

# ***Supplementary Committee Agenda***



**Epping Forest  
District Council**

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## ***Area Planning Subcommittee East Wednesday, 8th December, 2010***

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

**Time:** 7.30 pm

**Democratic Services:** Gary Woodhall (The Office of the Chief Executive)  
Email: [gwoodhall@eppingforestdc.gov.uk](mailto:gwoodhall@eppingforestdc.gov.uk)  
Tel: 01992 564470

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### **3. MINUTES (Pages 3 - 18)**

To confirm the minutes of the last meeting of the Sub-Committee, held on 17 November 2010 (attached).

### **6.a PROBITY IN PLANNING - APPEAL DECISIONS APRIL TO SEPTEMBER 2010 (Pages 19 - 26)**

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

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Subcommittee East    **Date:** 17 November 2010

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 - 9.15 pm

**Members Present:** A Boyce (Chairman), A Green (Vice-Chairman), Mrs D Collins, Ms C Edwards, Mrs A Grigg, Ms J Hedges, D Jacobs, Mrs S Jones, B Judd, Mrs M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

**Other Councillors:**

**Apologies:** W Breare-Hall and P Gode

**Officers Present:** J Shingler (Principal Planning Officer), C Neilan (Conservation Officer), R Martin (Website Assistant) and G J Woodhall (Democratic Services Officer)

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### 69. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

### 70. 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.

### 71. MINUTES

#### RESOLVED:

(1) That the minutes of the meeting held on 27 October 2010 be taken as read and signed by the Chairman as a correct record.

### 72. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors Mrs A Grigg and D Stallan declared a personal interest in the following item of the agenda by virtue of being members of North Weald Bassett Parish Council. The Councillors had determined that their interests were not prejudicial and that they would stay in the meeting for the duration of the discussion and voting thereon:

- EPF/1209/10 Weald Hall Care Home, Weald Hall Lane, North Weald Bassett

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J Hedges declared a personal interest in the following items of the agenda. The Councillor had determined that her interests were not prejudicial and that she would stay in the meeting for the consideration of the applications and voting thereon:

- EPF/1806/10 Ovenden Papers, Swordfish House, Bower Hill, Epping
- EPF/1951/10 George and Dragon Public House, 206 High Street, Epping
- EPF/2036/10 12A Hemnall Street, Epping

(c) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following item of the agenda. The Councillor had determined that his interest was prejudicial and that he would leave the meeting for the consideration of the application and voting thereon:

- EPF/1951/10 George and Dragon Public House, 206 High Street, Epping

(d) Pursuant to the Council's Code of Member Conduct, Councillor B Rolfe declared a personal interest in the following item of the agenda. The Councillor had determined that his interest was prejudicial and that he would address the meeting as a public speaker and then leave the Chamber for the duration of the discussion and voting thereon:

- EPF/1988/10 3 Middle Boy, Lambourne

(e) Pursuant to the Council's Code of Member Conduct, Councillors Mrs D Collins and C Whitbread declared a personal interest in the following item of the agenda. The Councillors had determined that their interest was prejudicial and that they would leave the meeting for the consideration of the application and voting thereon:

- EPF/2036/10 12A Hemnall Street, Epping

(f) Pursuant to the Council's Code of Member Conduct, Councillor B Judd declared a personal interest in the following items of the agenda, by virtue of being a member of Ongar Town Council. The Councillor had determined that his interest was prejudicial and would address the meeting as a public speaker before leaving the Chamber for the consideration of the applications and voting thereon:

- Item 11 Exclusion of Public and Press

**73. CONFIRMATION OF TREE PRESERVATION ORDER TPO/EPF/93/10 - LAND TO THE REAR OF 25 - 45 UPLAND ROAD, THORNWOOD**

A report upon the confirmation of tree preservation order 93/10 at land to the rear of 25-45 Upland Road, Thornwood was presented by the Senior Arboricultural Officer.

The Sub-Committee was informed that the tree preservation order had become effective on 3 June 2010 and was served to protect woodland screening a concrete crushing plant from the rear of the properties along Upland Road. Public views of the plant from Thornwood Road were obscured by the eastern boundary of the woodland. Residents along Upland Road had become increasingly concerned with the loss of privacy they enjoyed, following the extensive removal of a large number of trees within the area. Objections had been made to the order, which had been answered by the Director of Planning & Economic Development.

The owner of the woodland in question, who had already submitted a written objection to the order, exercised her right under the planning protocol adopted by the Council to address the Sub-Committee for three minutes.

The Sub-Committee was presented with a revised site plan indicating those trees to form part of the order, and it was recommended that in the interests of public amenity the Order be confirmed, subject to the modification of the site plan to show the approximate area of remaining tree cover at the time of the service of the Order.

**RESOLVED:**

(1) That, subject to the modified site plan, tree preservation order 93/10 be confirmed.

**74. CONFIRMATION OF TREE PRESERVATION ORDER TPO/EPF/99/10 - LAND ADJACENT TO THE A414, SECTION 1**

A report upon the confirmation of tree preservation order 93/10 at land adjacent to the A414 was presented by the Senior Arboricultural Officer.

The Sub-Committee was informed that tree preservation order 99/10 had become effective on 29 June 2010. It was made as one of a number of strategic orders protecting trees along the A414 from Ongar to North Weald. This particular order was covering a total of 13 trees, within Choles Yard, and in adjacent properties to the east. All of the trees were Oak; most were large and mature trees but the order included a number of smaller trees close to the Talbot Roundabout and in the front of Choles Yard for their potential longer term contribution to public amenity. Objections to the order had been received from agents acting on behalf of the owners of the yard, which had been answered by the Director of Planning & Economic Development.

Officers felt that all six Oaks contributed to the setting of the entrance to the village, with five of the trees having particular significance as a result of their proximity to the major transport route. Taking this together with the importance of safeguarding them in respect of any future development of Coles Yard or road realignment the Order was therefore fully justified. The Sub-Committee was requested to confirm the order without modification.

**RESOLVED:**

(1) That tree preservation order 99/10 be confirmed without modification.

**75. DEVELOPMENT CONTROL**

**RESOLVED:**

(1) That the planning applications numbered 1 - 6 be determined as set out in the schedule attached to these minutes.

**76. ANY OTHER URGENT BUSINESS**

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

**77. 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.

**78. EXCLUSION OF PUBLIC AND PRESS****RESOLVED:**

(1) That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
11	Planning Appeal – Land at Ongar Station, High Street, Ongar	5

**79. PLANNING APPEAL - LAND AT ONGAR STATION, HIGH STREET, ONGAR**

The Principal Planning Officer presented a report regarding the forthcoming Planning Appeal in respect of the land at Ongar Station in the High Street, Ongar.

The Principal Planning Officer reported that planning application EPF/0457/10 proposed the erection of a large building for the frail elderly at Land at Ongar Station, facing directly onto the High Street. The Applicant had appealed against the non-determination of the application, but this Sub-Committee had decided that it would have refused to grant planning permission for the following reasons:

(i) *The applicants failure to provide an adequate affordable housing contribution in lieu of on-site affordable housing provision for a development of this size results in this proposal failing to comply with the aims of this Council's Adopted Local Plan policies H5A, H6A, H7A and I1A;*

(ii) *The design of the development, including its density, site coverage, bulk, massing and detailing, is out of character with the surrounding area and harmful to the character and usual amenity of the locality and the High Street in particular, contrary to policies CP2, CP7, H3A and DBE1 of the adopted Local Plan and Alterations;*

(iii) *The proposed development due to its size, scale and design, and also due to the loss of the curtilage listed building (355 High Street) would have an adverse impact on the setting of the adjacent grade II station building contrary to Policy HC12 of the adopted Local Plan and Alterations; and*

(iv) *The proposal would introduce a significant number of frail elderly people into the locality in close proximity to Ongar High Street. A contribution should therefore be provided (via a Legal Agreement under Section 106) to secure the provision of a pedestrian crossing on the High Street in the vicinity of the development in the interests of accessibility and safety and in accordance with policies ST2, ST4 and I1A of the Adopted Local Plan Alterations.*

The Principal Planning Officer advised the Sub-Committee that there was no evidence to support the fourth reason for refusal and that Officers would not be able to defend that reason at the appeal hearing on 8 February 2011. Consequently, it was very likely that an award of costs would be made against the Council if this reason for refusal was pursued, even if the Council won the appeal. The Sub-Committee was requested to either agree that the fourth reason for refusal should not be pursued or that individual members of the Sub-Committee be nominated to support the second reason for refusal at the appeal hearing.

One of the local Members for Chipping Ongar, Greensted and Marden Ash stated that there were bus stops either side of road at the position of the proposed crossing, Theatre Resource could offer facilities to residents on the other side of the road if the Crossing was in situ, and the Highways Agency had already surveyed the site and recommended it as a suitable position for a crossing. The Member advised the Sub-Committee of his willingness to attend the appeal to defend the reason for refusal.

The Sub-Committee was informed that the Highways Agency did not realise that the embankment was in private ownership when they conducted the survey at the site, and this was the reason why the construction of the crossing was not pursued. It was acknowledged that the provision of a crossing at the site had been a problem for some time, but it was not worth risking the success of the planning appeal on this issue. A possible site visit was suggested, but the Sub-Committee was reminded of the time constraints involved. The Sub-Committee duly resolved to defend the appeal on the first three reasons for refusal only.

**RESOLVED:**

(1) That the fourth reason for refusing planning application EPF/0457/10, which proposed the erection of a large building on land at Ongar Station in the High Street, Chipping Ongar, be not pursued by Officers at the planning appeal on 8 February 2011.

**CHAIRMAN**

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## Report Item No: 1

<b>APPLICATION No:</b>	EPF/1209/10
<b>SITE ADDRESS:</b>	Weald Hall Care Home Weald Hall Lane North Weald Epping Essex CM16 6ND
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Epping Lindsey and Thornwood Common  North Weald Bassett
<b>DESCRIPTION OF PROPOSAL:</b>	Single and one and a half storey extensions to existing care home to provide 9 additional bedrooms and improved facilities. (EMI) (Revised application)
<b>DECISION:</b>	Grant Permission (subject to conditions and s106 agreement)

### 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=519120](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=519120)

Members agreed to grant permission subject to the applicant first entering into a legal agreement under section 105 to provide a contribution of £5,000 towards the provision of healthcare in the locality and subject to the following 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 development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously

damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 4 Details of a travel plan indicating how reliance on public transport to the site will be minimised shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented in full.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1806/10
<b>SITE ADDRESS:</b>	Ovenden Papers Swordfish House Bower Hill Epping Essex CM16 7AQ
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use and subdivision of buildings A, B and C to 12 B1 (Office), B2 (General Industry) and B8 (Storage) units and material changes to elevations.
<b>DECISION:</b>	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=521079](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=521079)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing buildings, unless where otherwise noted within the submitted planning application or agreed in writing by the Local Planning Authority.
- 3 The premises shall be used solely for B1, B2 and/or B8 use and for no other purpose.
- 4 Outside the hours of 07:30 to 19:30 on Monday to Friday, 08:00 to 13:00 on Saturdays, the B2 and B8 units hereby approved shall not be occupied other than by ancillary office staff, nor shall any industrial use deliveries or servicing take place at any of the units outside these specified hours.  
  
The units shall not be open at any time for any purpose on Sundays and Bank/public holidays.
- 5 The parking areas shown on plan ref: 2292\_PL15 shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of staff and visitors vehicles.

- 6 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1889/10
<b>SITE ADDRESS:</b>	Glanmire Oak Hill Road Stapleford Abbots Romford Essex RM4 1EH
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of detached garage to summer house.
<b>DECISION:</b>	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=521413](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=521413)

**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 building shall be as detailed on the submitted plan No10/09/PL1.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1951/10
<b>SITE ADDRESS:</b>	George and Dragon Public House 206 High Street Epping Essex CM16 4AQ
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Externally illuminated signage, 2 no. single sided signs fitted to walls, 1 no. double sided hanging sign and 1 no. single sided freestanding sign on posts by entrance car park.
<b>DECISION:</b>	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=521570](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=521570)

**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 Additional drawings that show details of the proposed signage by section and elevation, detailing the frames at an appropriate scale shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- 3 The existing metal bracket shall be retained and re-used for the hanging sign.

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1988/10
<b>SITE ADDRESS:</b>	3 Middle Boy Lambourne Romford Essex RM4 1DT
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>DESCRIPTION OF PROPOSAL:</b>	Installation of trellis on top of 1 metre high boundary fence.
<b>DECISION:</b>	Deferred

**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=521682](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=521682)

The Officer advised Members that the Parish Council's comments have been received and they raised no objections.

Members deferred this item for consideration at a later meeting.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/2036/10
<b>SITE ADDRESS:</b>	Land adjacent to 12 and 12A Hemnall Street Epping Essex CM16 4LW
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing metalwork shop and erection of a new building comprising 6 self-contained apartments and 900 Sq ft self contained office accommodation.
<b>DECISION:</b>	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=521855](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=521855)

Further letters of objection from owners of 178-182 High Street were brought to the attention of Members, with six additional signatories on the petition in favour of the development. The owners of 12 and 12A Hemnall Street have written to withdraw their earlier objection.

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
- 3 Details of the types and colours of the external finishes and surface materials 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.
- 4 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 5 Prior to first occupation of the building hereby approved the proposed window openings in the south western flank wall shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7metres above the floor of the room in which the window is installed and shall be permanently retained in that condition or shall have a cill no lower than 1.5m in height.



- 6 The ground floor office shall be used solely for B1 and for no other purpose (including any other purpose in Class B of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 7 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.

- 8 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, staff, and visitors vehicles.

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### ***Report to Area Planning Sub-Committee East***

***Date of meeting: 8 December 2010.***

**Subject: Probity in Planning – Appeal Decisions April to September 2010**

**Responsible Officer: Nigel Richardson (01992 564110).**

**Democratic Services: Gary Woodhall (01992 564470).**

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#### **Recommendation(s):**

**(1) That the Planning Appeal Decisions for the period April to September 2010 be noted.**

#### **Report:**

##### Background

1. In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful appeals, particularly those refused by committee contrary to officer recommendation. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.

2. To set the context, a Best Value Performance Indicator (BVPI) for district councils was to aim to have less than 40% of their decisions overturned on appeal. The last available figure for the national average for District Councils was 30.9%. That BVPI was scrapped but replaced by one which records planning appeals only, not enforcement. That too has been dropped as a National Indicator but the Council has created a Local Performance Indicator. In previous years, this target has been to not exceed 25% of allowed decisions. In recent years the Council performance has been 18% in 2003/04, 29% in 2004/05, 22% in 2005/06, 30% in 2006/07, 29% in 2007/08, 40.3% for 2008/09 and 30.9% in 2009/10.

3. For 2010/11 a revised target has been set to not exceed 28%.

##### Performance

4. Over the six-month period between April and September 2010, the Council received 36 decisions on appeals, 32 of which were planning related appeals and 4 were enforcement related. Of these, 10 were allowed (31.7%).

5. For LPI 45, which only considers appeals against the refusal of planning permission (so does not include advertisement, listed building, enforcement, Certificate of Lawful Development's, telecommunications or tree-related appeals, nor appeals against conditions), the 6-month performance figure is 28.1% allowed (9 of 32 appeals). LPI45 target for this year is 28%.

## Planning Appeals

6. The proportion of the 32 planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period was 31.3% and of the 10 decisions that this percentage represents, the Council was not successful in sustaining the committee's objection in 6 of 10 (60%). The 6 lost were:

- (a) Area Sub-Committee South:
  - EPF/0485/10 – Redevelopment with a detached house at Former Beagle Hut, The Retreat, Retreat Way, Chigwell; and
  - EPF/0375/10 - Palisade fence and access gate on the boundary of units 11 & 12 at Unit 12 Loughton Business centre, Langston Road, Loughton;
- (b) Area Sub-Committee East:
  - EPF/1271/09 - Replacement of former stables with accommodation block and rear extension to form conservatory and storage at The Green Man, School Road, Toot Hill, Ongar. (Part allowed for conservatory); and
  - EPF/0380/10 - Side and rear two storey extension and two storey front extension at 3A The Weind, Theydon Bois; and
- (c) Area Sub-Committee West:
  - EPF/0364/10 - Erection of 4 bedroom house to rear of no.114 Old Nazeing Road, Nazeing; and
  - EPF/1206/09 - Demolition of disused pumping station and erection of a new build detached 3 bed house at Disused pumping station r/o 18 Stoneyshotts, Waltham Abbey.

7. Therefore, the committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases where members are certain they are acting in the wider public interest and where the Planning Officer can give a good indication of some success at defending the decision.

8. Of the 22 planning application decisions made by the Director of Planning & Economic Development under delegated powers, 3 were allowed (13.6%).

## Costs

9. During this period, there were two awards of costs made against the Council.

10. The first was an appeal against an enforcement notice for a change of use from office to a 1 bedroom flat at 53 High Street, Epping. Full costs of £8,287.00 were awarded because the Inspector considered the Council had issued the enforcement notice too promptly after the appellant had given notice that he was about to make a planning application and secondly, the information then submitted was sufficient for the Council to justify withdrawing the enforcement notice.

11. The second case was an appeal against an enforcement notice for the use of the site for permanent residential accommodation at 38 Roydon Lodge Chalet Estate. The Council had not, in the opinion of the Planning Inspector, considered the fall back situation and the previous use of the site. The costs awarded was £3,563.50 and the notice withdrawn to seek further enforcement investigation, rather than allow

it to proceed to a possible favourable decision for the appellant and potential further costs.

### Conclusions

12. The Council's performance for this 6-month period is an improvement on 2009/10 despite there being fewer appeals submitted. Fewer public inquiries and hearings have helped to safeguard against over using the budget set aside for employing consultants to defend appeals, given the procedure is now set by the Planning Inspectorate. Whilst 2 costs have been awarded against the Council, this has still been relatively low and infrequent, though in one case it perhaps indicates that there should be some caution taken by officers before issuing an enforcement notice a little hastily.

13. A full list of the decisions over this six month period is attached at Appendix 1.



**Planning Appeals Allowed**

**Chigwell**

1. EPF/0485/09 – Demolition and clearance of existing site and redevelopment with a detached house with ancillary car parking and associated hard surfacing and landscaping at Former Beagles Hut, The retreat, Retreat Way.
2. EPF/1862/09 - Demolition and clearance of existing site and redevelopment with a detached house with ancillary car parking and associated hard surfacing and landscaping (revised application) at Former Beagles Hut, The Retreat, retreat Way.

**Fyfield**

3. EPF/1187/09 - New chimney and internal alterations at 1 Elmbridge Hall.

**Lambourne**

4. EPF/1755/09 - Grain storage building. (revised application) at Gallmans End Farm, Manor Road.

**Loughton**

5. EPF/0375/09 - Erection of a palisade fence and access gate on the boundary of units 11 and 12 at Unit 12 Loughton Business Centre, Langston Road.

**Nazeing**

6. EPF/0364/09 - Erection of a four bedroom detached house associated parking to the rear of No.114 Old Nazeing Road.

**Stanford Rivers**

7. EPF/1271/09 - Replacement of former stables with accommodation block and rear extension to form conservatory and storage at The Green Man, School Road, Toot Hill, Ongar - (Part Allowed – conservatory only).

**Theydon Bois**

8. EPF/0380/10 - Side and rear two storey extension to replace existing detached garage and store and two storey front extension. (revised application) at 3A The Weind, Theydon Bois

**Waltham Abbey**

9. EPF/1206/09 - Demolition of disused pumping station and erection of a new build detached 3 bed house at Disused Plumbing Station rear of 18 Stoneysshots.

**Planning Appeals Dismissed**

**Buckhurst Hill**

1. EPF/1099/09 - Demolition of existing property and erection of a block of seven flats at 104 Queen's Road.
2. EPF/2271/09 - Demolition of existing property and erection of a block of five flats. (revised application) at 105 Queen's Road.

**Epping**

3. EPF/0239/10 - Vehicle Crossover at 20 Bower Hill.

**Fyfield**

4. EPF/1187/09 - New chimney and alterations at 1 Elmbridge Hall, Fyfield.

**Lambourne**

5. EPF/0141/10 - Retention of fencing. (revised application) at 3 Middle Boy, Abridge.

**Loughton**

6. EPF/0279/10 - Loft conversion with front and rear dormer windows and raising the ridge line at 11 Longfield.

7. EPF/0325/10 - External remodelling to include front, sides and rear two storey extensions, extensions to existing roof. (Revised application) at 18 Alderton Hill.

8. EPF/1507/09 - Demolition of existing bungalow and erection of a pair of semi detached houses at 15 The Crescent.

9. EPF/1965/09 - Erection of wall and metal railings to boundary of front garden. (Revised application) at 51 Valley Hill.

10. EPF/1716/09 - Renewal of outline planning permission for the erection of a private dwelling house for the proprietor of 'Beechlands' at Beechlands 42 Alderton Hill.

11. EPF/0061/10 - EPF/29/04 T1 Cedar-fell at 7 Church Hill.

12. EPF/1362/09 - Reserved matters application for the erection of a detached dwelling in the rear garden of care home for proprietor of 'Beechlands' at Beechlands, 42 Alderton Hill.

**Nazeing**

13. EPF/0730/09- Demolition of existing house and erection of detached replacement dwelling at Dene, Nursery Road.

**Roydon**

14. EPF/ 1168/09 - Erection of 14 two storey houses and 4 one storey bungalows at Land to rear of 32 High Street.

**Stanford Rivers**

15. EPF/0408/10 - Two storey front and side extension with dormer windows added to front at Willow Mount Epping Road.

**Stapleford Abbots**

16. EPF/1733/09 - Part change of use of existing stables to form two bedroom dwelling with associated cartilage at Oak Field, Curtis Mill Lane.

**The Rodings, Abbess, Beauchamp & Berners**

17. EPF/0956/09- Proposed conversion of former Cart Lodge to form B1 Office Unit at Abbess hall, Abbess Roding.

18. EPF/0995/09 – Conversion of cart-lodge to form B1 Office Unit at Abbess Hall, Abbess Roding.



**Theydon Bois**

19. EPF/0603/10- Single storey rear extension and two storey side extension and side dormer window. (Revised application) at 2 Heath Drive.

**Theydon Mount**

20. EPF/1439/09- Change of use of an existing building at front of site to canteen (A2 use) at Barkers Farm, Mount End Road.

**Waltham Abbey**

21. EPF/0527/09- Retention of use of site for stabling of horses together with position of stables and ancillary structures for the keeping of livestock and retention of palisade fencing on boundaries at Land On The East Side of Pick Hill.

22. EPF/2478/09- Variation of condition 7 'Delivery times' on EPF/1305/08, to allow deliveries to be made between 7am-11pm Monday and Saturdays and from 9am to 5pm on Sundays and Bank Holidays. (Demolition of existing buildings and erection of new 'Lidl' food store and construction of five start-up industrial units- Revised application) at 1 Cartersfield Road.

23. EPF/0975/09 – Use as a Hospital at Wellington Hall, Wellington Hill.

**Enforcement Appeals Allowed**

1. Change of use from office (Class B1) to residential (Class C3) comprising a 1 bedroom flat at first floor level at 53 High Street, Epping.

**Enforcement Appeals Dismissed**

2. Construction of a Building at The Burrows Fishing Lake, London Road, Stapleford Tawney.

3. Erection of a single storey building at the Green Man PH, School Road, Toot Hill, Stanford Rivers.

4. Change of use of land for the hire and storage of skips at Land at Former Prospect Nursery, Old Nazeing Road, Nazeing.

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