

Supplementary Committee Agenda



**Epping Forest
District Council**

Area Planning Subcommittee East Wednesday, 10th February, 2010

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 7.30 pm

Democratic Services: Rebecca Perrin- The Office of the Chief Executive
Email: rperrin@eppingforestdc.gov.uk Tel: 01992 564532

4. MINUTES (Pages 3 - 10)

To confirm the minutes of the last meeting of the Sub-Committee, held on 20 January 2010, as attached.

6.a CONFIRMATION OF TPO EPF/42/09 33 SEVERNS FIELD, EPPING, ESSEX (Pages 11 - 14)

(Director of Planning and Economic Development) To consider the attached report.

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee East **Date:** 20 January 2010

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.30 pm

Members Present: G Pritchard (Vice-Chairman, in the Chair), J Philip (Vice-Chairman), A Boyce, Mrs D Collins, R Frankel, P Gode, A Green, Mrs A Grigg, Ms J Hedges, D Jacobs, Mrs M McEwen, R Morgan, B Rolfe, D Stallan, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

Other Councillors: -

Apologies: M Colling and Miss C Edwards

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

81. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

82. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

83. MINUTES

RESOLVED:

That the minutes of the meeting held on 16 December 2009 be taken as read and signed by the Chairman as a correct record, subject to the following amendments:

- (i) correcting the job title of J Shingler from Senior Planning Officer to Principal Planning Officer;
- (ii) adding the Election of the Chairman and Vice-Chairman to the minutes; and
- (iii) correcting the decision for the third application to be refused not granted.

84. ELECTION OF VICE-CHAIRMAN

The Chairman requested nominations from the Sub-Committee for the role of Vice-Chairman.

RESOLVED:

That Councillor J Philip be elected Vice-Chairman for the duration of the meeting.

85. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors Mrs D Collins, B Rolfe, d Stallan and C Whitbread declared a personal interest in the following item of the agenda by virtue of having discussed the issue as members of the Cabinet. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

EPF/2015/09 Condor Building, Civic Offices, 323 High Street, Epping.

(b) Pursuant to the Council's Code of Member Conduct, Councillors Mrs J H Whitehouse and J M Whitehouse declared a personal interest in the following item of the agenda by virtue of being acquainted with a neighbour of the application. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

EPF/2015/09 Condor Building, Civic Offices, 323 High Street, Epping.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J Hedges declared a personal interest in the following items of the agenda, by virtue of being a member of Epping Town Council. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the applications and voting thereon:

EPF/2015/09 Condor Building, Civic Offices, 323 High Street, Epping;
EPF/2116/09 Nusa Dua, 94 Hemnall Street, Epping; and
EPF/2293/09 19-23 High Street, Epping.

(d) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in the following item of the agenda, by virtue of knowing the applicant. The Councillor had determined that his interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

EPF/2293/09 Nusa Dua, 94 Hemnall Street, Epping.

(e) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in the following item of the agenda, to avoid any further possible public misinterpretation of his position and declared that he did not have or had any kind of involvement in the development of the site . The Councillor had determined that his interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

EPF/2453/06 19-23 High Street, Epping.

86. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Sub-Committee.

87. DEVELOPMENT CONTROL

RESOLVED:

That the planning applications numbered 1 – 4 be determined as set out in the schedule attached to these minutes.

88. DELEGATED DECISIONS

The Sub-Committee noted that schedules of planning applications determined by the Head of Planning and Economic Development under delegated authority since the last meeting had been circulated and could be inspected at the Civic Offices.

CHAIRMAN

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Minute Item 87

Report Item No: 1

APPLICATION No:	EPF/2015/09
SITE ADDRESS:	Condor Building Civic Offices 323 High Street Epping Essex
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Replacement of single glazed window units and non-thermally insulated cladding panels with double glazed units and insulated infill panels.
DECISION:	Grant Permission

CONDITIONS

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

Report Item No: 2

APPLICATION No:	EPF/2094/09
SITE ADDRESS:	The Old Well London Road Stanford Rivers Ongar Essex CM5 9PH
PARISH:	Stanford Rivers
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Two storey side/rear extensions, part two/part first floor front extension and creation of front gable to existing roof.
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.

Report Item No: 3

APPLICATION No:	EPF/2116/09
SITE ADDRESS:	Nusa Dua 94 Hemnall Street Epping Essex CM16 4ND
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Replacement building to provide study/store at rear of property.
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, including windows and doors 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 shall be carried out in accordance with the amended plans received on 23rd December 2009 unless otherwise agreed in writing with the Local Planning Authority.
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) at no time shall a first floor be inserted within the building hereby approved.

Report Item No: 4

APPLICATION No:	EPF/2293/09
SITE ADDRESS:	19-23 High Street Epping Essex CM16 4AY
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Installation of electricity sub-station to comply with utility company (EDF) requirements in connection with approved sheltered housing development. (Revised application)
DECISION:	Refuse Permission

REASON FOR REFUSAL

1. The proposed building due to its height, bulk and siting will have an overbearing visual impact, harmful to the residential amenity of the occupants of 7 Beech Place, contrary to policies DBE2 and DBE9 of the Adopted Local Plan and Alterations.

Report to Area Plans Sub-Committee East

Date of meeting: 10 February 2010



**Epping Forest
District Council**

**Subject: Confirmation of TPO EPF/42/09 33 Severns Field,
Epping, Essex**

**Officer contact for further information: Chris Neilan (Ext 4117)
Democratic Services Officer: R Perrin**

Recommendation

That Tree Preservation Order TPO EPF/42/09 be confirmed without modification.

Introduction

Tree Preservation Order 42/09 became effective on 11 August 2009. It protects 2 Horse Chestnut and 1 Sycamore in the garden of 33 Severns Field, Epping. It had been made on the basis that the Council was aware of an allegation of subsidence caused by one or all of them to an adjacent property.

On first examination, it appeared that the investigations were not complete and that a TPO would assist in ensuring that the trees could remain until compelling evidence as to their involvement was forthcoming. Inspection showed that the trees all had a good life expectancy and importance in the local landscape, particularly as a group, although none were outstanding individually.

The Objection to the Order

An objection to the order has been received from the owner of No. 34 Severns Field, where an outbuilding has cracks.

Two grounds of objection are given:

1. that the reasons for making the order are not explained, and
2. that the trees are not worthy of protection.

On this basis they formally object to the order and request that it is not confirmed.

The explanation given is as follows:

The reasons for making the order are not explained

The appellants, referring to various documents, state that the best Government advice is that "LPA's should be able to explain to landowners why their trees or woodlands have been protected by a TPO. They are advised to develop ways of assessing the `amenity value' of trees in a structured and consistent way, taking into account the following key criteria ..." The key criteria are:

1. visibility;
2. individual impact;

3. wider impact; and
4. expediency.

It is therefore suggested, the Council having not acted in accordance with best practice or with Government advice, that the order is not confirmed.

Trees not worthy of protection

Under this heading the appellants refer to the allegation that the tree has been implicated in subsidence damage to 34 Severns Field. They assert that since the tree has caused a nuisance it should properly be exempt from statutory control.

The Director of Planning and Economic Development's response to the grounds of appeal

The reasons for making the order are not explained

In relation to the first grounds of appeal, the justification for the order, sent to all parties, contained the following reason for the TPO:

"The trees are considered to be of high visual importance as significant landscape features within the immediate locality. The trees border the Epping Conservation Area, which encompasses Church Hill. Amenity value can be attributed to the trees' tall and large form. They contribute notably to the green landscape character of this area".

It is considered that this is sufficient, in that it explains the Order's rationale in terms that can be understood by a member of the public. Sufficient information is given to explain why the trees have been protected and for the appellants if they had wished to contest, for example, the relative visibility or health of the trees.

It is true that there are systems for interpreting the value of trees, particularly TEMPO, which give a point scoring system to the factors that need to be considered. It is, however, considered that the available systems all have some flaws, which mean that they are best used as an aid to professional judgement and cannot be relied on solely. They are also not accessible to members of the public. TEMPO was in fact used in this case, and the scoring given was sufficient to suggest that a TPO was justified.

Trees not worthy of protection

The objection states that a tree that is causing third party nuisance is exempt from any Tree Preservation Order. This is true, but only if sufficient evidence has been submitted to demonstrate that damage is occurring and that the damage can be seen to result from the root activity of an adjacent tree or trees.

The owner of the adjacent property has been visited by the Council's Landscape Officer and Arboriculturist to review the damage, so that her views could be taken into account. Owner is seriously concerned about damage to her property, which her insurance company have attributed in particular to some non-TPO'd conifers, but also to one of the Horse Chestnuts that are now the subject of the Tree Preservation Order. However, the insurance company is still engaged in monitoring building movement and so is not yet in a position to submit the information required by the Council's agreed proforma.

The Council has been in contact with the agents for the insurers on several occasions. Officers have received the most up to date information (as of December 2009) but there is no pattern of seasonal movement yet established. It cannot therefore be said that any of the preserved trees are exempt from legal control. As such they are all capable of being protected.

The Committee will be aware that even after confirmation it will be open to the owner or insurers of 34 Severnsfield to make an application under the Order, or to request that the Council take the view that any of the trees is exempt, subject to sufficient evidence being available to substantiate the claim.

Conclusion

That Tree Preservation Order EPF/42/09 should be confirmed without modification.

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