

Report Item No: 1

APPLICATION No:	EPF/2314/11
SITE ADDRESS:	Units 4 and 5 Millbrook Business Park Hoe Lane Nazeing Essex EN9 2RJ
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Grant Richardson
DESCRIPTION OF PROPOSAL:	External alterations of two existing units to create five self contained business units.
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=532782

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: 6813/P10 Rev: A, 6813/P11 Rev: A, 6813/P12 Rev: A
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building.
- 4 The parking area shown on the approved plan shall be retained free of obstruction for the parking of staff and visitors vehicles.

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 Proposal:

Consent is being sought for the external alterations of the two existing buildings to allow for the subdivision into five smaller units. The external changes would involve the installation of five personnel doors and five roller shutters within the car park elevation to replace the two existing personnel doors and two roller shutters, and the installation of one new personnel door within the

western elevation and two new personnel doors within the southern elevation. Internal alterations are proposed to subdivide the units, however these works do not require planning consent.

Description of Site:

The application site consists of two industrial units located within Millbrook Business Park, which originally contained 8 separate units of varying sizes, however Unit 1 has recently been subdivided into six smaller units and was granted consent for the external alterations. The two units subject to this application are served by 15 parking spaces, which will be retained for use by the smaller units. The site is located within the Metropolitan Green Belt and a Flood Risk Assessment zone.

Relevant History:

EPF/0945/99 - Demolition of old mushroom sheds and conversion of remaining buildings to light industrial (B1) and for storage (B8) use – approved/conditions 19/04/00
EPF/1249/00 - Retention of existing building (previously proposed for demolition) and change of use to B1 and B8 purposes, provision of additional parking spaces – approved/conditions 01/11/00
EPF/1127/10 - External alterations to existing building to create 6 self contained business units – approved/conditions 10/08/10

Policies Applied:

GB2A – Development within the Green Belt
GB7A – Conspicuous development
DBE4 – Design in the Green Belt
E5 – Effect on nearby developments
U2B – Flood Risk Assessment zones

Summary of Reps:

16 neighbours were consulted and a Site Notice displayed on 28/11/11

PARISH COUNCIL – Object due to the increase in the number of vehicles parked which would create additional problems with possible increase in HGV movements. Additional traffic within the Green Belt.

Issues and Considerations:

The subdivision of the units themselves does not require planning permission, and therefore the only aspect of the development under consideration here are the external alterations. As such the main considerations are regarding the design and the impact on the Green Belt and surrounding area.

The existing site consists of two large B1/B8 units on a business park. The only external alterations to these buildings would be the installation of additional personnel doors and roller shutters, which would allow separate access to each of the five smaller units.

Given the site's location within an existing business park, and the relatively minor nature of the proposed alterations, the proposed development would not detrimentally impact on the character, appearance or openness of the Green Belt, the surrounding area.

The application site lies within a Flood Risk Assessment zone, however the proposed works would not result in an increase in surface water runoff, and as such a Flood Risk Assessment is not required in this instance.

Comments on Representations Received

An objection has been received from the Parish Council with regards to the possibility of increased traffic movements and parking requirement. Whilst planning permission is not required for the subdivision of the building, but simply for the proposed external alterations, Essex County Council were nonetheless consulted on this application. No objection has been raised to the subdivision of the existing units as all traffic movements and car parking standards are based on overall floor area, which has not increased with this application. As such there would be no further impact on highway safety or vehicle parking as a result of this proposal.

Conversations with a local Parish Councillor have revealed that there are existing parking problems on site due to the possible storage of goods/equipment on some of the previously approved car parking area that serves the entire business park. As the original consent for this business park was subject to a condition stating "*the car parking layout shown on the approved plan shall be provided and thereafter maintained free of obstruction for the parking of vehicles for staff and visitors*", Planning Enforcement are to investigate this possible breach of condition. If such a breach has occurred, and the approved car parking is brought back into use, this would hopefully relieve any current parking problems on the site. A similar condition can also be added to this consent to ensure the specific parking spaces relating to these units are retained and kept free for the parking of vehicles.

Concern was also expressed by the Parish Councillor with regards to a need for highway improvement works to the entrance of the business park. As stated above, the subdivision of the units in themselves does not require planning permission, nor is it considered by Essex County Council Highway Officers that the subdivision would result in an increase in vehicle movements or car parking requirement. Therefore there is no basis to which highway improvement works can be sought.

Conclusion:

In light of the above the proposed external alterations are considered acceptable and comply with the relevant Local Plan policies. Therefore 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

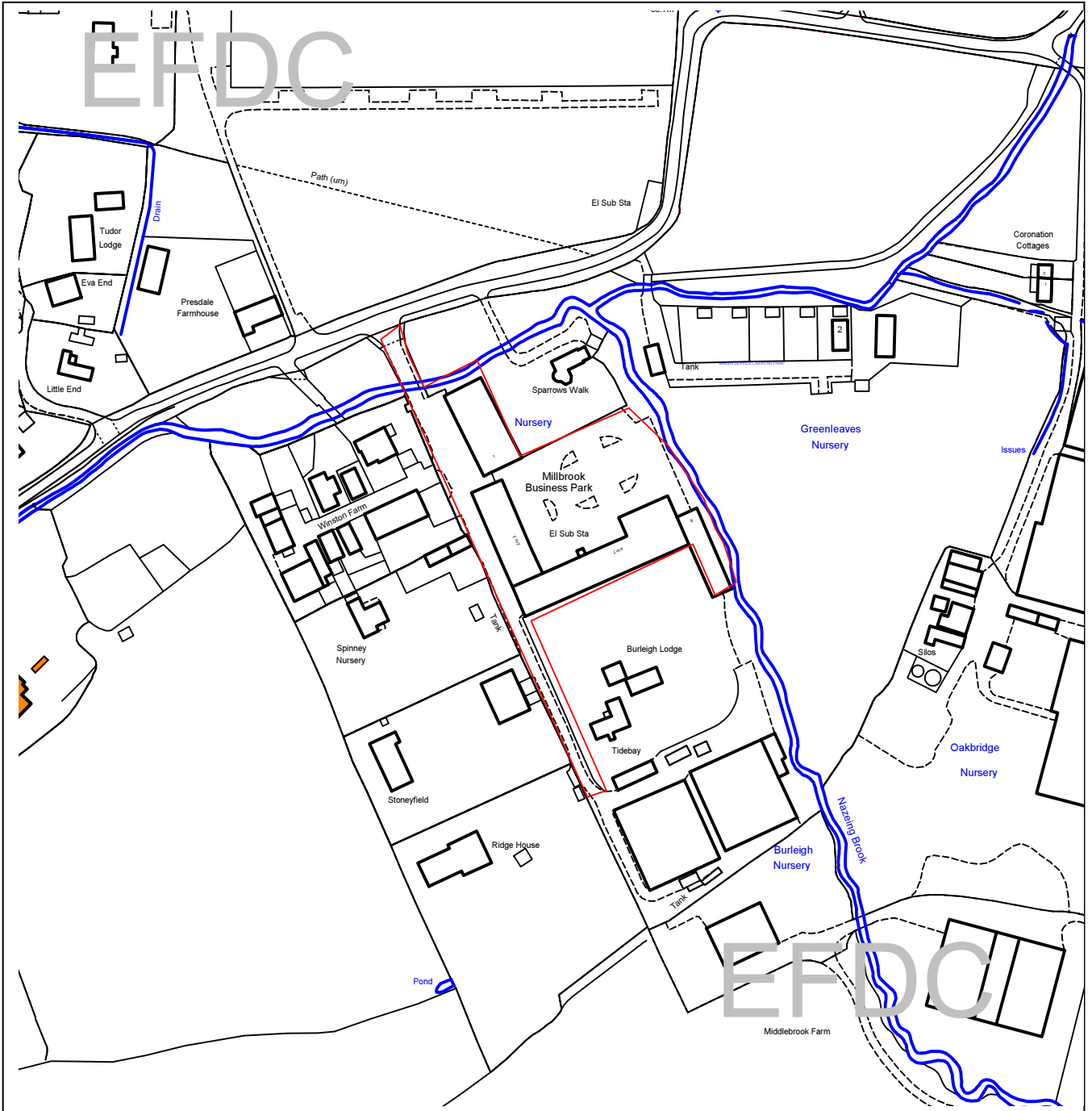
Direct Line Telephone Number: 01992 564228

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:	1
Application Number:	EPF/2314/11
Site Name:	Units 4 and 5 Millbrook Business Park Hoe Lane, Nazeing, EN9 2RJ
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/2350/11
SITE ADDRESS:	Crown Hill Nursery Crown Hill Waltham Abbey Essex EN9 3TF
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Vodafone Ltd and Telefonica UK Ltd
DESCRIPTION OF PROPOSAL:	Telecommunication application for the extension of the existing lattice tower by 5m and addition of 3 No. antennas.
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=532871

CONDITIONS

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

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:

There are two existing telecommunications installations which are situated to the rear of nursery lands adjacent to the M25 and within the designated Green Belt. The surrounding area is predominantly agricultural/open countryside with linear residential development along the highway. The site is outside the nearby Upshire Conservation Area, the boundary of which runs along the front of the Crown Hill Nursery site.

Description of Proposal:

The proposal is to add an additional 5.0m to the smaller telecommunications mast at the site with the addition of three antennas. This would result in a total height of 30.0m, from 25.0m.

Relevant History:

EPF/1170/94 - Replacement of existing 15m high telecommunications mast with a 22.5m high mast carrying two antennae. Grant Permission - 09/01/1995.

EPF/0202/95 - Replacement 30m high telecommunications mast with 3 equipment cabins, antennae and microwave dishes. Refuse Permission - 05/06/1995. Allowed on appeal – 11/12/95.
TEL/EPF/0600/00 - Telecommunications equipment cabin. Permission not required - 15/06/2000.
TEL/EPF/1938/01 - Installation of telecommunications equipment. Permission not required – 30/11/01.

EPF/1560/05 - Replacement of existing 15m lattice tower with a 20m lattice tower and headframe. Grant Permission (With Conditions) – 09/11/05.

EPF/1823/10 - Telecommunications application for the installation of one equipment cabin 2.7m x 2.7m x 3m high and additional antennas on existing pole within associated alterations. Permission Not Required – 27/10/10.

Policies Applied:

U6 – Other masts and aerials

HC6 – Character of Conservation Areas

GB2A – Development in the Green Belt

Planning Policy Guidance note no.8 – Telecommunications

Summary of Representations:

WALTHAM ABBEY TOWN COUNCIL – Objection. Intrusive and detrimental to environmental amenity

CITY OF LONDON: Comment. Whilst we do not feel that the mast would have significant impact when viewed from the surrounding forest, we do question whether the moving of Vodafone's equipment from one mast to the other amounts to very special circumstances in the Green Belt.

2 properties were notified and a site notice was erected. No comments have been received.

Issues and Considerations:

The main issues to consider relate to telecommunications policy and the site's position within the boundaries of the Metropolitan Green Belt and the Upshire Conservation Area.

Telecommunications Policy

Local Plan Policy U6 sets out clear local guidance with regards to the factors which should be taken into account when judging such applications. These are;

- (i) *Topographical features, including the height of the site in relation to surrounding land.*
- (ii) *Views of the site from adjoining land, both within and outside the district, with particular reference to the effect on the skyline or horizon.*
- (iii) *The impact on, and possible screening by, existing vegetation.*
- (iv) *Proximity to residential property.*
- (v) *Other masts, buildings or structures in the locality.*
- (vi) *The prominence of the site from public rights of way used for recreational purpose (e.g. Footpaths, bridleways and towpaths).*

Operators will be expected to share masts and permission will be refused if the Local Planning Authority is of the opinion that the possibility of using existing apparatus has not been fully explored.

This site is not particularly prominent within the immediate locale. The site contains two telecommunications mast. The mast which is the subject of this application is not as high as the other existing mast and with less apparatus attached. Therefore an increase in the height of this

mast would result in a consolidation in the use of this site for telecommunications masts where the principle has previously been agreed. The mast is adjacent to the M25 where visual amenity is not going to be a concern and indeed is ideally suited for the positioning of such installations, notwithstanding the rural location. Although the Upshire Conservation Area is in close proximity the site is outside the Conservation Area. An intensification in the use of the site and the increase in height of the mast would not seriously detract from the visual amenity of the Conservation Area. Large parts of the immediate area are wooded and the mast would therefore not be clearly visible. The mast retains a gap of some 100m to the nearest residential property and this is reasonable.

Local and national policy as contained in Planning Policy Guidance 8 (PPG8) promotes the sharing of masts between mobile phone operators, and the use of existing masts. In this regard the proposal is in compliance with national policy and reduces the need for further masts.

Green Belt

The site is within the boundaries of the Metropolitan Green Belt where in the case of inappropriate development, very special circumstances should be displayed. The use of an existing site, where the principle of telecommunications has been established, to meet an identified need is considered to constitute very special circumstances.

Upshire Conservation Area

As stated the mast site is in close proximity to the Upshire Conservation Area. The mast is located 100m from the front of the nursery site which constitutes the boundary of the Conservation Area. Although the increased height will make the apparatus more prominent, taken in the context of the site, existing topography, and nearby buildings it would not be to a level which would seriously affect the Local Planning Authority's duty to preserve or enhance such designated areas.

Conclusion:

The use of this existing site in a site sharing manner is in compliance with the relevant local plan policy with regards to telecommunications masts. The impact on the Green Belt and the nearby Conservation Area is not deemed excessive. It is therefore recommended that the application is approved with conditions.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Dominic Duffin

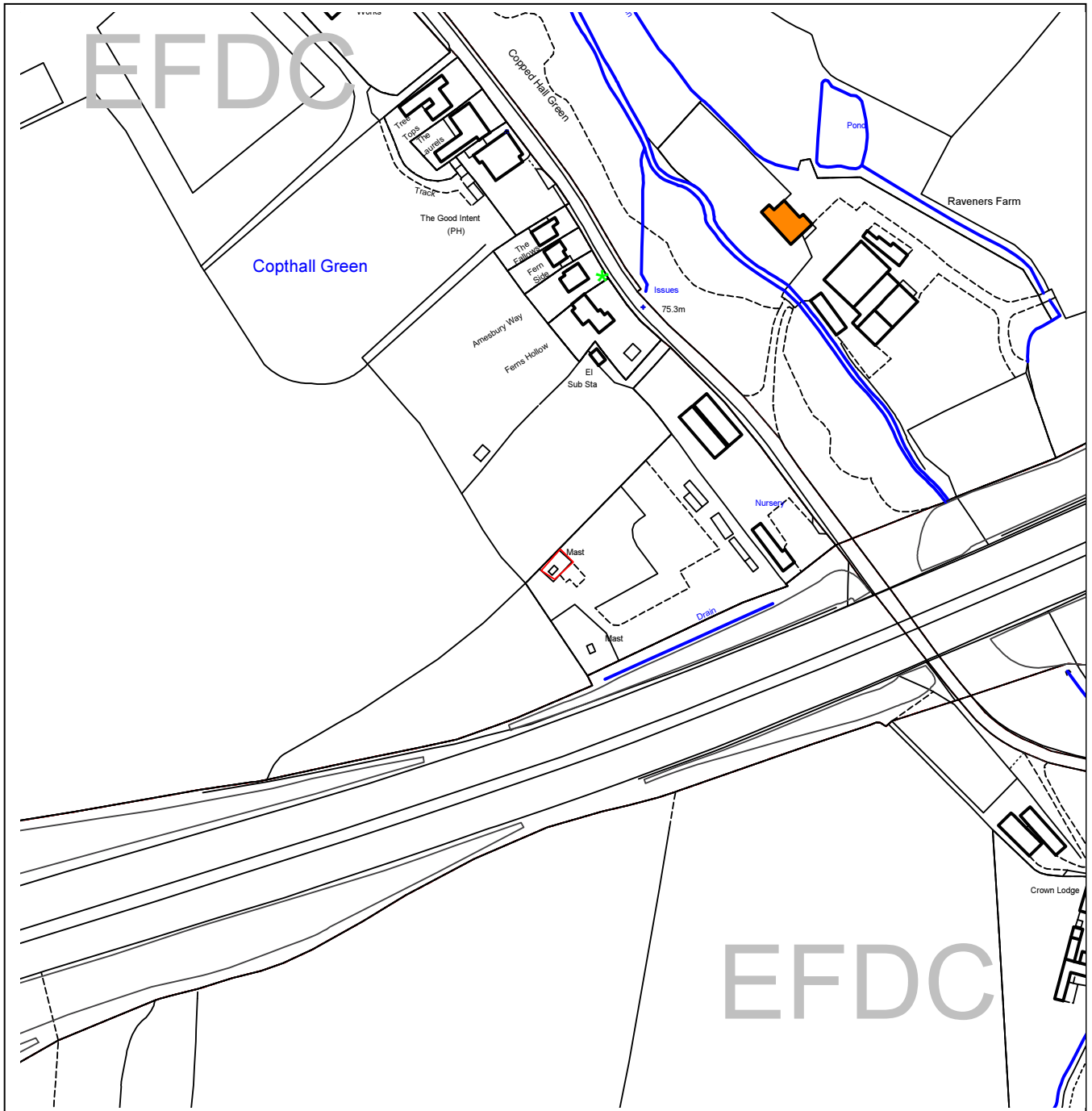
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Agenda Item Number:	2
Application Number:	EPF/2350/11
Site Name:	Crown Hill Nursery, Crown Hill Waltham Abbey, EN9 3TF
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/2380/11
SITE ADDRESS:	90 Eastbrook Road Waltham Abbey Essex EN9 3AL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	Mr John Estall
DESCRIPTION OF PROPOSAL:	Erection of two semi detached dwelling houses
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=533028

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: HP/08/025/1 rev c, HP/08/025/2a, HP/08/025/3a
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the northern 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.
- 5 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), no additional windows shall be installed within the first floor of the northern elevation of the dwellings hereby approved.
- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B and C shall be undertaken without the prior written permission of the Local Planning Authority.

- 7 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 8 The development shall be carried out in accordance with the details within the Flood Risk Assessment carried out by gta civils ltd. Ref: 3389/2.3.

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

Description of Proposal:

Revised application for the erection of two semi-detached dwelling houses. The dwellings would have a combined width of 12.2m and be 5.8m deep with hip ended ridged roofs to a maximum height of 8.1m. Access to the proposed dwellings would be via an existing vehicle access to the side garden and detached garage associated with No. 90 Eastbrook Road. At present the access is enclosed by a 2m high sliding gate, which is not shown as retained on the proposed development. There would be parking provision for four cars to serve the proposed dwellings, and two cars to serve the existing property, and private amenity space serving each dwelling.

Description of Site:

The application site is the side garden of No. 90 Eastbrook Road, located at the north eastern end of this no-through road. The land is surrounded on three sides by Cobbins Brook, and to the east of the site is King Harold School. To the north are the rear of residential properties in Broomstick Hall Road, and to the south is the original house of No. 90 Eastbrook Road. The site lies within an EFDC Flood Risk Assessment zone and Environment Agency Floodzones 2 and 3.

Relevant History:

EPF/0489/95 - Retention of front wall and entrance gates – approved 20/06/95
EPF/0559/09 - Erection of two semi-detached dwelling houses – refused 20/11/09

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE6 – Car parking in new developments
DBE8 – Private amenity space
DBE9 – Loss of amenity
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
U2A – Development in flood risk areas
U2B – Flood Risk Assessment zones

Consultation Carried Out and Summary of Representations Received:

19 neighbours were consulted on this application and a Site Notice posted on 07/12/11.

TOWN COUNCIL – Object as they are concerned that this development will have an adverse effect on neighbouring amenities, such as access and parking.

10 BROOMSTICK HALL ROAD – Object due to overlooking and as the buildings will appear bulky and overbearing.

14 BROOMSTICK HALL ROAD – Object due to loss of light, overlooking of neighbouring properties and risk of flooding.

16 BROOMSTICK HALL ROAD – Object due to overlooking, increased flood risk and due to access problems.

Issues and Considerations:

The previous application was refused for the following reasons:

The proposed development, due to its orientation, two storey nature and proximity to neighbouring residential properties, would result in an unacceptable degree of overlooking, contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations.

The size and number of off-street parking provision proposed for this development does not comply with the requirements of the Essex Vehicle Parking Standards (2009), and is therefore contrary to policy ST6 of the adopted Local Plan and Alterations.

The Environment Agency objected to the previous scheme, however their comments were received after the previous decision so this did not form a reason for refusal. Notwithstanding this, the applicant was informed of the flood risk issues on the site and the need to address the concerns previously raised by the EA.

To address the previous reasons for refusal and EA concerns the following revisions have been undertaken:

- Relocation and reorientation of houses to allow for first floor rear windows to be removed (with the exception of a single obscure glazed window within each property to serve a hallway).
- Provision of two additional parking spaces to cater for the parent property.
- Revised Flood Risk Assessment to address the concerns of the Environment Agency, which includes a timber deck walkway at the southern (front) aspect to allow for safe access.

Location:

The application site lies within the built-up section of Waltham Abbey, in an area that is predominantly residential. Several Local Plan policies promote new development in sustainable areas well served by public transport. Given the sites location within the built-up area of Waltham Abbey, close to local facilities/amenities and (reasonably) well served by public transport, the addition of further dwellings in this type of location is in accordance with the criterion and would promote other forms of transport aside from private motor vehicles.

Design and appearance:

Policies CP2, DBE1 and DBE3 of the Epping Forest District Local Plan seek to ensure that new development is satisfactorily located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area.

The properties in Eastbrook Road consist of long rows of terrace properties in a traditional style. Whilst the erection of a pair of semi-detached properties would be contrary to the built form of the road, given the location at the very north eastern end and located behind and beyond No. 90, these dwellings would not be visible within the street scene. The proposed properties are of a standard and traditional design with materials that would match those within the surrounding area (facing brickwork, red plain tile roofs, UPVc windows), which is considered acceptable

Flood risk:

Given the proximity of Cobbins Brook the application site is in an area at risk of flooding and is located within an Environment Agency Flood zone 2 and 3. A Flood Risk Assessment was submitted with the application, which has been assessed by the Council Land Drainage Officers and the Environment Agency. This is considered acceptable and therefore the proposed development would not result in increased flooding either on or off site. As such the development is considered acceptable, subject to conditions ensuring the works are carried out in accordance with these details.

Amenity considerations:

Policy DBE8 of the Local Plan requires that new dwellings should have at least 20 sq. m. of private amenity space for each habitable room. The proposed two bedroom dwellings would require 60 sq. m. of private amenity space per unit under this requirement. Although somewhat unusually laid out, due to the unconventional shape of the application site, the application proposes 66 sq. m. and 93 sq. m. of private amenity space for the proposed new dwellings. This is therefore sufficient to serve the amenities of future occupiers of the site. Although the development would be located on the existing side garden of No. 90 Eastbrook Road, enough garden would remain for use by the occupiers of this dwelling to mirror that of the neighbours to the southwest.

The previous application was refused due to the unacceptable degree of overlooking that would result from the first floor northern windows (facing the properties on Broomstick Hall Road). To overcome this issue the previous first floor windows (which served bedrooms and therefore would have been clear glazed) have been removed. The only proposed first floor windows within the northern elevation would be obscure glazed windows serving hallways. These can be conditioned to be obscure glazed and would therefore not result in any loss of privacy. Whilst the windows within this elevation could be removed completely without prejudice to the amenities of future occupants, this would result in a very bland, blank elevation that would be visually unappealing. The proposed southern and flank first floor windows would only overlook the neighbouring school and parking area serving the development, and as such would not result in any loss of privacy. As such, the proposed revisions are considered sufficient to overcome the previous reason for refusal.

The proposed dwellings would be located 7m from the neighbours rear boundary and 19m from the closest neighbouring house (to the north). This is sufficient distance to ensure there would be no undue loss of light or visual amenity to the neighbouring residents in Broomstick Hall Road.

Highways/Parking:

Access to the site is via an existing access to the side garden and garage associated with No. 90 Eastbrook Road. No objection to the scheme has been raised by Essex County Council Highways,

and it is not considered that the development would have an adverse impact on either the traffic generation or safety of the existing access onto Eastbrook Road.

The application proposes four marked-out parking spaces for the two new dwellings, and two for the existing dwelling at No. 90 Eastbrook Road, which complies with the requirements of the Essex County Council Vehicle Parking Standards for three dwellings of this size. The previous scheme proposed just four spaces for the three dwellings which, given the existing parking problems on Eastbrook Road, was considered unacceptable. The additional two spaces are considered sufficient to overcome the previous reason for refusal and would be considerably more off-street parking per dwelling than the other properties within this street (most of which have no off-street parking).

Whilst no allocated visitor parking is provided, there is sufficient space within the proposed parking area for several cars to park, albeit blocking in the residents' cars however, given the small scale of this development it is not considered that this would be particularly problematic. There is sufficient space for vehicles to manoeuvre so that they can enter and leave the site in forward gear. Furthermore, given the site's location within the built-up area of Waltham Abbey with access to local facilities and public transport, both residents and visitors will be able to utilise alternative modes of transport aside from the private motor vehicle.

Comments on Representations Received:

The comments raised in the representations received have been addressed above. Concern has been raised stating "*although alterations have been made to reduce the possibility (of overlooking) by proposing to fit translucent glazing. It can easily be replaced once the building has been signed off and sold on*". The first floor northern windows to which this neighbour refers can, and should, be conditioned to be fitted with obscure glazing and to remain as such thereafter, which would ensure that the glazing could not 'be replaced' at a later date. Furthermore, the dwelling can be conditioned restricting any further windows being installed in this elevation, which would not normally require planning permission once the dwellings are erected and occupied. This would adequately protect against any loss of privacy to neighbouring residents.

Conclusion:

The revised application has adequately addressed the previous reasons for refusal and the concerns raised by the Environment Agency. The proposed development would therefore comply with the relevant Local Plan policies and 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:

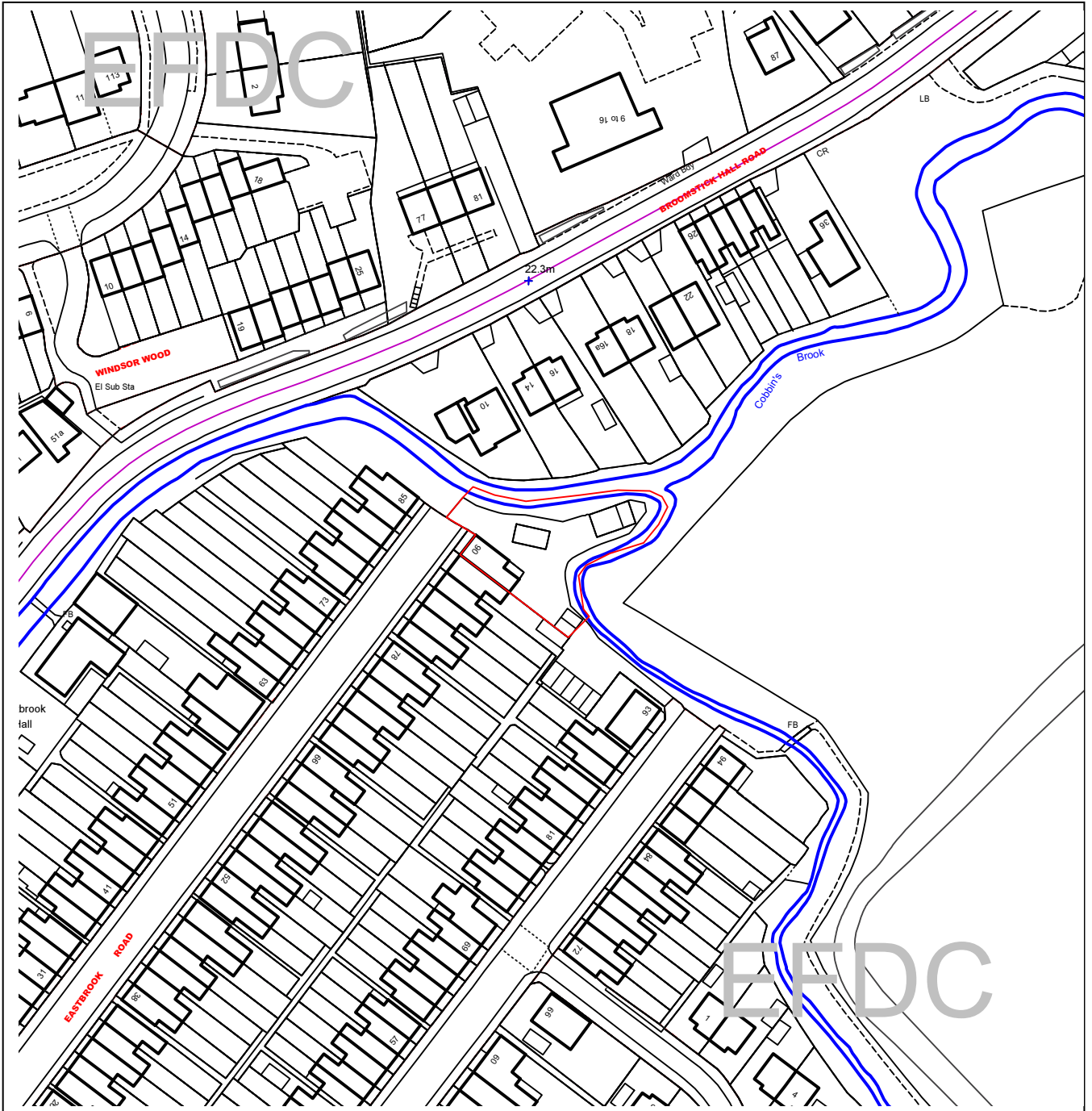
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Agenda Item Number:	3
Application Number:	EPF/2380/11
Site Name:	90 Eastbrook Road, Waltham Abbey EN9 3AL
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/2411/11
SITE ADDRESS:	Devoncot Carthegena Estate Nazeing Waltham Abbey Essex EN10 6TA
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Delaney
DESCRIPTION OF PROPOSAL:	Use of site for private gypsy/traveller site for one family comprising two mobile homes, two touring caravans and utility building.
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=533160

CONDITIONS

- 1 The use hereby permitted shall be carried on only by Mr and Mrs Delaney and their resident dependants, and shall be for a limited period being the period of 5 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
- 2 When the land ceases to be occupied by those named in condition 1 above, or at the end of 5 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.
- 3 No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be static mobile homes) shall be stationed on the site at any time.
- 4 Unless within 3 months of the date of this decision a Flood Risk Assessment is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within 3 months of the Local Planning Authority's approval, the use of the site hereby permitted shall cease until such time as a Flood Risk Assessment is approved and implemented; and if no scheme in accordance with this condition is approved within 18 months of the date of this decision, the use of the site hereby permitted shall cease until such time as a scheme approved by the Local Planning Authority is implemented.

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 Proposal:

Retrospective consent is being sought for the use of the site for a private gypsy/traveller site for one family comprising two mobile homes, two touring caravans and a utility building. The site has been used by the current occupants since 2004, however current enforcement investigations have highlighted the need for planning permission on the site.

Description of Site:

The application site is a recreational chalet plot located within the Carthegena Estate, Nazeing. It has a site area of approximately 144 sq. m. The site is located within the Metropolitan Green Belt, the designated Carthegena Holiday Estate, and the Lee Valley Regional Park. Furthermore the site lies within the Environment Agency Flood Zones 2 and 3.

Relevant History:

EPF/0532/05 - Change of use of land to private gypsy caravan site for four families – withdrawn 01/01/08

Policies Applied:

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

Summary of Representations:

3 neighbours were consulted and a Site Notice displayed on 15/12/11.

PARISH COUNCIL – Object as this application is within the Green Belt and the Lee Valley Regional Park and would be contrary to Local Plan policies.

LVRPA (officer level comments)– Strongly objects to new residential development in the Carthegena Estate on grounds of visual impact and that residential use is contrary to section 12 of the Lee Valley Regional Park Act 1966 and is not compatible with the Green Belt or Regional Park designations.

Issues and Considerations:

The use of land within the Green Belt is considered to constitute 'inappropriate development', as such the main considerations of the proposal are whether there are sufficient very special circumstances to outweigh this, and any other identified harm (such as the impact on the LVRP), and with regards to flood risk.

Harm to Green Belt:

The application site is located within the Green Belt where the presumption is against inappropriate development unless there are very special circumstances that clearly outweigh this harm. The stationing of caravans for residential purposes does not fall within the acceptable uses of the Green Belt as laid out within PPG2 and Local Plan policy GB2A, and therefore by definition is harmful to the openness of the Green Belt. In terms of the physical harm to the Green Belt, the use of the site for a permanent Gypsy/Traveller pitch, with the associated residential paraphernalia and intense use, would clearly have a greater impact on this Green Belt location than the former recreational use. However, an Enforcement Notice for the use of Auburnville, also within the Carthegena Estate, for a Gypsy Site was recently granted planning consent on appeal for a limited period. Within this appeal decision the Planning Inspector recognises that *"there would be some additional impact on openness, given the parking of vehicles and ancillary moveable structures that would inevitably be associated with a year round use compared to a leisure activity"*, however they conclude that *"there is limited additional harm to the openness and the purpose of the Green Belt. The effect on the character and appearance of the surrounding countryside would not be unacceptable"*. As such, whilst very special circumstances would be required to clearly outweigh the 'in principle' harm from this development, a similar view should be taken to the physical harm to that at Auburnville.

The agents appear to acknowledge that the proposal constitutes inappropriate development and have put forward the following arguments to outweigh the harm from this:

- The applicants are a Gypsy family that have lived on the site for the past 7 years.
- There is a national, regional and local need for additional Gypsy sites.
- The applicants have a personal and immediate need to remain on the site as Mrs. Delaney has health issues and there are three children on the site that attend the local primary school.

Other harm:

Aside from the above 'in principle' harm to the Green Belt, the application site is also located within the Lee Valley Regional Park and Flood Zones 2 and 3. When assessing 'very special circumstances', these must clearly outweigh the harm to the Green Belt *"and any other harm"* as stated within PPG2.

Impact on LVRP:

With regards to development within the Carthegena estate, policy RST9 states that:

The Council will not grant planning permission for any development within the chalet estates at Carthegena and Riverside where this would prejudice the Lee Valley Regional Park Authority's proposals for the area.

This is backed up by policy GB10, which only allows for development within the LVRP which is *"necessary to enhance the function and enjoyment of the Park for its users"*. As the LVRPA strongly objects to the proposed development this clearly prejudices their proposals for the area. There is no evidence that the proposal will *"conserve and, where possible, enhance the landscape of the Park or its setting"*, as required within Local Plan policy RST24, and the scheme would not *"have regard to the importance of the Park for leisure, recreational and nature conservation. (ii) safeguard the amenity and future development of the park; and (iii) conserve and, where possible, enhance the landscape of the Park or its setting"*. Furthermore this policy states that *"developments which are likely to result in a significant adverse impact upon the character or function of the Park will not be permitted"*.

The appeal decision relating to Auburnville stated:

“The site is within an area where the Regional Park Authority seeks to acquire plots as they become available and ensure their use for leisure purposes... It owns some 76% of the plots at Carthage (28 of 37 plots in this row) and has maintained them in a vegetated condition.

Since the development would not enhance the function and enjoyment of the park for its users, it would not be in accordance with Local Plan Policy GB10. It would frustrate the Regional Park Authority’s policy of obtaining plots as they become available and thereby prejudice the Authority’s proposals for the area. I conclude that a permanent residential use would be incompatible with the designation of the land as forming part of the Lee Valley Regional Park and contrary to Local Plan Policy RST9. This is a factor to which I attach considerable weight”.

Flood risk:

The application site is located within both a Flood Risk Assessment zone and Environment Agency Flood Zone 2 and 3. No Flood Risk Assessment was submitted with the application and, as such, the Environment Agency object to the development as the use of the site for a Gypsy/Traveller site is classified as ‘highly vulnerable’ and no justification has been provided as to why it would be acceptable/appropriate in this area (which has a high probability of flooding).

The Planning Inspector assessed the issues of flood risk when assessing Auburnville as a Gypsy site, and stated, given the inadequate FRA submitted, *“I am unable to conclude that the degree of flood risk to site occupants and others would be acceptable throughout the lifetime of the proposed land use. This is a factor to which I attach considerable weight”*. As no FRA has been submitted with this application there is no way to assess the potential long term flood risk resulting from this site. On the appeal at Auburnville it was concluded that this is *“an area that is unsatisfactory for such development from a flood risk perspective”*.

Very special circumstances:

Existing use:

The applicants (Mr and Mrs Delaney and their dependants) have resided on the site since 2004. The LPA is aware of the longevity of the occupants residing on this site, however have not considered this to be a ‘tolerated site’. The application site was one of the areas highlighted within the Council’s ‘*Development Plan Provision for Gypsies and Travellers in Epping Forest District*’ (on which work has now ceased) as being ‘unsuitable’ and the document states that *“at Devoncot, Cathegena Estate there are 2 unauthorised pitches. This location, though it is reasonably accessible to services, is the Lee Valley Regional Park and is in a flood risk area, and as such plots have special policies preventing permanent dwellings. As such it could set a precedent which could undermine the planning efforts to restrict permanent dwellings in this area”*. It is not considered that the retrospective nature of the development constitutes very special circumstances that clearly outweigh the in principle harm on the openness of the Green Belt, the harm to the function and enjoyment of the LVRP, and the risk of flooding.

Need for additional Gypsy sites:

The need for additional Gypsy and Traveller sites is a common issue raised, however this need will be dealt with through the allocation of land. Until this time applications are being considered on a case by case basis. However it is not considered that this specified need is sufficient to constitute very special circumstance.

The argument for an outstanding need for Gypsy sites was assessed by the Planning Inspector on the Auburnville appeal, which was dealt with thoroughly at a Public Inquiry, and it is stated within the appeal decision that:

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

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

Personal circumstances:

The applicants have resided on the site for a period of approximately seven years and have three children in local schools. Furthermore, Mrs Delaney attends Park Lane Surgery in Broxbourne due to health problems. The application site provides a settled base from which to access health care facilities and schooling, and a moderate amount of weight should be attributed to this.

Conclusions:

The recent appeal on Auburnville, within the Carthegena Estate, is an almost directly comparable case as the same arguments were put forth as those put forward in this instance. Whilst the personal circumstances differ slightly (although in both cases there are children in local schools and a resident who regularly attends a local health clinic), the occupants of Devoncot have resided on the site for longer than those at Auburnville, and the number of mobile homes/caravans on this site are greater than those at Auburnville (2 mobile homes and 2 touring caravans as opposed to 2 caravans at Auburnville), the recent decision on Auburnville is a material consideration in this instance.

The Planning Inspector previously assessed the need for additional Gypsy sites in the District and personal circumstances of the occupants against the in principle harm of the development in the Green Belt, impact on the LVRP and potential flood risk. To this they concluded that:

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

However, the Inspector goes on to state that:

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

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

Gypsy family, taken together amount to very special circumstances sufficient to justify the grant of a temporary planning permission for the period of 5 years”.

Conclusion:

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

However, as concluded by the Planning Inspectorate at the nearby Auburnville site, the need for additional Gypsy sites within the area and personal circumstances of the applicants would be considered sufficient to amount to very special circumstances to justify the grant of a temporary planning permission. A five year temporary consent would allow for the Council to progress with their housing policy strategy to provide allocated Gypsy site provision. As such the proposed development is recommended for a temporary planning approval, subject to conditions.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

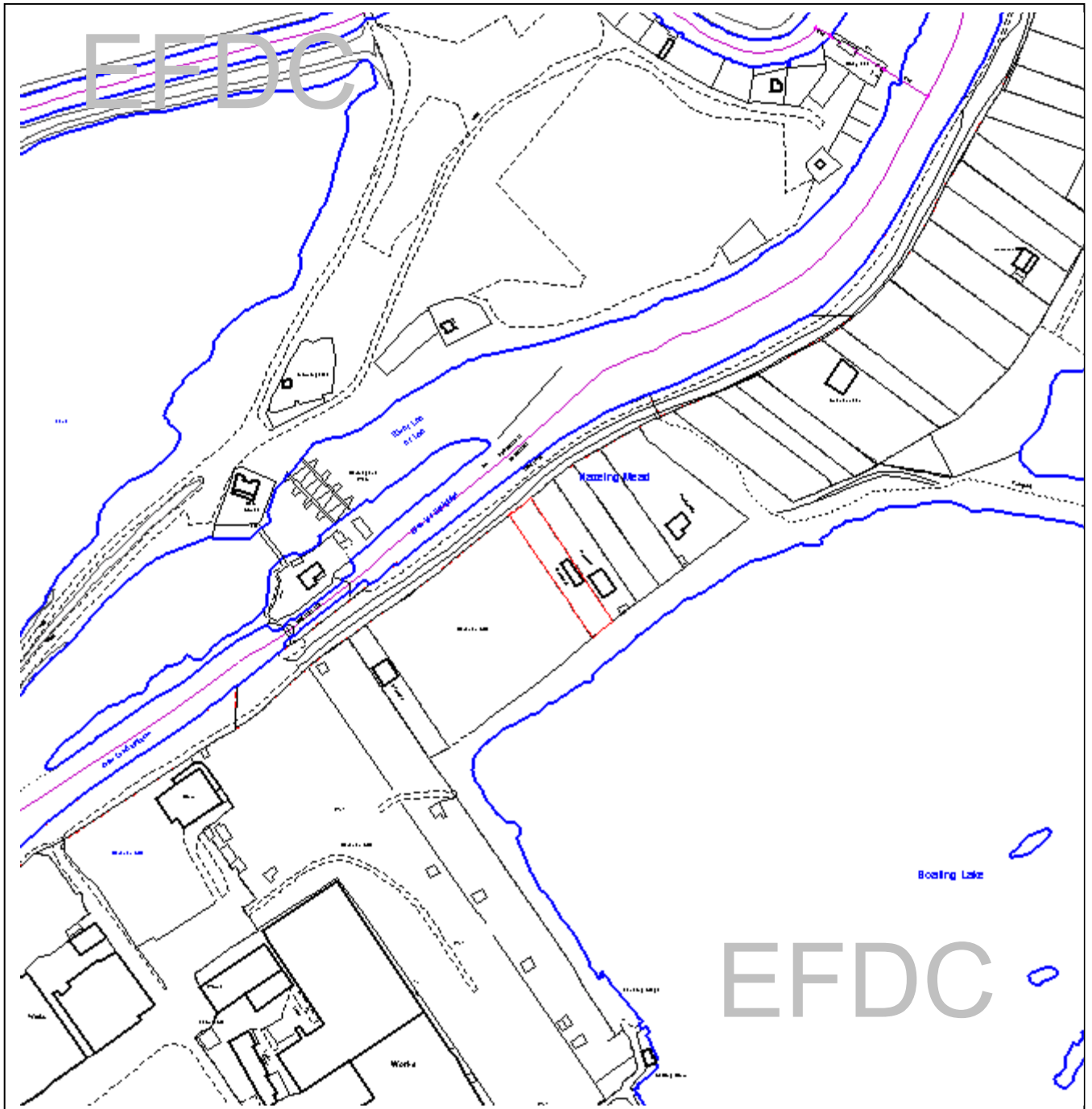
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	4
Application Number:	EPF/2411/11
Site Name:	Devoncot, Carthegena Estate Nazeing, EN10 6TA
Scale of Plot:	1/2500