

Report Item No: 1

APPLICATION No:	EPF/0180/10
SITE ADDRESS:	Land to the rear of 8 Joyce Court Waltham Abbey Essex EN9 1NW
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Mr Andy Graham
DESCRIPTION OF PROPOSAL:	TPO/EPF/50/09 T1 Poplar - Fell T3 Poplar - Fell T4 Poplar - Fell
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

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

Description of Proposal:

T1.Poplar. Fell.
(N.B. Original application to fell 3 Poplars – see relevant history below)

Description of Site:

T1 stands approximately 18 metres tall, in an area of land containing many mature trees around the banks of a large pond, which is fenced off from rear gardens of the applicant's home and the neighbouring dwellings. A car park of a large supermarket stands to the south. The group of tall trees at the eastern end of this plot of land provide landscape value and screening from a modern residential development to the east. The applicant's modest rear garden of the semi-detached residential property contains a very attractive ornamental Laburnum tree close to the conservatory addition and a 3 metre tall Whitebeam overhangs the rear fence growing from the pond area.

Relevant History:

The application, as submitted, requested the felling of three trees, T1, T3 and T4. The site visit revealed only 1 tree present: T1. Only a stump and some regrown shoots are visible at the

locations marked on the applicant's plan. No records exist for works to these trees under the new TPO/EPF/50/09, although the previous order ESX/05/53 was an Essex County Council order. Investigations currently seek to establish whether the trees were felled under County control or since the service of the new District Area order, which unusually followed the same area designation due to access difficulties.

The report before Committee can now only consider the application for the felling of one Poplar tree; T1, standing in this area of land beyond the applicant's rear garden.

Policies Applied:

Epping Forest District Local Plan and Alterations:

LL09 Felling of preserved trees.
LL08 Pruning of preserved trees

SUMMARY OF REPRESENTATIONS:

Three of the immediate neighbours were notified but no representations were received.

WALTHAM ABBEY TOWN COUNCIL had no objection to the proposal subject to officer approval and the request for suitable replacements.

Issues and Considerations:

Applicant issues

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

- The trees take moisture from beneath the conservatory footings and have caused the rear elevation of the house to subside.

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

i) Examination of evidence to support the subsidence allegation.

The applicant has submitted a statutory requirement level of supporting technical information designed to establish a causal link between the damage occurring to the house and the roots of these particular trees.

The interpretation of the data received is summarised, as follows:

- a) trial pits dug near the areas of damage revealed the presence of live poplar or willow roots beneath the building's footings.
- b) an Arboricultural Assessment Report linked these roots and their ability to extract moisture from the soil in these zones with a rotational pattern of movement of the rear elevations of the house and conservatory.
- c) soil was tested and found to be plastic with the potential for volumetric change dependant on levels of moisture content. The soil moisture was tested and found to be artificially dried or desiccated.
- d) engineers have discounted other potential causes such as leaking drains from high shear vane readings at shallow levels, which indicate stiff, dry soil conditions.
- e) slight movement has been shown on a level distortion diagram. The level monitoring recordings of movement to the rear portion of the house cover a period that show the effects of tree roots at times of growth and during periods of dormancy. The rear of the building slumps downward in the summer months, at a time when tree roots are usually

most water demanding to then recover during winter, when roots are dormant. This type of seasonal movement differs from a progressive movement, which can be due to other causes such as leaking drains. Cyclical movement is generally attributed to a vegetative influence, in this case Poplar roots.

Planning considerations

i) Visual amenity

In the absence of T3 and T4, T1 Poplar has moderate public amenity. It is visible from the residential cul de sac; Joyce Court but only as one tree amongst a group of tall broadleaf and conifer specimens. The tree helps to provide scale and screening but is in front of a large Leyland Cypress, which has contributed to the tree's uneven form. The potential loss of the Poplar will not leave a gap because the Cypress behind it will continue to provide screening cover.

ii) Tree condition and life expectancy

The tree has a crooked stem close to the ground and has regrown from a previous topping operation at around 9 metres. This has produced a further 'dog leg' distortion in the upper stem, where a new shoot has developed on the side of the wound and grown to the light above. The tree has a structural flaw here, known as a 'notch stress' and the possibility of decay around this wound point is high, which may lead to failure. Foliage is vigorous in the upper reaches of the crown. The distribution of leaf cover is uneven and predominantly towards the top of the tree, due to its closely grown position. This gives the tree a drawn up, one sided and less attractive appearance. Notwithstanding the structural problems observed in the main trunk, its condition would be described as normal with a foreseeable life expectancy exceeding 20 years into the future.

iii) Suitability of tree in current position

The tree stands approximately 8 metres from the rear elevation of the house. This location is not ideal for a shallow, 5 metre deep rear garden. Even if the tree were to remain, repeated major pruning works will be required to manage this and neighbouring trees in such close proximity.

The tree contributes to the larger group of trees and together they form a significant background landscape feature when viewed from Joyce Court.

Conclusion:

Planning policy states that tree removal needs to be not simply justifiable but necessary. The submitted technical evidence, does appear to indicate that there is justification to remove T1 on grounds of root induced subsidence to the rear elevation of the conservatory. Importantly, the amenity value of the tree is not such that its loss would have a detrimental impact to the landscape character of this part of Joyce Court, because the presence of several other large trees in the vicinity will continue to provide good screening in this locality.

Therefore, it is recommended to grant permission to fell T1 Poplar on the grounds that, on balance, the evidence appears to show that roots from this tree are a principal cause of the damage to the rear of 8 Joyce Court. The proposal therefore accords with Local Plan Landscape Policy LL09.

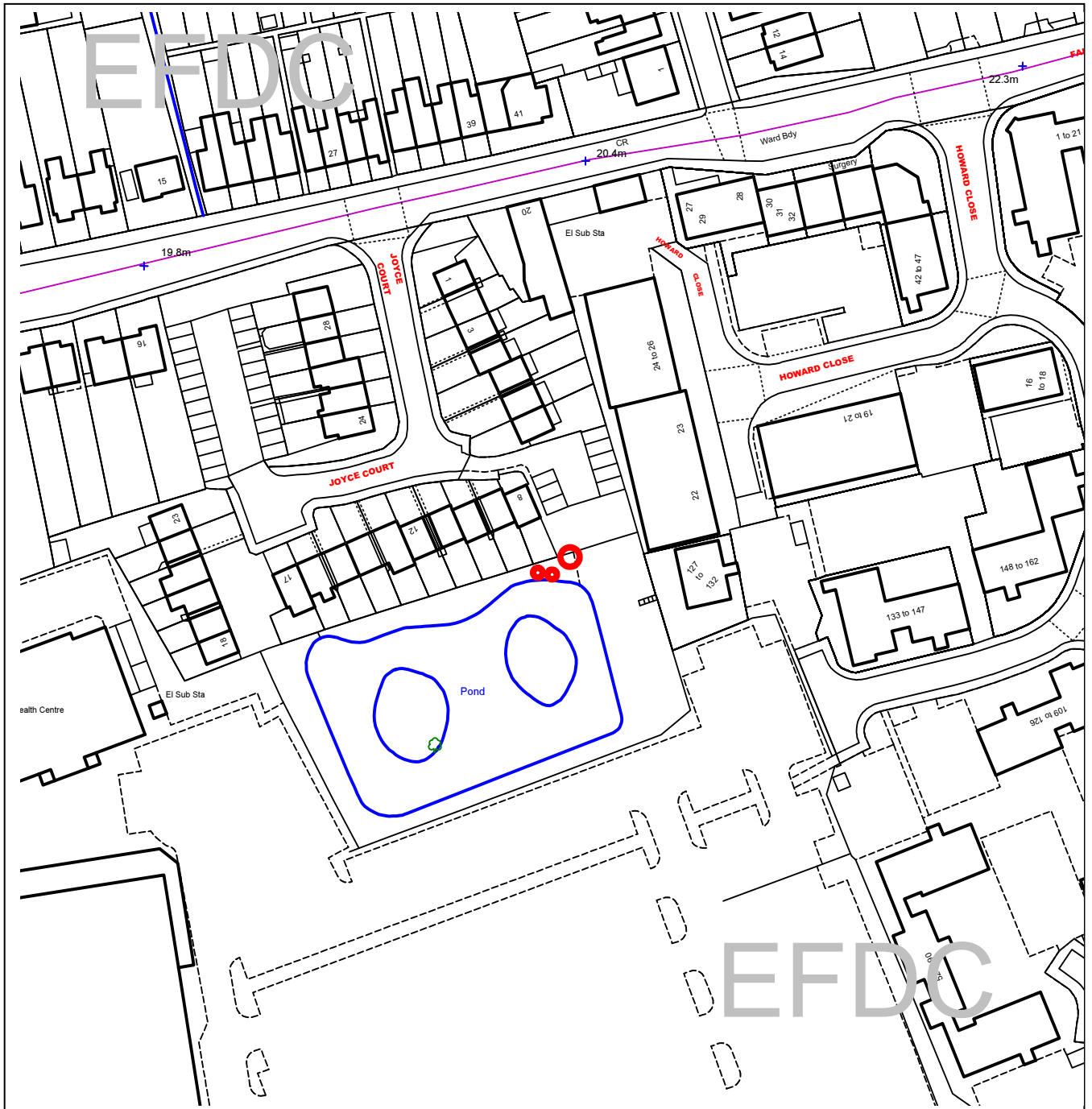
In the event of members agreeing to allow the felling, it is recommended that a condition requiring prior notice of the works to remove it must be attached to the decision notice.

In relation to replacement planting, in this instance no condition is suggested because the tree is situated on third party land. A replacement in the applicant's rear garden would have little or no public amenity value. However, officers will pursue suitable replacement planting in respect of the missing trees on the adjacent land.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	1
Application Number:	EPF/0180/10
Site Name:	Land to the rear of, 8 Joyce Court, Waltham Abbey, EN9 1NW
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0824/10
SITE ADDRESS:	14 Shooters Drive Nazeing Essex EN9 2QD
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Richard Bernstone
DESCRIPTION OF PROPOSAL:	Erection of side and rear extension (as per previous approval EPF/2062/09) but with erection of 3 front dormer windows, 1 rear dormer window, formation of gable end at first floor rear with glazed doors and juliet balcony, and removal of chimney stacks. (Amended application.)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 3 The doors in the gable end rear extension hereby approved shall only open inwards to the room, and the associated safety rail shall protrude not more than 300mm out from the rear vertical wall of this gable end.

This application is before this Committee since the recommendation differs from the views of the local council (pursuant to section P4, schedule A (g) of the Councils delegated functions).

Description of Proposal:

Erection of side and rear extension (as per previous approval EPF/2062/09) but with erection of three front dormer windows, one rear dormer window, formation of gable end at first floor rear with glazed doors and Juliet balcony, and removal of chimney stacks. (Amended application)

Description of Site:

A bungalow located on the south side of Shooters Drive. Other dwellings nearby are a mix of bungalows, some with extensive rooms in the roof, together with some two storey houses.

Relevant History:

EPF/2157/05 An application for side and rear extensions, plus front dormers, was dismissed on appeal – on grounds that extension would affect amenity of neighbours.

EPF/2062/09 An application for a side and rear extension was approved – the size of the extension was smaller than that proposed under EPF/2157/05. This approval has not yet been implemented.

Policies Applied:

DBE9 – Loss of amenity;
DBE10 - Residential extensions;

Summary of Representations:

NAZEING PARISH COUNCIL – No objections to the addition of front dormers to the previous approval. However, object to the rear dormer window and formation of gable end with glazed doors and juliet balcony – because it would be overdevelopment and cause loss of privacy to neighbours.

9 neighbours have been consulted and two replies have been received.

25, SHOOTERS DRIVE (lying opposite) – object because proposal is bulky, dormers will overlook my lounge, and the increased accommodation would aggravate parking problems.

6, LANGFIELD CLOSE (to the rear) – object because of overlooking from full height doors and juliet window to be placed in the rear roof gable end, and also from the rear dormer window. The applicants have removed some trees and bushes in the rear part of their rear garden, and my tree loses leaf in winter thus causing overlooking.

Issues and Considerations:

The previously approved EPF/2062/09 allowed for this bungalow to be extended at the side and rear although the height of the new roof would not be higher than the roof apex on the existing bungalow. With the exception of the gable end replacing a hipped roof at the rear the current proposal does not propose any increase in height or size of the roof over what was previously approved. The three front dormer windows are small in scale and will be subordinate to roof. Other bungalows in the road have roof extensions with larger or more dormer windows eg as at nos.10 and 8 Shooters Drive, and the proposed dormers will not be out of keeping in the street scene. The neighbour opposite also objects on grounds of overlooking. However, his house at no.25 lies 28m from the application property, and it stands on considerably higher land. There is therefore no appreciable loss of privacy to this house lying opposite.

At the rear the proposed gable end will have only a small effect on the amenity and outlook of the adjoining no.12, which itself has been considerably extended. The householder at 7 Langfield Close, which lies to the rear, has objected on grounds of loss of privacy from the proposed full height glazed doors and juliet balcony in the gable end, plus the dormer in the adjoining roof slope. No.7 Langfield does lie on lower land but it is located 29m from the proposed loft space. The use of glazed full height doors to converted loft rooms has become popular recently but the term juliet balcony is a misnomer since there is no balcony to stand on. Instead the glazed doors open inwards and the safety railing only protrudes some 11 inches out. Given that a balcony or roof terrace is not involved, and that there is a distance of 29m between the relevant windows, the proposal will not cause a material loss of privacy to the property at the rear. In any event the applicant is to replant trees close to the rear boundary of his plot thus creating more screening.

In relation to the concerns of the Parish Council regarding overdevelopment the proposed roof alterations are not excessively bulky, and from the front in particular the property will still appear as a bungalow with small dormer windows in the roof. Given the sizeable width of the plot the proposed roof alterations do not create a cramped appearance, and the proposal is acceptable in the street scene.

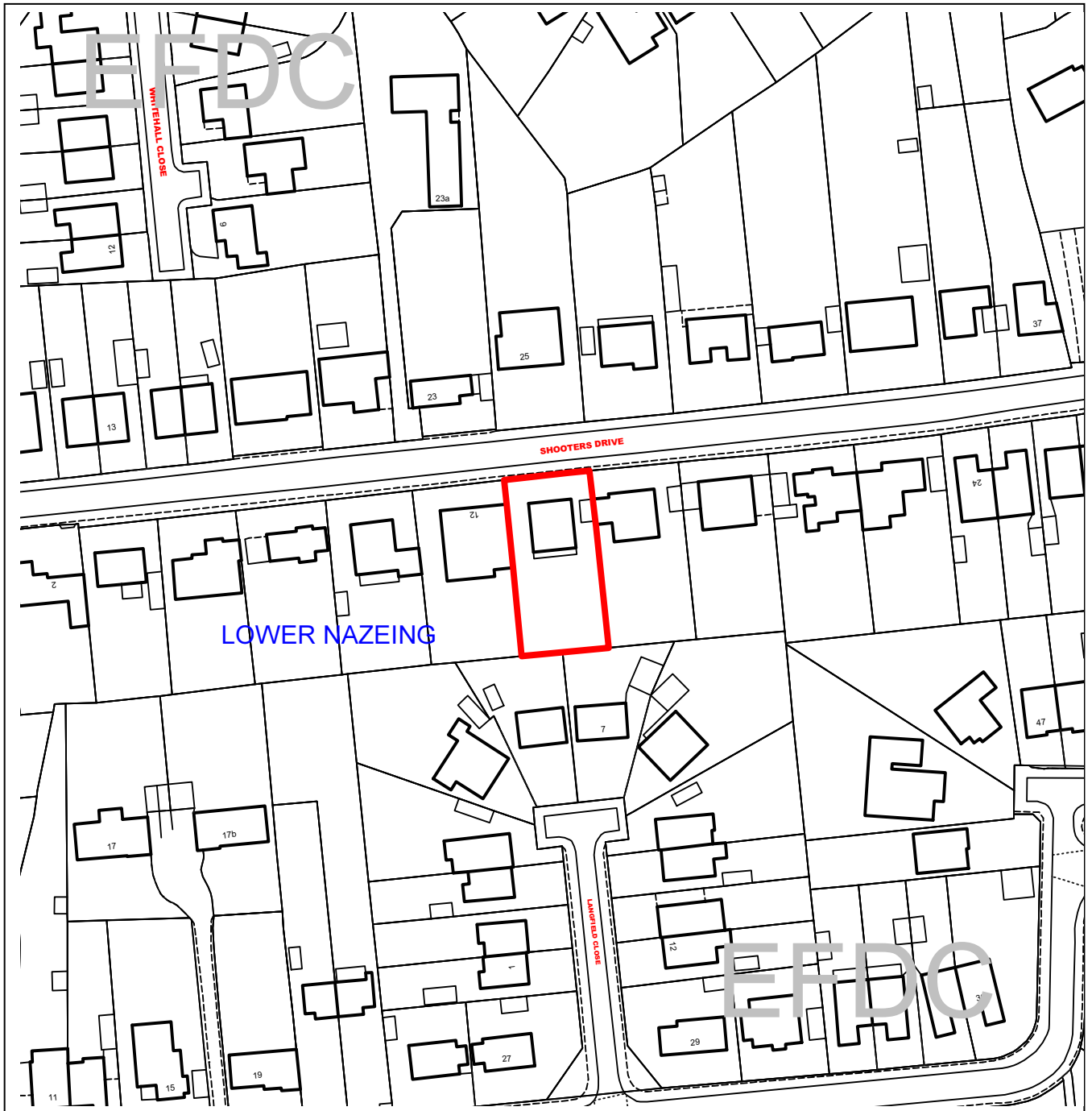
Conclusions

It is recommended that planning consent be granted subject to conditions, including one ensuring that a balcony/terrace cannot be created.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	2
Application Number:	EPF/0824/10
Site Name:	14 Shooters Drive, Nazeing, EN9 2QD
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0849/10
SITE ADDRESS:	Holmsfield Nursery Meadgate Road Nazeing Essex
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr J Connors
DESCRIPTION OF PROPOSAL:	Retention of use of site for eight private gypsy plots to replace previous temporary consent.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

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

Margaret Brien
Margaret Brien
Helen Brien
Bridget Brien
Kathleen Connors
Ann-Marie Connors

Joseph Connors
Julie Connors
Margaret Connors
Edward Connors
Patrick Brien
Mary Brien

Patrick Brien
Ann Brien
Ann Brien
Elizabeth Brien
Miles Brien
Elizabeth Brien

John Brien
Kathleen Brien

Patrick Connors
Elizabeth Connors
Johnny Connors
Edward (Ned) Connors

Patrick Brien
Ann-Marie Brien
Helen Delaney

Tom Brien
Margaret Brien
Jim Brien
Ann Brien
Martin Brien
Margaret Brien
Jim Brien

John Connors
Mary Connors
Jim Connors
Ann Connors
Ann Brien

- 2 No more than the following number of caravans as defined in the Caravan Sites and Control of Development Act 1968 shall be stationed on the site at any time:

Plot 1: 4, of which no more than 2 shall be static caravans and mobile homes
Plot 2: 3, of which no more than 2 shall be static caravans and mobile homes
Plot 3: 4, of which no more than 2 shall be static caravans and mobile homes
Plot 4: 3, of which no more than 1 shall be static caravans and mobile homes
Plot 5: 3, of which no more than 1 shall be static caravans and mobile homes
Plot 6: 3, of which no more than 2 shall be static caravans and mobile homes
Plot 7: 4, of which no more than 2 shall be static caravans and mobile homes
Plot 8: 4, of which no more than 1 shall be static caravans and mobile homes
- 3 No caravans shall be stationed, no means of enclosure shall be erected, no hard surface shall be laid and no further vehicular access to Meadgate Road shall be formed on the land between Meadgate Road and the 8 plots as shown hatched on Plan A submitted with this application.
- 4 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.
- 5 The hedge on the boundary of the site with Meadgate Road shall be retained in its entirety and shall not be reduced below a height of 2.5 metres above ground level.
- 6 Within 3 months from the date of the decision, or within a time scale otherwise agreed in writing with the Local Planning Authority, the disused building and water tanks within the northern section of the site and the disused building marked 'shed' on Plan Ref: JC:01 shall be demolished and all associated materials shall be removed from the site.
- 7 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.

- 8 Within 3 months from the date of this decision, a contaminated land assessment shall be submitted to the Local Planning Authority to determine the risks from contaminants at the site in accordance with an agreed protocol. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted. Following any necessary remediation, a completion report and any required maintenance programme shall be submitted to and agreed in writing by the Local Planning Authority.
- 9 If any of the requirements of conditions 7 and 8 of the decision are not met, the use of the site for the stationing of mobile homes shall cease within 28 days and the land returned to its condition prior to the commencement of the use, and all mobile homes, caravans, fencing other than that to the northern and eastern site boundaries, and hard surfacing laid in connection with the use shall be removed from the land.

This application is before this Committee since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section CL56, Schedule A (d) of the Council's Delegated Functions).

Description of Proposal:

Permanent consent is being sought for the eight private gypsy plots currently on site, which benefit from a temporary consent until June 2013. The site currently contains eight private pitches, which would remain unchanged with this proposal. It is further proposed in this application that the disused buildings on site be demolished and removed and additional landscaping be installed.

Description of Site:

The application site is an irregular 1.4 hectare area of land accessed from the south side of Meadgate Road some 120m west of its junction with Sedge Green. The site is located within the Metropolitan Green Belt and the Lee Valley Regional Park (LVRP). The site is bounded to the east by a detached house and Sedgeregreen Nursery, to the south and west by open scrubland, and opposite the site to the north is a general industrial site.

The site is divided into two clearly defined areas. The northern section is some 0.5 hectares and is unused, largely grassed, and contains a disused building and water tanks. The southern area of approximately 0.9 hectares is predominantly hard surfaced and contains the eight existing pitches, as well as a large disused former agricultural building.

Relevant History:

The application site has a number of previous planning applications relating to its former agricultural/horticultural use. However the only relevant planning application in relation to this proposal is:

EPF/1340/05 - Change of use of the land to a private gypsy site – refused on the following grounds:

1. *The site is within the Metropolitan Green Belt and the use of the land to provide a private gypsy caravan site in isolation is inappropriate development that is by definition harmful to the Green Belt. The scale of the proposal, its retention of made ground over the land, the stationing of caravans and vehicles, erection of ancillary structures and means of*

enclosure together with the normal everyday activities of people living on the land the proposal would cause significant harm to the openness of the Green Belt and only serve to perpetuate the acknowledged harm caused by the existing unlawful use and undermine the purposes of including the land in the Green Belt. It has not been demonstrated that very special circumstances sufficient to overcome this harm exist in this particular case. Accordingly the proposal is contrary to policies CS2, CS4, C2 and H6 of the Essex and Southend on Sea Replacement Structure Plan, adopted April 2001 and to policies GB2 and H11 of the Epping Forest District Local Plan, adopted January 1998.

2. *Due to the scale of the proposal, its retention of made ground over the land, the stationing of caravans and vehicles, erection of ancillary structures and means of enclosure it would fail to respect the landscape and tranquil rural setting of this part of the Lee Valley Regional Park, containing well-used recreational facilities and cause permanent damage to the character of the countryside. Accordingly, the proposal is contrary to policy NR1 of the Essex and Southend on Sea Replacement Structure Plan, adopted April 2001 and policy LL2 of the Epping Forest District Local Plan, adopted January 1998.*

3. *Insufficient information has been provided to demonstrate whether the risk to the development by flooding is acceptable and whether the impact of the development on the risk of flooding of adjacent land is acceptable. Accordingly, the proposal is contrary to policy NR12 of the Essex and Southend on Sea Replacement Structure Plan, adopted April 2001 and policy U2 of the Epping Forest District Local Plan, adopted January 1998.*

4. *Insufficient information has been provided to demonstrate whether the risk of off-site contamination to the development is acceptable. Accordingly, the proposal is contrary to policy NR12 of the Essex and Southend on Sea Replacement Structure Plan, adopted April 2001 and policy U2 of the Epping Forest District Local Plan, adopted January 1998.*

5. *The existing means of disposal of sewage effluent is unsatisfactory and in the absence of any acceptable alternative proposals for the disposal of sewage effluent the proposal is likely to result in an unacceptable risk of pollution to the water environment. Accordingly, the proposal is contrary to policy NR12 of the Essex and Southend on Sea Replacement Structure Plan, adopted April 2001 and policy RP3 of the Epping Forest District Local Plan, adopted January 1998.*

6. *In view of reasons 1 and 2 above the proposal fails to comply with criteria (c) and (e) referred to in the supporting text for policy H11 of the Epping Forest District Local Plan, adopted January 1998. Moreover, there are no very special circumstances that would justify making an exception to Green Belt policies of restraint and the proposal would cause harm to the openness of the Green Belt and the character of the countryside. The proposal therefore conflicts with policy H11.*

A subsequent enforcement notice was served against the site and appealed. This appeal was allowed by the Planning Inspectorate on 14 December 2007, and the decision was upheld by the Secretary of State on 13 June 2008, however only granted temporary consent for a period of 5 years from the date of the decision.

The Planning Inspector concluded that a temporary permission would ensure that the harm identified to the Green Belt and LVRP would be relatively short lived and that the other material considerations in the case outweigh such a temporary harm to the openness of the Green Belt by way of inappropriateness and the harm to the character and appearance of the LVRP. The Secretary of State agreed with the Planning Inspector's decision.

Policies Applied:

CP1 – Achieving sustainable development objectives
CP3 – New development
GB2A – Development in the Green Belt.
GB5 – Residential moorings and non-permanent dwellings
GB7A – Conspicuous development
H10A – Gypsy caravan sites
RP3 – Water quality
RP4 – Contaminated land
RST24 – Design and location of development in the LVRPA
LL1 – Rural landscape
LL2 – Inappropriate rural development

Summary of Representations:

7 neighbouring properties were notified and a Site Notice was erected on 25/05/10. The following representations were received:

PARISH COUNCIL – The application was discussed at length with an even split between the councillors. The objections against were that the application was pre-empting any decisions on gypsy and traveller sites as there was still 3 years to run on temporary consent. Those councillors in favour felt that this should not remain in limbo and felt that the site should have some permanence.

LEE VALLEY REGIONAL PARK AUTHORITY – Object to the application on the grounds that the permanent use of the site to accommodate gypsies and travellers conflicts with the provisions of the Lee Valley Regional Park Act 1966, the Lee Valley Regional Park Plan 2000 and the draft Park Development Framework. The permanent use of the site would have an adverse impact upon the landscape and recreational value of the part of the Park if approved.

Issues and Considerations:

Policy H10A of the Local Plan Alterations states: *“In determining applications for Gypsy Caravan sites within the Green Belt the Council will have regard to (i) whether there are any very special circumstances which would justify an exception to the Green Belt policies of restraint, and (ii) the impact on the openness of the Green Belt and the character and appearance of the Countryside”*. The previous application was refused planning permission as it constituted inappropriate development in the Green Belt, was detrimental to the rural landscape and setting of the area, and due to flooding and contaminated land grounds; and it was considered that there were insufficient very special circumstances to outweigh this harm. Temporary consent was granted on appeal, and upheld by the Secretary of State, subject to conditions relating to land drainage and decontamination.

The site lies within the Metropolitan Green Belt and the proposal constitutes inappropriate development which, by definition, is harmful to the Green Belt. As such planning permission should only be given if there are very special circumstances that clearly outweigh this harm. The Secretary of State agreed with the Planning Inspector in that *“the development has a harmful impact on the openness of the Green Belt and is contrary to national policy”* and also that *“the unauthorised development is materially harmful to the landscape and the recreational values of the LVRP”*.

It was further stated by the Planning Inspectorate that the proposed very special circumstances would not *“clearly outweigh the harm to the openness of the Green Belt and by reason of inappropriateness and the harm caused to the character and appearance of the area and the*

landscape and recreational value of the LVRP, such as to justify the granting of permanent planning permission for the development". The Secretary of State subsequently agreed with this and stated that *"the unauthorised gypsy site should not be granted permanent permission"*.

It was however considered by the Planning Inspector that *"in terms of a temporary planning permission, the other material considerations in this case clearly outweigh the harm to the openness of the Green Belt and the harm by way of inappropriateness and the harm to the character and appearance of the area and the landscape and recreational value of the LVRP, such that very special circumstances exist"*. The Secretary of State agreed with this and considered that *"a temporary planning permission, subject to a number of conditions, strikes an appropriate balance in all the circumstances between the harm to the Green Belt, the landscape and the recreational value of the Regional Park and the acknowledged needs of the occupants"*.

Due to the previous decisions, the key consideration in this application are whether there are any further very special circumstances than previously put forward to outweigh the harm from a permanent site on this land.

The Planning Inspector previously recognised that it was very unlikely that sites within the built-up area of the district could be found for Gypsy and Traveller sites, however he did conclude that the harmful impact of the development on the Green Belt should be given substantial weight in this instance. The applicant states that they are unable to identify other sites in the locality. Since the previous decision it has been verbally reported by the applicant that there are seven additional young children from those named in the temporary consent, plus two of the current occupants are pregnant. Furthermore, additional verbal comments have been given with regards to the individual needs and requirements of the occupiers named on the temporary consent.

Of these current occupiers, at least three are elderly residents with the standard health requirements associated with old age, two of the occupants have diabetes, one has heart problems and one suffers from stress and memory loss. Also there is a resident with mental health issues, one with an unknown (by the applicant) long term illness, and one with cerebral palsy. Whilst no evidence has been provided to confirm this, it is stated that this would be available if required. All the above are registered with local doctors and all young children attend local schools.

The previous appeal decision, based on the evidence provided at this time, stated that *"the educational needs (put forward) are not uncommon and are common to the general population. Whilst they are material considerations, they are not of great weight"*. The Planning Inspector also stated that *"the most common ailment of the residents of the site is asthma, but there is no indication of the severity of this"* and that *"the information provided does not show that the occupants that are experiencing health problems depend on the occupation of this particular site to access medical care and none of the health problems are uncommon"*. Whilst there are additional children to those named on the temporary consent, it is not considered that this has added any significant weight to this circumstance. It appears that the health problems of some occupiers of the site are more severe than previously considered, however it is uncertain as to whether this adds significant weight to the very special circumstances either.

A rather rudimentary and half-hearted attempt at landscaping the site boundary has been made by the applicant which will improve with time and may soften the impact on openness, however the issues regarding the visual impact raised by the Planning Inspector remain valid. A development with this number of caravans is going to be prominent in the countryside whatever its location and regardless of the landscaping. The applicant has offered to undertake further landscaping on site, however it is considered by the Tree and Landscape section that any additional landscaping could really only be planted within the northern section of the site, where it would be ineffective in screening the harmful aspects of the site any more than the existing vegetation. However if additional screening is considered to improve the existing site then an additional landscaping

condition could be sought. A longer-term and more successful solution would be for an appropriate and adequate landscaping scheme to be implemented along the south and west boundary of the southern section of the site, however this would be on land owned by the LVRPA and therefore is outside of the applicants control.

Further to the offer of additional landscaping, the applicant has stated that they will remove the two disused buildings on the site. These buildings have a total footprint of approximately 120 sq. m. and are somewhat dilapidated and unsightly. Furthermore the large redundant building within the southern part of the site is relatively conspicuous from outside of the site. As such it is considered that the removal of these buildings would result in an improvement to the openness and character of the Green Belt.

Whilst the Planning Inspector previously stated that the development would result in an *"encroachment into the countryside"* they acknowledged that the character of the surrounding area is fairly built up and that the site is bordered by nurseries and there are commercial and residential premises nearby. Caravans are not an uncommon feature in the Regional Park and the recent planning history of the site (and the existing derelict buildings) indicates that this site itself was used as a nursery. As such it is probably many years since the site was 'countryside' in terms of having arable or pastoral uses.

Notwithstanding this, the Secretary of State previously concluded that a permanent consent would be *"materially harmful to the landscape and recreational values of the LVRP"*. Whilst the LVRP have objected to this proposal, it should be noted that they do not appear to have any definite intentions for the site, nor is it likely that any definite plans would be put forward in this area for some considerable time given the Authority's concentration on the Olympics and budget constraints elsewhere. As such, denying a significant number of families a permanent home on the grounds of undetermined recreational intentions may be considered unreasonable.

Whilst both the direction requiring the production of the Gypsy and Traveller DPD and the East of England Plan (EEP) have been revoked, and subsequently the number of pitches stated within the EEP is no longer relevant, there is still a recognised need for additional Gypsy pitches in the District. The number of pitches is now based on the Essex Gypsy and Traveller Accommodation Assessment, which determines that Epping Forest requires 32.4 additional pitches by 2013. As such, these pitches still need to be accommodated in the District, however unlike the requirement of the DPD these are to be determined on an individual basis.

This site is one of the larger Gypsy and Traveller sites within the district and, despite the above, is in a better location than other existing sites (both lawful and unlawful). The local school and closest shops are under one mile away, and closest doctor is half a mile away. The access to the site is acceptable and is not detrimental to highway safety. The site, whilst visible from the south and west, would be seen within the context of the surrounding nurseries and industrial units, and the site itself is well kept and causes no complaints or nuisance to neighbouring sites or occupiers. If permanent permission is not granted for the site then the families will have to move elsewhere at the end of the temporary period. The Planning Inspector admits that *"additional gypsy site provision is likely to be in the Green Belt and the primary determining issues are likely to be the nature of the land and its suitability for purpose rather than its Green Belt designation"* and as such it is almost a certainty that any additional sites that the occupiers relocate to will have similar Green Belt problems, and possibly others.

Despite the previous conditions placed on the temporary consent, it appears that the details regarding foul and surface water drainage and decontamination have not been submitted and agreed by the Local Planning Authority. However, as previously imposed by the Planning Inspector, these can be sought by conditions. Should these conditions not be complied with then the relevant Enforcement Action can be taken in respect of this.

Conclusion:

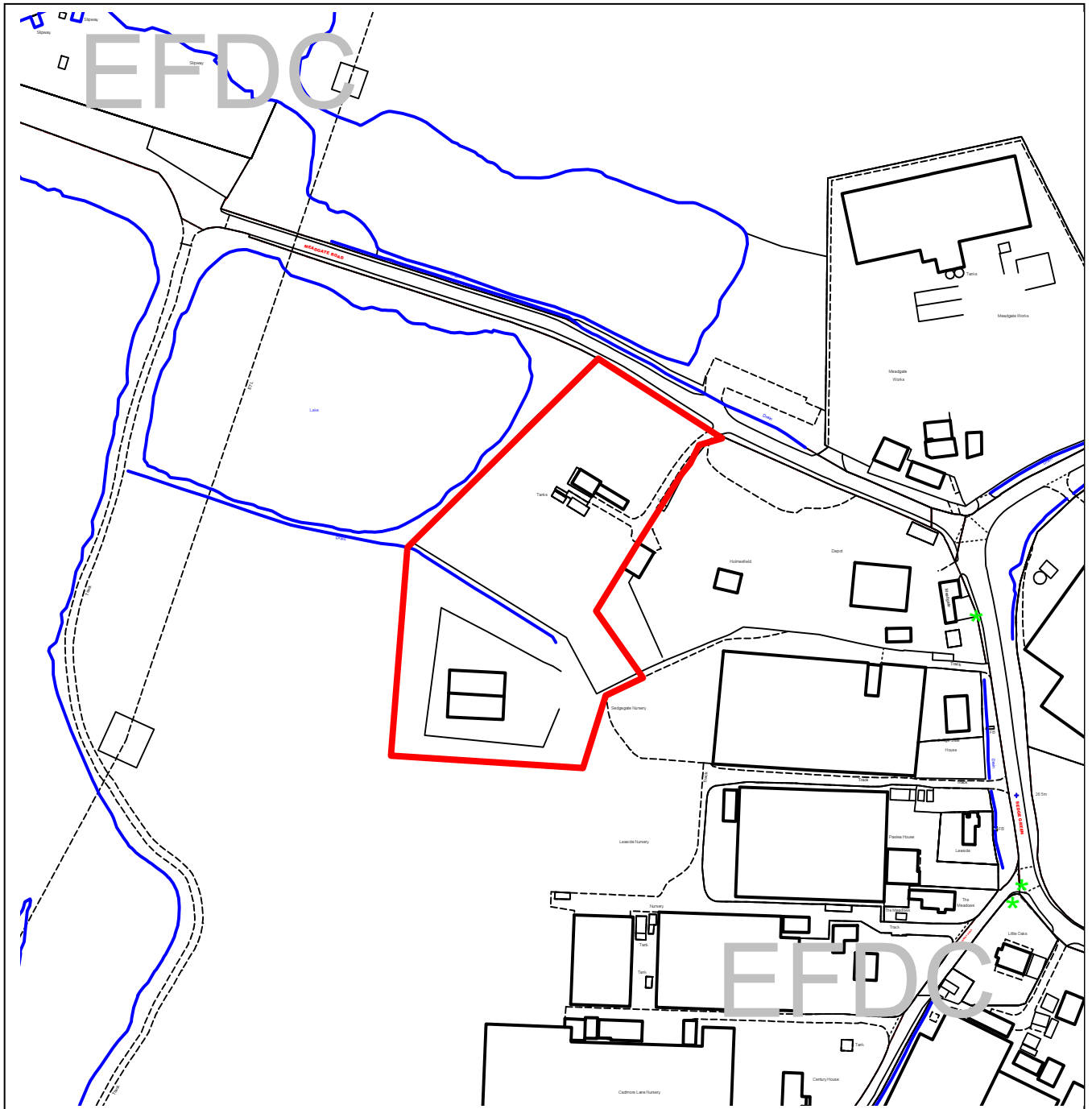
Some additional very special circumstances have been put forward to overcome the Councils, Planning Inspector's and Secretary of State's previous concerns. The most significant of these are the removal of the existing redundant farm buildings and the additional landscaping (which is not felt to be required), which would have some benefit on the visual appearance of the site. Furthermore, whilst a permanent site has been identified as being harmful to the appearance and recreational use of the LVRP, there are no specific plans for this particular site, which was previously used as a horticultural nursery. Furthermore, the failure to grant permanent consent for this site would simply transfer the problems from this site, which exists and causes no problems to surrounding occupiers, to additional sites elsewhere in the District after the expiration of the temporary consent.

Due to the above, on balance, it is considered that the removal of the existing redundant buildings and individual circumstances surrounding this site are sufficient to warrant the grant of permanent consent on this site. As such this application is recommended for approval, subject to the conditions suggested above.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	3
Application Number:	EPF/0849/10
Site Name:	Holmsfield Nursery, Meadgate Road Nazeing,
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/0971/10
SITE ADDRESS:	Oakview Netherhall Road Roydon Essex CM19 5JP
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr & Mrs Cappalonga
DESCRIPTION OF PROPOSAL:	Retention of single storey side and rear extension. (Revised application deleting that part of extension projecting in front of house.)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The extension hereby approved shall be completed within 6 months of the date of this decision, and the unauthorised front projecting part of the side extension shall be also removed within 6 months of the date of this decision.
- 2 Materials to be used for the external finishes of the proposed study extension, shall match those of the existing building.

This application is before this Committee since the recommendation differs from the views of the local council (pursuant to section P4, schedule A (g) of the Councils delegated functions).

Description of Proposal:

Retention of single storey side and rear extension (Revised application deleting that part of extension projecting in front of house)

Description of Site:

One of a row of three houses lying on the east side of Netherhall Road close to its junction with Hamlet Hill. This is a Green Belt location but with large areas of glass nurseries to the rear.

Relevant History:

EPF/666/98 approval given for a two storey house to replace a bungalow and outbuildings. Permitted development rights were removed by condition. This approval was implemented.

EPF/1056/99 Planning permission refused for a two storey side extension – on grounds that it would lead to an excessive addition over and above the size of the original bungalow contrary to Green Belt policy.

EPF/181/10 Planning permission refused for a single storey front side and rear extension to form garage and conservatory – on grounds that the garage projected in front of the house contrary to Green Belt policy, and that it was substandard in size.

Policies Applied:

GB2A – Development in the Green Belt; DBE9 – Loss of amenity; DBE10 - Residential extensions;

Summary of Representations:

NAZEING PARISH COUNCIL – Object – overdevelopment.

2 neighbours have been consulted and no replies have been received.

Issues and Considerations:

This current application is a revision from the application refused earlier this year under EPF/181/10. The changes to the proposal are that the 1.6m projecting front part of the side extension has been removed so that it now comes to a new alignment 0.3m behind the main two storey front wall of the house, and a study and conservatory are now proposed rather than a garage and conservatory.

The submission of the earlier application EPF/181/10 followed on from enforcement investigations since much of the work had been carried out, although it has since ceased. The applicants commenced work since they thought that the extension was within the scope of permitted development.

The removal of that part of the extension in front of the house considerably improves this proposal, since it removes the most conspicuous part of the development which would have compromised the open character of the Green Belt. A study is now proposed rather than the larger garage previously proposed. The front of the site is well screened by a hedge, and in Green Belt terms the revised proposal is now acceptable.

The study and conservatory will be located close to the boundary with the neighbouring house at Sunnyside. However, a high hedge runs along this boundary, and although the pitched roof of the study will be seen above this hedge the extension will only have a small impact on the amenity of residents on Sunnyside.

The Parish Council are concerned that the scheme represents overdevelopment. However the reduced scheme now only proposes a side and rear extension, with the 'offending' front projection removed. This is a sizeable plot which is well screened from the road. As amended the proposal does not result in an overdevelopment of the site.

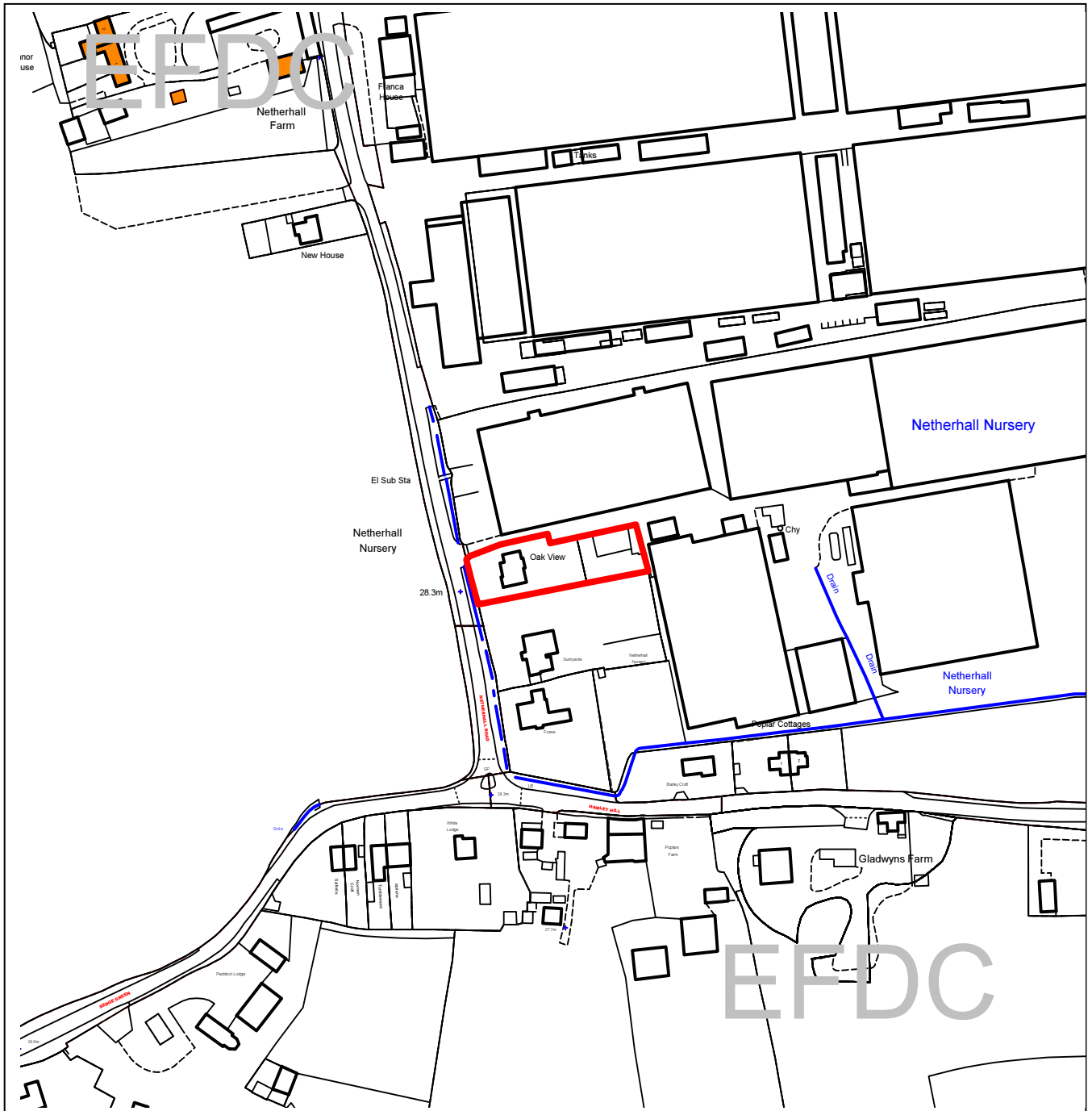
Conclusions

It is recommended that planning consent be granted subject to conditions, including one requiring removal of the forward projecting part of the extension within six months of the date of any approval.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	4
Application Number:	EPF/0971/10
Site Name:	Oakview, Netherhall Road Roydon, CM19 5JP
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/0972/10
SITE ADDRESS:	Oak Trees Woodman Lane Waltham Abbey Essex E4 7QR
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr Steven Hunt
DESCRIPTION OF PROPOSAL:	Demolition of the existing 3 bedroom house and erection of new 5 bedroom two storey house. (Amended application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 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 Classes A and B shall be undertaken without the prior written permission of the Local Planning Authority.

This application is before this Committee since a minor development is involved and the recommendation differs from the views of more than two expressions of objection.

Description of Proposal:

Demolition of existing 3 bedroom house and erection of 5 bedroom two storey house (Amended application)

Description of Site:

Two storey detached house with chalet style roof on south side of Woodman Lane. Neighbouring dwellings are large bungalows with rooms in the roof, but other houses nearby are 2 storey dwellings, some quite new in appearance.

Relevant History:

EPF/645/09 gave approval to a replacement house.

EPF/77/10 also proposed another replacement dwelling but was subsequently withdrawn – see below.

Policies Applied:

DBE1 – Design of new buildings;
DBE2 – Effect on neighbouring properties;
CP2 – Protecting the quality of the rural and built environment;
CP4 – Energy conservation;
GB2A – Development in the Green Belt;
LL11 – Landscaping schemes;
ST6 – vehicle parking.

Summary of Representations:

WALTHAM ABBEY TOWN COUNCIL_– No objections.

5 properties consulted, and the following replies received.

WHYTE LADYES AND GREENACRES – Letter received on behalf of both houses objecting on the following grounds. Firstly, the new house is 60% greater in volume, and hence is materially larger than the existing. As such it is inappropriate development that is harmful to the openness of the Green Belt. Secondly, its increased height will disrupt the existing staggered roof ridge line for

these 3 houses, and its depth and size will be detrimental to the amenity of both adjoining properties.

CITY OF LONDON – The size of the house, and accommodation above the garage would be contrary to Green Belt policies, and I believe on this occasion the Conservators would be opposed in principle to this application.

TREES AND LANDSCAPE TEAM – Trees on the site have been felled before this application was submitted. To screen the new dwelling from the Forest to the rear a landscaping condition should be imposed to secure planting close to or on the rear boundary.

Issues and Considerations

Green Belt issues

The site is located within Sewardstonebury, a substantial built up enclave within the Green Belt. Because of the extent of this enclave replacement dwellings have been allowed over many years which are materially greater than the houses they have replaced, and indeed there are quite large new 2 storey dwellings, or significantly extended dwellings, close to the application site. In this context the proposed increase of some 60% in volume over the size of the existing small and old unimproved dwelling is acceptable in principle, provided design and layout issues are acceptable.

Depth and size of house and effect on neighbouring properties

EPF/77/10 was withdrawn earlier this year because of concerns raised about the effect of the house on the outlook of the adjoining Greenacres to the immediate east, and also for design reasons, see below. The revised plans show that the dwelling has been moved 4m. forward on the site so it has less effect on the bay window to the adjoining Greenacres, as compared with the original house shown in blue outline. With the exception of ground floor chimney surrounds the new house will be 2.4m away from the boundary as opposed to the previous 1.9m. The proposed house will still have some effect on the outlook and amenity of Greenacres but this effect has now been reduced to an acceptable level. On the other (west) boundary the proposal is sited a metre from the boundary but more importantly only just projects beyond the garage of the adjoining Whyte Ladyes. Consequently the proposal will only have a small impact on the amenity of this neighbouring dwelling.

Design issues

The proposed garage and room over has been lowered in height and is now recessed a minimum of 3.5m behind the main front wall. This west side wing is now much more subordinate to the appearance of the proposed dwelling as compared to that shown on the withdrawn scheme, and the appearance and proportions of the proposed house are improved as a result.

The rear elevation has also been improved by raising the height of the eaves so that there is less expanse of sloping roof, and a more balanced roof profile has been achieved.

The submitted plans show both a proposed and existing street scene elevation. Although the new house is higher its ridge will still be some 0.7m lower than that of Greenacres, and hence the proposed house will not be out of place in this street context. It is acknowledged that the position of the new dwelling has been brought forward on the site. However, the main front wall is on the line of the foremost sections of both adjoining properties. A front ground floor veranda is proposed. Whilst the position of the house is more forward the use of ship lapped timber will create a lighter feel than other redbrick houses in the locality, and the low eaves height will also reduce the house's prominence. For these reasons the proposed position and design of the house will not provide for an unduly prominent development.

Car Parking and Sustainability

An integral garage is proposed but is just short of the new high standard of 3m by 7m in size. However, at least 2 cars will be able to be parked in front of the garage/in the drive. The plans show solar panels at the rear, and the agent has submitted other details in the Design and Access statement outlining other sustainable features of the proposal. In part this has resulted in a different type of design and appearance of the house to what may be described as the norm.

Comments on representations received

There will be side gaps between the proposed house and the side boundaries, and a cramped appearance will not result. Although the OS plan does not show it many other properties are closer to side boundaries than the proposed dwelling.

From the Forest at the rear the new house will be clearly visible, partly because trees have been removed from the site. It is agreed that any consent should be conditioned for a landscaping scheme to be implemented, so as to provide a softening of the appearance of the development from the rear.

Concerns over breach of Green Belt policies, and adverse effect on neighbours, have already been addressed above.

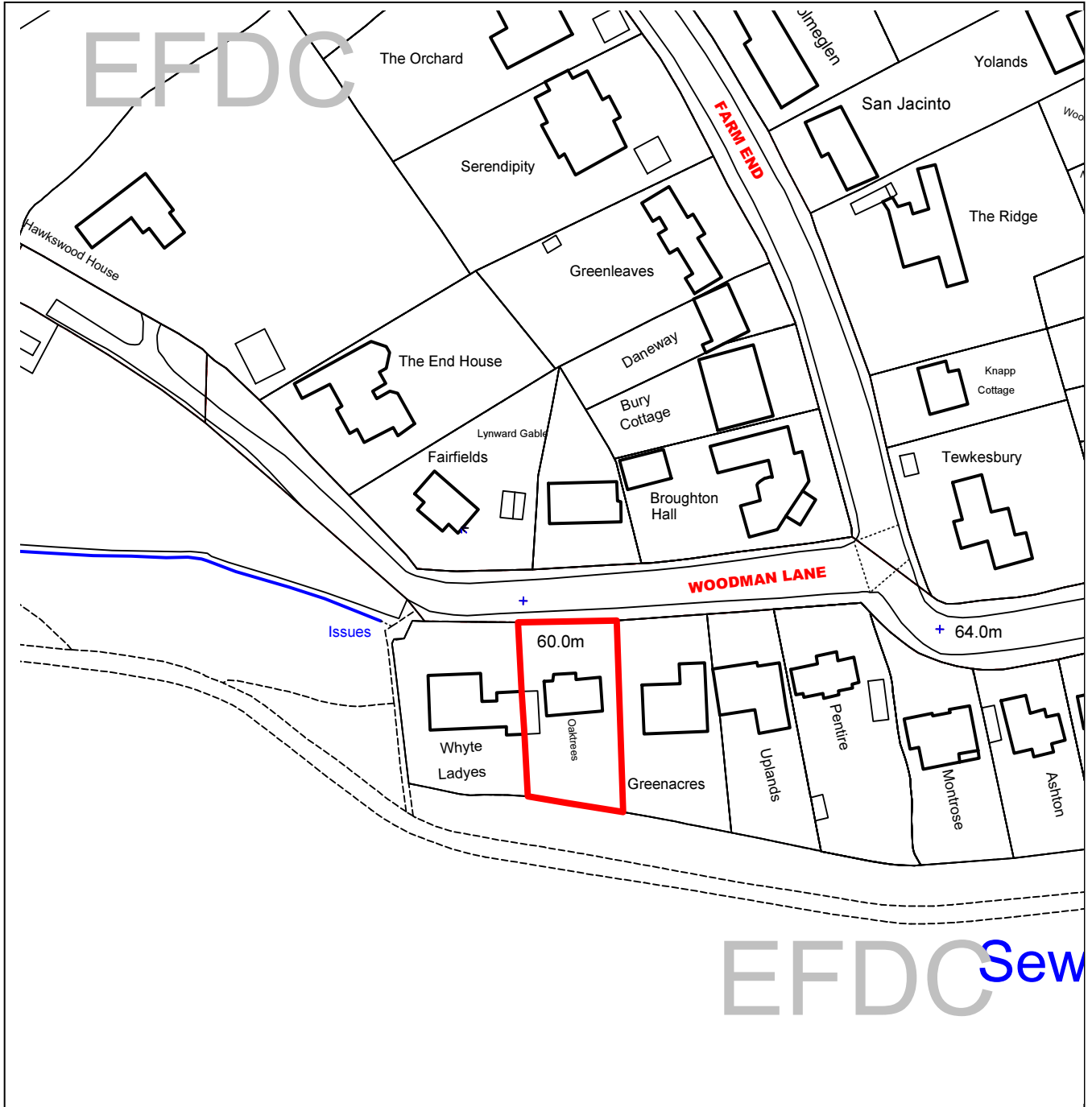
Conclusion

As revised this proposal is now satisfactory, and conditional consent is recommended.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	5
Application Number:	EPF/0972/10
Site Name:	Oak Trees, Woodman Lane Waltham Abbey, E4 7QR
Scale of Plot:	1/1250