

Committee Agenda



Epping Forest District Council

Area Planning Subcommittee West Wednesday, 6th March, 2013

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

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 6th March, 2013
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Adrian Hendry - The Office of the Chief Executive
Email: democraticservices@eppingforestdc.gov.uk Tel:
01992 564246

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

<p>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.</p>

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 7 - 10)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 11 - 22)

To confirm the minutes of the last meeting of the Sub-Committee held on 6 February 2013 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 23 - 36)

(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. 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.

9. 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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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee West **Date:** 6 February 2013

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.45 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 and J Wyatt

Other Councillors:

Apologies: Ms S Stavrou, A Watts and Mrs E Webster

Officers Present: J Godden (Planning Officer), M Jenkins (Democratic Services Assistant) and P Seager (Chairman's Secretary)

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. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 9 January 2013 be taken as read and signed by the Chairman as a correct record.

66. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs M Sartin declared a non pecuniary interest in the following item of the agenda, by virtue of the application being in the Lee Valley Regional Park area, the Councillor had been appointed to the Lee Valley Regional Park by the Council. The Councillor had determined that she would stay in the meeting for the consideration of the application and voting thereon:

- EPF/2282/12 Sedgigate Nursery, Sedge Green, Nazeing, Waltham Abbey EN9

67. ANY OTHER BUSINESS

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

68. CONFIRMATION OF TREE PRESERVATION ORDER EPF/16/12 12 DOWNLANDS, WALTHAM ABBEY**Background**

TPO/EPF/16/12 was made on 9 September 2012 and protected a single large ash tree. The order was served to prevent the tree's intended removal, having been inspected to confirm the tree as an important landscape feature.

It stood in a large front garden of 12 Downlands and close to the boundary with 11 Downlands. It was approximately 15 metres from the above houses and a similar distance from the front of 286 Roundhills, where the objector lived.

12 Downlands was managed by Estuary Housing, who made the initial enquiry.

286 Roundhills was located to the south, separated by a public footpath and had a reasonably sized private rear garden to the south east, which was unaffected by the tree.

Grounds of Objection:

An objection to the Order had been received from a neighbour at 286 Roundhills. The objection was made on the grounds that:

1) The justification report advised that the tree in question stood approximately 15 metres from the rear of the property at 12 Downlands. It stood at the front of the property, at approximately 14 metres from 286 Roundhills.

2) This unmanaged tree was a health and safety issue. Dead branches threatened pedestrians and damaged the street light. TPO guidance advised the pruning of deadwood, which contradicted the statement that this deadwood filled tree was healthy.

3) The justification stated that the tree was much enjoyed by those walking past it but provided no evidence of how the council had arrived at this belief. A number of people living close to this tree did not enjoy this very large and overgrown tree.

4) The tree ruined the grass lawns, the drains became blocked and the footpath cleared regularly.

5) The council stated that the tree had high intrinsic value within the housing estate. It was agreed that the tree would have high landscape value in a field or forest but not in a built up area, where it caused problems. It should not have been planted in the front garden of a residential house.

6) It was the objector's belief that the tree was much higher than 14 metres because a root broke through the pavement 1 metre from his house. The surrounding footpaths were broken up severely due to this tree's roots and were quite dangerous underfoot.

- 7) Service lines would be affected by the roots in time, if they haven't been already.
- 8) It had been asserted that the roots would affect the foundations of the objector's house in the near future, for which the council would be held responsible.
- 9) The height and spread of the tree, with a mass of foliage and branches, removed any intrinsic value to the objector, who then claimed that if a council member were to live near to this tree there would undoubtedly be a different outcome.

Director of Planning and Economic Development Comments

Description of the tree and its condition.

The tree, subject of the order, was a cut leafed ash, about 14 metres in height and in excess of 16 metres in spread. It was a healthy, broad crowned tree, with a future lifespan of at least 40 years. Located adjacent to public footpaths from the estate to the local school and to fields to the east, it was a major landscape feature, visible by those walking to and from both Downlands and Roundhills. It was a healthy and attractive broad crowned tree.

The issues raised by the objection were as follows:

- 1) The purpose of the description was to establish the land on which the tree stood and its relationship to other properties. The plan, which was definitive, showed this clearly.
- 2) There was no obvious safety issue. If any arose it could be addressed by specific pruning. The small amount of deadwood present was natural and did not suggest that the tree was dangerous. It could, in any case, be removed by agreement.
- 3) The TPO safeguarded the tree, but allowed the council the opportunity to fully consider any threats posed by it and make a decision that balanced the benefits against any potential harm to neighbours.
- 4) Leaf fall occurred over a relatively short period and it was reasonable to expect that lawns, drains and footpaths should be maintained periodically.
- 5) Careful consideration of the tree's suitability was given at the time of inspection and it was considered satisfactory, particularly since the immediately affected spaces were front gardens. All the nearby properties had separate private rear gardens.
- 6) The tree's height had been accurately measured. It was understood that the concern expressed here was the potential danger of root damage to foundations. At around 15 metres from the building, the likelihood of root induced foundation damage was low. However, in the unlikely event of damage occurring, an application could be made to remove the tree or other solutions, such as a root barrier, explored. The presence of a surface root in the pavement could not directly indicate their presence below foundations. The cracks in the pavement were noted but were minor and could be easily repaired.
- 7) No evidence of damage to underground services had been provided and therefore no weight could be attributed to this assertion at this time.
- 8) No evidence of damage to 286 Roundhills have been provided and therefore no weight could be attributed to this assertion at this time.

9) Before making the TPO a structured procedure was followed to ensure that its justification was objectively based. Members may be confident that the making of the TPO was entirely objective and that the result would have been the same no matter who lived in adjacent properties.

Conclusion

It was recommended that, in the interests of public amenity, the Order should be confirmed. The new Order would protect this valuable specimen by allowing the council to ensure that any future pruning will not be harmful to its health or amenity in accordance with Council local landscape planning policy LL7.

RESOLVED:

That Tree Preservation Order 16/12 be confirmed without modifications.

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

Report Item No: 1

APPLICATION No:	EPF/2193/12
SITE ADDRESS:	Pinch Timber Farm Upland Road Epping Upland Epping Essex CM16 6PG
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Conversion of barn to residential dwelling and related works.
DECISION:	Granted 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=543288

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: 05:027:2Ei, 05:027:3Ki, 05:027:4Ci, 050:27:5xiiJB, 050:27:6xJB, 05:027:IMi
- 3 No development shall take place until samples 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. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 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, C, D and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 6 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 7 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 8 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 9 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of

any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 12 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.
- 13 No development shall take place, including site clearance or other preparatory work, until details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These shall include: details of existing features to be retained; means of enclosure (hard or soft); areas of additional hardstanding; and car parking details and layout. These works shall be carried out as approved, unless the Local Planning Authority gives its written consent to any variation.
- 14 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

Report Item No: 2

APPLICATION No:	EPF/2194/12
SITE ADDRESS:	Pinch Timber Farm Upland Road Epping Upland Epping Essex CM16 6PG
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Grade II listed building application for the conversion of barn to residential dwelling and related works.
DECISION:	Granted 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=543289

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 05:027:2Ei, 05:027:3Ki, 05:027:4Ci, 050:27:5xiiJB, 050:27:6xJB, 05:027:IMi
- 3 Samples of the types and details of colours of all proposed materials and finishes shall be submitted for approval in writing by the Local Planning Authority prior to the commencement of the development, and the development shall be implemented in accordance with such approved detail.
- 4 Additional drawings that show details of proposed new windows, doors, eaves, verges, cills, and any changes to the walls, floor and roof, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- 5 Prior to the repair of the timber frame, and notwithstanding the details submitted, the repairs to the timber frame shall be agreed in writing by the Local Planning Authority following careful removal of the concrete surrounding the timber frame. The repairs shall thereafter be carried out in accordance with the agreed details.
- 6 Any existing boarded doors shall be retained and repaired, unless otherwise agreed in writing with the Local Planning Authority.

- 7 Prior to the subdivision of the site or erection of any boundary treatment, details of all new boundaries and any new hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and retained in accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.

Report Item No: 3

APPLICATION No:	EPF/2282/12
SITE ADDRESS:	Sedgegate Nursery Sedge Green Nazeing Waltham Abbey Essex EN9
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Retrospective change of use of premises for the restoration and renovation of motor vehicles for hobby purposes
DECISION:	Refused 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=543701

REASONS FOR REFUSAL

- 1` The retention of the buildings subject of this application is inappropriate development in the Green Belt and no very special circumstances exist that clearly outweigh the harm from this development. This is therefore contrary to policy GB2A of the adopted Local Plans and Alterations.
- 2 The retention of the use of the buildings subject of this application is unacceptable as the structures are not of a permanent and substantial construction, and are thus unsuitable for the ongoing use, contrary to policy GB8A(i) of the adopted Local Plans and Alterations.
- 3 The retention of the use of the buildings subject of this application for the use of motor repairs and restoration is contrary to the aims of the Lee Valley Regional Park Authority and would cause harm to the character and function of the Lee Valley Regional Park, contrary to policy RST24 of the adopted Local Plan and Alterations.
- 4 The retention of the use of the buildings subject of this application is contrary to the use of the area for horticultural and agricultural purposes within the designated glasshouse area. Therefore the proposal is contrary to policy E13B of the adopted Local Plan and Alterations.
- 5 The retention of the use of the buildings subject of this application is unacceptable as the structures are not of a permanent and substantial construction, and thus unsuitable for the ongoing use of restoration and renovation of motor vehicles, due to the disturbance caused to neighbouring properties, by way of noise, fumes, dust and odours, contrary to policies RP5A and DBE9 of the adopted Local Plans and Alterations.

POSITIVE AND PROACTIVE STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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AREA PLANS SUB-COMMITTEE 'WEST'

6 March 2013

INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/2437/13	22 Palmers Grove, Nazeing	GRANT	23
2.	EPF/0012/13	1 Tudor Way, Waltham Abbey	GRANT	29

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Report Item No: 1

APPLICATION No:	EPF/2437/12
SITE ADDRESS:	22 Palmers Grove Nazeing Essex EN9 2QF
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Lloyd Mann
DESCRIPTION OF PROPOSAL:	Erection of a two bedroom dwelling
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=544324

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 3 Prior to first occupation of the development hereby approved, the proposed window opening on the first floor of the western flank elevation 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.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for

planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 6 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.
- 7 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 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.
- 8 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 9 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surface and sealed. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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:

22 Palmers Grove is located on a corner plot within the built up area of Nazeing. The site itself is rectangular in shape and is relatively level. Currently located on the site is a double storey semi detached dwelling finished from facing brickwork and a plain tile roof. Residents currently park vehicles on the hard standing area towards the front of the dwelling although it should be noted that there is no official vehicle access to the site as there is no dropped kerb in place. A modest size hedgerow is located along the front and side boundaries of the site which is used to screen a private garden area.

Palmers Grove has many similar semi detached properties but there are also terraces and bungalows within the locality. Front setbacks from the highway are consistent and space/gaps between building blocks form an important component to the character of the surrounding locality. The site is not located within the green belt or within a conservation area.

Description of Proposal:

The applicant seeks planning permission for the construction of a two bedroom dwelling that would be attached to the flank elevation of the existing dwelling. The dwelling would be constructed in line with the front and rear façade of the existing dwelling and on average 3m from the side boundary. It would have a width of 5.1m by a depth of 7.2. The dwelling would consist of a gable roof form with its ridge height being slightly lower than the existing dwelling. Two off street vehicle spaces are proposed for the new dwelling house, one to the front and one located along the rear boundary. The existing dwelling would maintain at least one off street parking space. The site would be split into two with the existing dwelling and the proposed having its own private garden area to the rear.

Relevant History:

EPF/0014/10 - Proposed two storey side extension (withdrawn)

EPF/0697/10 - Proposed two storey side extension (refused by sub committee – allowed with conditions under appeal).

EPF/1878/12 - Certificate of lawful development for a proposed rear dormer window in a loft conversion (lawful)

Policies Applied:

Local Plan policies relevant to this application are:

CP1 Achieving Sustainable development objectives
CP2 Protecting the quality of the rural and built environment
CP3 New Development
DBE1 Design of new buildings
DBE2 Detrimental effect on existing surrounding properties
DBE6 Car Parking in new development
DBE8 Private amenity space
DBE9 Loss of Amenity
LL10 Protecting existing landscaping features
ST4 Highway safety
ST6 Vehicle parking

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

Summary of Representations

NAZEING PARISH COUNCIL: Object.

The previous application for a two storey extension (EPF/0697/10) was granted on appeal despite objection from the Parish Council. The Council wish to re-iterate its previous objections in that it should not be converted into a separated dwelling leading to intensification of dwellings in a constricted area.

NEIGHBOURS:

15 letters sent to adjoining property occupiers. Two representations were received from the following occupiers:

27 PALMERS GROVE, NAZEING: Object

I am opposed to the development due to the impact will have on parking within the vicinity and roadway congestion at the junction of Palmers Grove. Also I believe it will detract from the current more open aspect of the housing around the junction

29 PALMERS GROVE, NAZEING: Object

I believe that should this application be approved it would spoil the general view for many residents. Many like myself have lived here for many years and I feel that it would spoil my view also as the applicant has already extended his property through the roof. I feel that is sufficient enough.

Issues and Considerations:

The main issues to consider are:

- Design and appearance
- Neighbouring amenities

Design and appearance:

The proposed dwelling would be of the same scale, size and siting as the two-storey side extension that was allowed under appeal ref: APP/J1535/D/10/2136200. The proposed two storey extension significantly increased the size of the existing dwelling to almost double its width.

The planning inspectorate stated within their appeal decision that the two storey side extension would not appear cramped on this large corner plot site with a sufficient gap remaining between the gable end of the extension and the site boundary. They also concluded that the extension would not have a significantly adverse effect on the character and appearance of the pair of semi detached dwellings at 22 and 24 Palmers Grove.

Given that the planning inspectorate had no concerns with the overall size of the two storey side extension and that the proposed dwelling would be of the same scale, proportion and massing as the extension, it is officer's opinion that the overall size and scale of the proposed dwelling is appropriate.

Although plain in styling, the proposed dwelling would match the patterns and features that are found on adjoining buildings within the surrounding locality. In addition, the design and appearance of the proposal would not be too dissimilar to the extension that was allowed under appeal. The only difference being the size and position of window and door openings. The dwelling would appear sympathetic and fit into the street scene and as such it would not result in an adverse impact to the character and appearance of the surrounding locality.

Neighbouring amenities:

The proposed development would not result in a materially greater detriment to the amenities of adjoining occupiers from the extension that was allowed at an appeal.

The proposed dwelling would consist of first floor windows on the front side and rear elevations at first floor level. The flank window would be conditioned to be obscured glazed to prevent direct overlooking into habitable rooms of neighbours. The rear window would have the potential to overlook into adjoining rear gardens however this is not an uncommon feature within built up areas and some overlooking is expected. The rear window would not overlook into adjoining habitable rooms. The front window would be set back a significant distance away from habitable room windows opposite the site as not to cause any adverse impacts.

Due to the orientation of the site and the position and location of the proposed dwelling, it is officer's opinion that there would not be an excessive amount of overshadowing to adjoining properties. Adequate light would be achieved to habitable room windows and private garden areas for the majority of the day.

The proposed dwelling would not be overbearing or be visually intrusive that would lead to an unneighbourly development.

Other issues:

The Adopted Parking Standards 2009 requires a minimum of 2 off street parking spaces for a 2 or more bedroom dwelling. Two off street parking spaces have been provided for the dwelling house meeting the requirements of the standards. Although no dropped kerbs have been shown, given that Palmers Grove is not a Classified Road, planning permission is not required for new vehicle accesses. In any case, it is officer's opinion that the proposed development would not lead to traffic congestion or adversely affect highway safety.

Approximately 50 square metres of private garden area has been provided to the rear of the new dwelling. In addition, the existing dwelling would retain approximately 55 square metres of private garden area. It is officer's opinion that both private rear garden areas would be sufficient to meet the recreational needs for the future residents of both properties.

The site lies within Epping Forest Districts Council's flood risk zone. The area of impervious surfaces will increase by approximately 70m², leading to an increase in surface water runoff. As such Council's drainage officer has requested that a Flood Risk Assessment (FRA) be required via a planning condition.

Conclusion:

The proposed development is appropriate in terms of its design and appearance and it would not result in an excessive impact to the amenities enjoyed by adjoining occupiers. The development is in accordance with the policies contained within the Adopted Local Plan and Alterations which are consistent with the National Planning Policy Framework. It is therefore recommended that the application be approved 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:

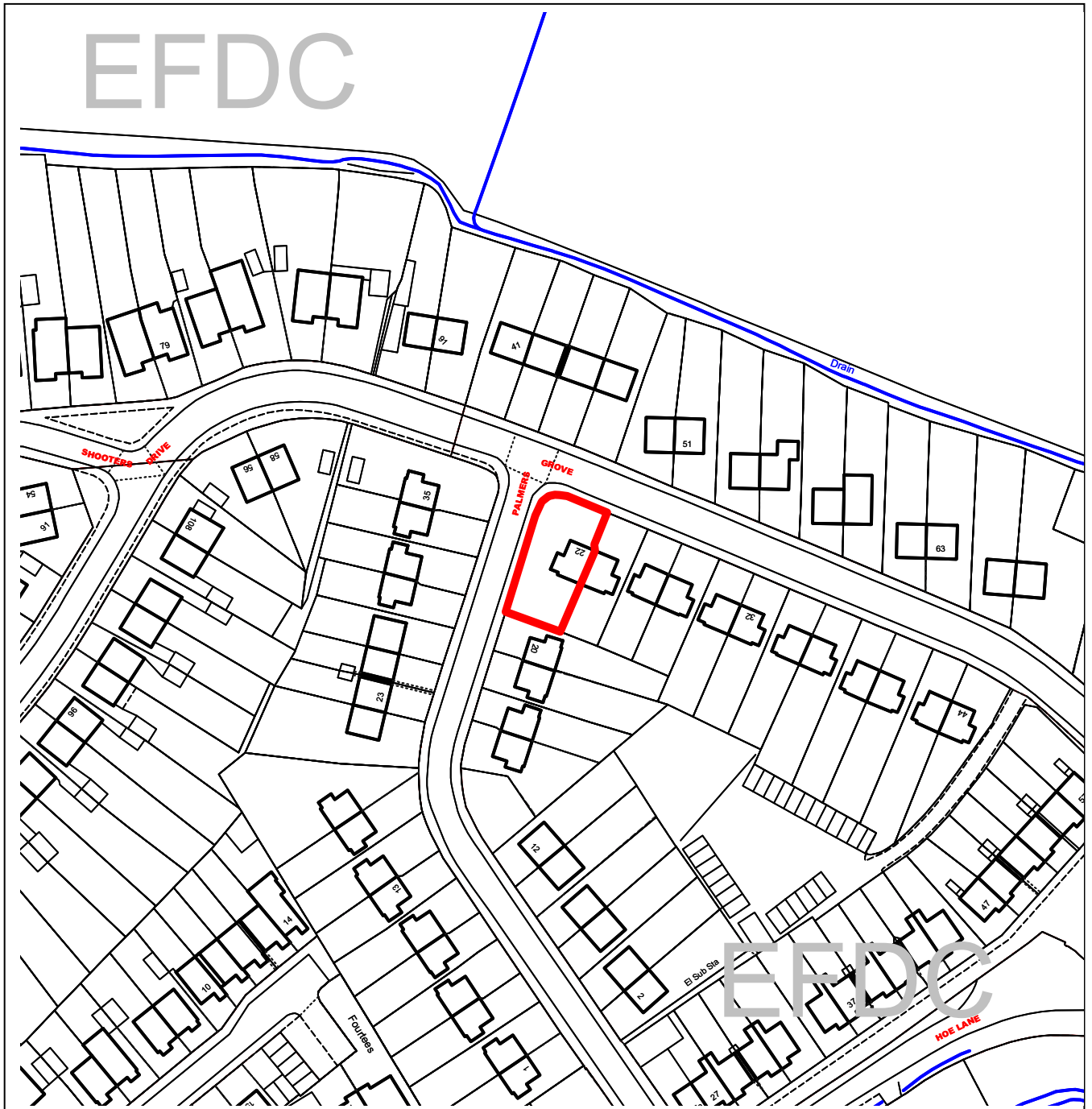
***Planning Application Case Officer: Lindsay Trevillian
Direct Line Telephone Number: 01992 564 337***

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/2437/12
Site Name:	22 Palmers Grove, Nazeing EN9 2QF
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0012/13
SITE ADDRESS:	1 Tudor Way Waltham Abbey Essex EN9 1PU
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
APPLICANT:	Ms Hayley Paris
DESCRIPTION OF PROPOSAL:	Rear ground and first floor extension, front porch and sloping roof over front projection. Garage converted to habitable room.
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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544550

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to first occupation of the development hereby approved, the proposed window opening in the first floor flank elevation 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.
- 4 All construction 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 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.

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:

Two storey semi-detached dwelling located on the western side of Tudor Way, Waltham Abbey. The dwelling is the first property on Tudor Way and as such shares a side boundary with the rear boundaries of No. 1-3 Saxon Way. The gardens to these neighbouring properties are relatively shallow, being some 13m deep (excluding the extensions added to some of the properties).

Description of Proposal:

Consent is being sought for a single storey rear extension, first floor rear extension and the installation of a front porch and sloping roof to the front of the dwelling. The proposed single storey extension would be 3.4m deep and 3.6m wide and would infill between the existing single storey rear projection and the shared boundary with No. 3 Tudor Way. This would have a pitched roof to a maximum height of 3.7m. The proposed first floor extension would be 3.4m deep and 3.4m wide and would be in line with the northern flank wall approximately 1m set off the side boundary of the site. This would have a gable ended pitched roof to a ridge height of 6.5m. The proposed porch would be 1m deep and 1.4m wide with a ridged roof to a height of 3.2m, and the proposed new roof would introduce a 3.7m high pitched roof atop the existing flat roofed front projection. The development also proposed a new first floor flank window within the side wall to serve a shower room.

Relevant History

None

Policies Applied:

DBE9 – Loss of amenity
DBE10 – Residential extensions

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

Consultation Carried Out and Summary of Representations Received:

9 neighbouring properties were consulted. No Site Notice was required.

TOWN COUNCIL – Object on the grounds of overlooking and dominance that would contribute to the adverse impact the development would have on the enjoyment of neighbouring properties. We would also comment that the proposal would be detrimental to the street scene, as the extension/porch goes beyond the building line.

3 TUDOR WAY – Concerns about impact on light to their living room.

1 SAXON WAY – Object due to overlooking from the new first floor rear window and due to the bulky and overbearing nature of the extension.

3 SAXON WAY – Object due to the loss of light to all rooms to the rear of their house, especially the kitchen and dining room; the overbearing and bulky nature of the extension would be out of scale to neighbouring properties; and due to overlooking and loss of privacy from the new window.

5 SAXON WAY – Object due to the overbearing impact and sense of enclosure that would result from the height and depth of the extension; the resultant loss of sunlight and daylight; and the

overlooking from the new window. Request that should permission be granted can the hours of construction be controlled.

Issues and Considerations:

The main issues to consider are the design of the proposal and the impact on neighbour's amenities.

Design:

The overall design of the development is in keeping with the character and appearance of the existing dwelling. The additions would all have pitched or ridged roofs to match the main roof form of the property, and the introduction of the porch and roof to the front would remove the existing, somewhat unsightly, flat roofed projection.

The Town Council raised concerns about the proposed porch extending beyond the building line; however this is commonplace to almost all front porches. The proposed porch is of a very modest size and would only reach a depth of 1m beyond the existing front building line. As a porch up to 3 sq. m. in area could be erected on this site without planning permission (limited to 3m in height), it is not considered that the slight extension beyond the building line for this purpose is unacceptable.

Amenity:

The proposed ground floor rear extension would be 3.4m deep and located on the shared boundary with the attached house, No. 3 Tudor Way. This neighbour has a large living room window adjacent to the proposed extension, which would suffer some impact from the development. However, the proposal is only 400mm deeper than that which can be erected without planning permission and is located to the north of the neighbour's site. As such, there would be no direct loss of sunlight as a result of the development, and the additional 400mm depth would not result in an excessive impact on the neighbour's amenities over and above that which Central Government considered to be acceptable.

The proposed first floor rear extension would be set in 3.7m from the shared boundary with the attached No. 3 Tudor Way and 1m from the shared boundary with No. 3 Saxon Way. The attached neighbour has what appears to be a first floor bedroom window adjacent to the shared boundary. Given the 3.7m set back from the shared boundary the proposed first floor extension would not impose within a 45 degree line as drawn from the centre or edge of the neighbour's window and would be located to the north of the neighbour's site. As such, the proposed first floor extension is not considered to detrimentally harm the amenities of this neighbour. The immediately adjacent dwelling to the north is No. 3 Saxon Way, although views of the proposed first floor extension would be received from No's. 1-5 Saxon Way, all of which back on to the application site. These neighbouring dwellings have relatively short gardens, made even shorter by single storey and two storey rear extensions. The most affected of these properties, No. 3, contains a ground floor kitchen window some 14m distant, and a ground floor dining room window some 10.5m distant from the proposed first floor extension. There are also first floor windows overlooking the site that are some 14m distant from the proposed extension.

Given the outlook from these windows and the relatively small garden depths, the proposed extension would have an impact on the amenities of the residents of No. 3 Saxon Way. Furthermore, given that the extension is located to the south of this neighbour, there would also be some impact on sunlight reaching the rear part of the neighbour's garden until approximately midday. Notwithstanding this, the proposed extension clearly meets the standards set out in the Building Research Establishments "*Site Layout Planning for Daylight and Sunlight 1991*", as recommended within the Essex Design Guide. Furthermore, a larger first floor extension in terms

of width and height could be erected without planning permission on the application site, subject to it being set a further 1m from the shared boundary and reduced in depth by 400mm. Whilst the first floor extension as proposed would have some impact on the amenities of the residents at No. 3 Saxon Way, it is not considered that this would be significantly greater than the impact from a first floor extension erected under permitted development. Due to this very feasible 'fallback position' it is considered that, on balance, the proposed first floor extension is acceptable. Although the first floor extension would have some impact on the outlook of No. 1 and 5 Saxon Way, and a very limited loss of light to the ends of these gardens, this would not be significant enough to warrant a refusal.

Concern has been raised about the proposed first floor window within the flank elevation. Whilst this is not shown on the proposed floor plans, this would be located within the proposed shower room and could therefore be conditioned to have obscure glazing and fixed frames. The residents at No. 1 Saxon Way have also objected to the overlooking that would result from the new first floor rear window within the proposed extension, however it is not considered that this would have any greater impact than the existing first floor rear windows, and as such this is considered acceptable.

The proposed porch and new front roof would have no impact on any neighbouring residents.

Conclusion:

Whilst the proposed extensions would impact on the amenities of the neighbouring residents, this impact would not be significantly greater than the impact from a part two storey part single storey extension erected under permitted development. As this is a very feasible 'fallback position' it is considered that, on balance, the proposed development is acceptable. 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:	2
Application Number:	EPF/0012/13
Site Name:	1 Tudor Way, Waltham Abbey EN9 1PU
Scale of Plot:	1/1250

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