Other matters:

Concerns have been raised with regards to potential drainage issues. As this development would be subject to Building Regulation Consent, it is not considered that such matters are material to this decision.

Conclusion:

The proposed replacement dwelling is not considered to be materially greater in volume than the existing dwelling nor have a greater impact on the openness of the Green Belt than the original dwelling. It would not have an unduly detrimental impact on the amenities of neighbouring residents and would not be harmful to the character and appearance of the street scene and surrounding area. It is therefore considered that the proposed development complies with the guidance contained within the NPPF and the relevant Local Plan policies. As such, the application is recommended for approval.

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:

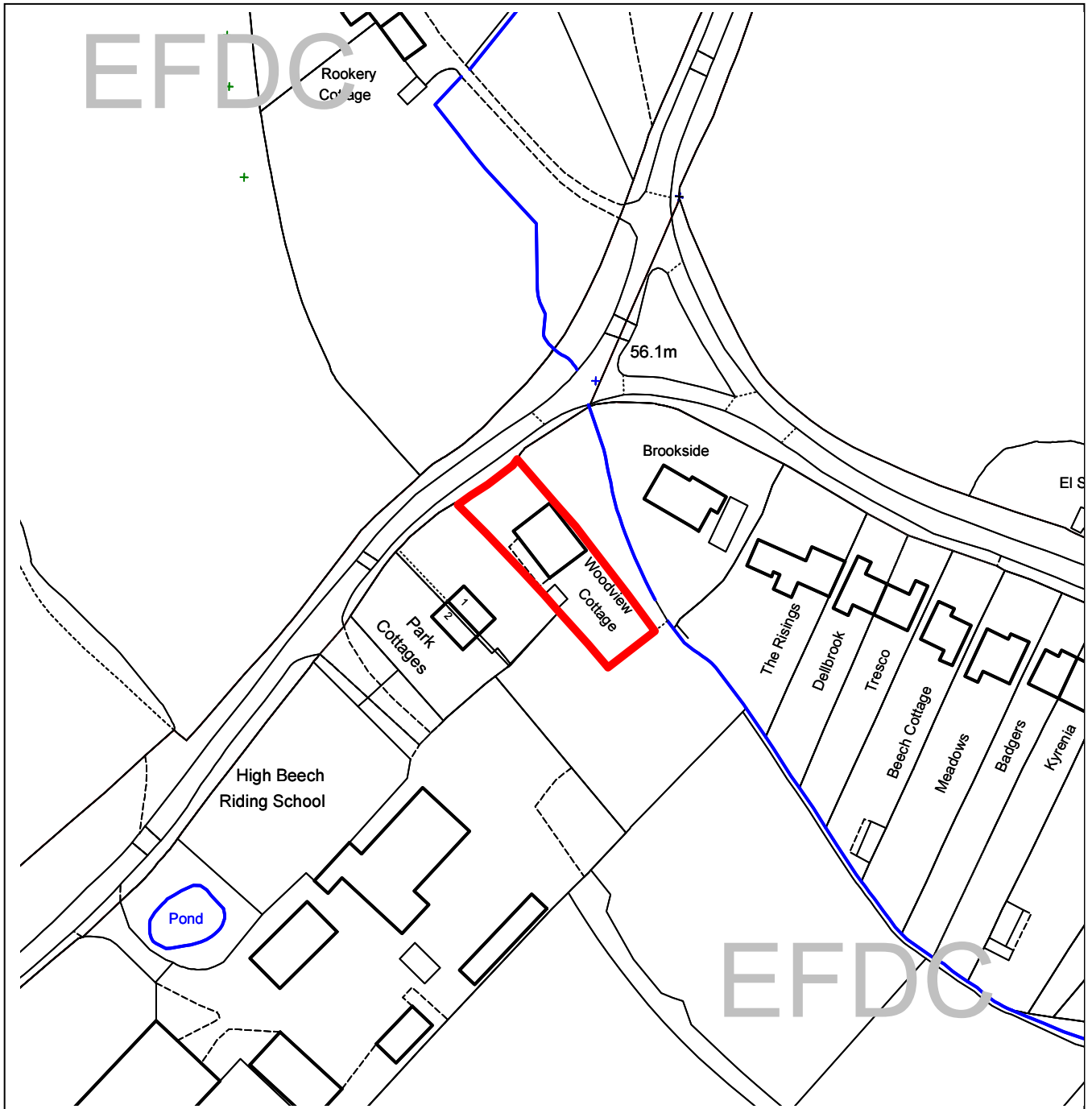
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	3
Application Number:	EPF/0821/12
Site Name:	Woodview Cottage, Pynest Green Lane Waltham Abbey, EN9 3QL
Scale of Plot:	1/1250

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Report to Area Plans Sub-Committee

Date of meeting: West – 20 June 2012



**Epping Forest
District Council**

Subject: Probity in Planning – Appeal Decisions, October 2011 to March 2012

Officer contact for further information: Nigel Richardson (01992 564110).

Democratic Services Officer: Mark Jenkins (01992 564607)

Recommendation:

That the Planning Appeal Decisions for the period October 2011 to March 2012 be noted.

Report:

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 previous Best Value Performance Indicator (BVPI) for district councils was to aim to have less than 40% of their decisions overturned on appeal. There is no longer a national indicator but the Council instead created a Local Performance Indicator (LPI 45). In recent years the Council performance has been 18% in 2003/04, 29% in 2004/05, 22% in 2005/06, 30% in 2006/07, 29% in 2007/08, 40.3% for 2008/09, 30.9% in 2009/10 and 36.6% in 2010/11.

3. Since 2011/12, there has been two local indicators, one of which measures all planning application type appeals as a result of committee reversals of officer recommendations (KPI 55) and the other which measures the performance of officer recommendations and delegated decisions (KPI 54).

Performance

4. Over the six-month period between October 2011 and March 2012, the Council received 51 decisions on appeals (44 of which were planning related appeals, the other 7 were enforcement related). Out of this 44, 11 were allowed (25%).

5. For the year end, both targets for KPI 54 and KPI 55 have been achieved. However, between October 2011 and March 2012, for KPI 54, 6 out of 35 were allowed (17%) and for KPI 55, 5 out of 9 were allowed (55%).

Planning Appeals

6. Out of the 9 planning appeals that arose from decisions of the committees to refuse

contrary to the recommendation put to them by officers during the 6-month period, the Council was not successful in sustaining the committee's objection in the following 5 cases:

Area Cttee South (2 Allowed):

EPF/2151/10	Provision of artificial playing surface and surround fencing to existing playing field. (Revised application)	Loyola Preparatory School 103 Palmerston Road
EPF/2664/10	Use of 'Motel' building (Use Class C1) for residential purposes as 26 apartments (Use Class C3).	Woolston Manor Abridge Road

Area Cttee East (2 Allowed):

EPF/0167/11	Construction of 10 no 2 bed and 2 no 3 bed flats with associated car parking..	Wintry Park Service Station 37 Thornwood Road
EPF/1456/11	Construction of 10 no 2 bed and 2 no 3 bed flats with associated car parking. (Revised application)	Wintry Park Service Station 37 Thornwood Road

Area Cttee West (1 Allowed):

EPF/0054/11	Proposed 2 no. three bedroom detached two storey houses with integral garages and parking fronting Wheelers Close.	Land Rear of 66 -70 Western Road
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7. 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. As this is now highlighted as a separate performance target (KPI 55) it therefore potentially comes under more scrutiny.

8. Out of 7 enforcement notice appeals decided, 1 was allowed and one part allowed/part dismissed, although in the latter case the greater part of the appeal was dismissed. These are as follows:

Allowed:

ENF/0497/10	The building erected on the land was granted a Certificate of Lawfulness as a games room incidental to the main dwelling under CLD/EPF/1352/08. After a period of five months the building was converted for residential use as a separate residence and is therefore unlawful and without planning permission	Oaklands (Hatchmans Lodge) School Lane Abbees Beauchamp And Berners Roding
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Part Allowed/ Part Dismissed:

ENF/0241/09	French windows (Allowed) All other parts of development not built in accordance with EPF/2151/08 (Dismissed)	20 Tomswood Road Chigwell
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Costs

9. During this period, there was 1 successful finalised award of costs made against the council. Circular 03/2009 *Costs Awarded in Appeals and Other Planning Proceedings* advises

that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

10. The Planning Inspectorate's quashing of an enforcement appeal resulted in an award of costs of £2,200.00 against the Council in respect of Plots 40-41 Roydon Lodge Chalet Estate, Roydon after failing to follow the appeal procedure. The enforcement notice was withdrawn after receipt and grant of an application for a certificate of lawful development because the alleged use was proven to be time immune. The Planning Inspector considered the appeal could have been avoided by more diligent investigation by the Council and awarded costs because the appellant had already incurred costs in preparing for the appeal.

Conclusions

11. Whilst performance in defending appeals has improved, particularly in respect of committee reversals, Members are reminded that in refusing planning permission there needs to be justified reasons that in each case, must be relevant, necessary, but also sound and defensible.

12. Future reporting of appeal decisions to the Area Plans Sub-Committees will take place annually, rather than 6 monthly. Planning Services Scrutiny Standing Panel at its meeting on 20 December 2011 agreed that the report come to them every 6 months before recommending to the Area Plans Sub-Committees every year.

13. A full list of decisions over this six month period appears below.

Appeal Decisions October 2011 to March 2012

Allowed With Conditions

Buckhurst Hill

1 EPF/2151/10	Provision of artificial playing surface and surround fencing to existing playing field. (Revised application)	Loyola Preparatory School 103 Palmerston Road
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Chigwell

2 EPF/2664/10	Use of 'Motel' building (Use Class C1) for residential purposes as 26 apartments (Use Class C3).	Woolston Manor Abridge Road
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Epping

3 EPF/0167/11	Construction of 10 no 2 bed and 2 no 3 bed flats with associated car parking..	Wintry Park Service Station 37 Thornwood Road
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4 EPF/1456/11	Construction of 10 no 2 bed and 2 no 3 bed flats with associated car parking. (Revised application)	Wintry Park Service Station 37 Thornwood Road
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Loughton

5 EPF/2003/11	Front/side conservatory and replacement bay window to rear.	Pump House 27 Pump Hill
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6 EPF/1935/11	Two storey rear extension with extended raised patio, internal alterations and loft conversion with two front dormer windows and rear roof lights and part pitched roof to existing garage.	67 York Hill
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(Amended application)

7	EPF/0400/11	Prior approval determination for a telecommunications installation comprising the erection of a 11.8m high street works monopole with antenna shroud, to be used by both O2 and Vodafone, together with ground level equipment cabinets	Grass Verge at rear of pavement next to Boundary with Oaklands School Opposite Junction with Spring Grove High Road
8	EPF/0493/11	Illuminated fascia sign.	2 Centric Parade 200 High Road
Nazeing			
9	EPF/0054/11	Proposed 2 no. three bedroom detached two storey houses with integral garages and parking fronting Wheelers Close.	Land Rear of 66 -70 Western Road
Theydon Bois			
10	EPF/1387/11	Two storey side and single storey rear extensions and loft conversion and rear dormer window.	29 Theydon Park Road Theydon Bois
The Rodings - Abbess, Beauchamp and Berne			
11	EPF/2328/10	Certificate of lawful development for existing use of games room as an annexe.	Oaklands School Lane
<u>Dismissed</u>			
Buckhurst Hill			
12	EPF/0732/11	Demolish existing house and build new single family house. (Revised application)	206 Queens Road
13	EPF/0959/11	Proposed two storey side extension, single storey rear and front extensions and loft conversion	112 Forest Edge
14	EPF/2652/10	Demolition of existing sub station and facilities building and erection of 3/4 storey block of 11 no. two bed flats with associated car parking.	Former Electrical Substation Station Way
Chigwell			
15	EPF/0017/11	Redevelopment of land into a two storey building with 1 x 2 bedroom duplex flat and car port for 2 no. car parking spaces. (Revised application)	Land to rear Burney Court 113 Manor Road
16	EPF/2130/11	Retention of single storey rear extension.	20 Lechmere Avenue
Epping			
17	CAC/EPF/1071/11	Conservation area consent for the demolition of buildings and redevelopment of site to provide a mixed use development comprising A3 restaurants and 8 residential units.	208 - 212 High Street
18	EPF/1020/11	Demolition of buildings and redevelopment of site to provide a mixed use development comprising A3 restaurants and 8 residential	208 - 212 High Street

	units.	
19 EPF/0966/11	Erection of bungalow in rear garden.	93 Sunnyside Road
Epping Upland		
20 EPF/0811/11	Construction of single detached dwelling. (Revised application)	Richmond Farm Parsloe Road
21 EPF/2543/10	Variation of condition 4 'ancillary accommodation' of planning permission EPF/0431/10 to permit independent occupation.	Yew Tree Cottage High Road
High Ongar		
22 EPF/2156/09	Change of use from agricultural use to B1 and B8 use. (Revised application)	Nine Ashes Farm Rookery Road
Lambourne		
23 EPF/0545/11	Retention of unlawful fence for a temporary period of 18 months.	New Farm Cottage New Farm Drive
24 EPF/0807/11	Demolition of existing dwelling and erection of replacement dwelling.	54 Hoe Lane
25 EPF/1520/11	Demolition of existing dwelling and replacement dwelling. Revised application.	42 Hoe Lane
Loughton		
26 EPF/0538/11	New dwelling.	Land adjacent to 16 Grasmere Close
27 EPF/2133/11	Retention of first floor and single storey rear extensions and dormer window.	26 Kenilworth Gardens
28 EPF/0221/11	Refurbishment and enlargement of existing building by way of a basement storage area, construction of one additional storey and erection of a four storey rear extension incorporating 5 parking spaces, extension to ground floor commercial units (12 additional flats) comprising 6 studio flats, 8 one bedroom flats and 2 three bedroom flats.	165 & 165a High Road
29 EPF/1711/11	Retention of 3x externally illuminated hanging sign and 1 non illuminated hoarding sign.	165 High Road
Moreton, Bobbingworth and the Lavers		
30 EPF/0995/10	Outline application for redevelopment of the site to provide five detached houses.	Prestopets Ltd Kents Lane
Nazeing		
31 EPF/1088/11	Reconstruction of fire damaged holiday chalet.	Auburnville Meadgate Road
32 EPF/1634/11	Demolition of existing dwelling and erection of new four bed dwelling	6 The Mead
33 EPF/0397/11	Grade II listed building application for retention of 2 no. roof lights.	Ravens Back Lane

North Weald Bassett

34 EPF/1209/11

Grade II listed building application for the erection of new two storey link attached bedroom wing, internal alterations and demolition of existing outbuildings.

Saint Clements
Vicarage Lane**Sheering**

35 EPF/1757/11

Front/side ground floor infill extension.

Allbrook House
Sheering Lower Road**Stapleford Abbotts**

36 EPF/2228/10

Outline application to demolish shop/office and glasshouses and erect six detached chalet bungalows with garages, lay out access drive and turning head, amenity and parking areas, alter vehicular access onto Stapleford Road and plant woodland/meadow, hedgerows and trees (Amended Proposal).

Esperanza Nurseries
Stapleford Road

37 EPF/0820/11

Conversion and extension of garage into 1 bed annexe.

The Cott
Tysea Hill**Stapleford Tawney**

38 EPF/1429/11

Conversion of existing two bay garage and store building into residential dwelling.

Cutlers Forge
Tawney Lane**The Rodings - Abbess, Beauchamp and Berne**

39 EPF/0572/11

Two storey rear and side extension and single storey front extension, and single storey side extension with balcony above.

Cross Diamond Cottage
Hurdle Lane**Theydon Bois**

40 EPF/0810/11

Removal of section of hedge at front, replacement with brick wall as continuation of existing, in order to provide electric sliding gate to secure property.

1 Ivy Cottage Mews
Theydon Park Road

41 EPF/1535/11

Rear dormer window.

Greenview
Blackacre Road**Waltham Abbey**

42 EPF/0632/11

Demolition of single storey rear garage structure and construct a new 2.5 storey addition to accommodate 3 flats and covered parking area to rear of property access from Quaker Lane. (Revised application)

Rear of 15-16 Sewardstone Rd

43 EPF/0984/11

Single storey rear orangery extension.

The Cottage
Long Street

44 EPF/0411/11

Side infill extension with raising of part of roof and dormer windows to front and rear.

Greenview
Marsh Hill
Holyfield**Enforcement Appeals Allowed**

ENF/0497/10	The building erected on the land was granted a Certificate of Lawfulness as a games room incidental to the main dwelling under CLD/EPF/1352/08. After a period of five months the building was converted for residential use as a separate residence and is therefore unlawful and without planning permission	Oaklands (Hatchmans Lodge) School Lane Abbes Beauchamp And Berners Roding
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Enforcement Appeals Part Allowed/ Part Dismissed:

ENF/0241/09	French windows (Allowed) All other parts of development not built in accordance with EPF/2151/08 (Dismissed)	20 Tomswood Road Chigwell
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Enforcement Appeals Dismissed

ENF/0062/11	Without planning permission the material change of use of part of the dairy building from B1 office use to residential use as a dwelling.	Barkers Farm Mount End Road Theydon Mount
ENF/0085/08	Without planning permission the raising of land levels by way of importing, depositing and spreading of fill material including demolition waste, clay and soil.	E7 Site and land SE of T11 Site Langston Road Loughton Essex
ENF/0136/10	Unauthorised work to Listed Building	Ravens Back Lane Nazeing
ENF/0302/06	Field used for motorcross	Land South of Canes Lane, and North of Weald Hall Lane, North Weald
ENF/0714/10	Unauthorised development, hard standing etc	Plot 32 Roydon Lodge Chalet Estate High Street Roydon

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