

# Committee Agenda



**Epping Forest  
District Council**

## **Area Plans Subcommittee D Wednesday, 8th June, 2005**

**Place:** Council Chamber, Civic Offices, High Street, Epping  
**Room:** Council Chamber  
**Time:** 7.30 pm  
**Democratic Services Officer** Adrian Hendry, Research and Democratic Services  
Tel: 01992 564246 email: ahendry@eppingforestdc.gov.uk

Members:

Councillors Ms S Stavrou (Chairman), Mrs P Smith (Vice-Chairman), Mrs D Borton, Mrs P Brooks, R Chidley, J Demetriou, R D'Souza, Mrs R Gadsby, R Haines, J Lea, L McKnight, P McMillan, Mrs M Sartin and D Spinks

**A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 6.30 P.M. IN COMMITTEE ROOM ON THE DAY OF THE SUB-COMMITTEE.**

**1. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 6)**

General advice to people attending the meeting is attached together with a plan showing the location of the meeting.

**2. MINUTES (Pages 7 - 10)**

To confirm the minutes of the last meeting of the Sub-Committee held on 20 April 2005 as a correct record (attached).

**3. APOLOGIES FOR ABSENCE**

**4. DECLARATIONS OF INTEREST**

(Head of Research and Democratic Services) To declare interests in any item on this agenda.

## 5. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

## 6. DEVELOPMENT CONTROL (Pages 11 - 70)

(Head of Planning and Economic Development) To consider planning applications as set out in the attached schedule

**Background Papers:** (i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule. (ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

## 7. PROBITY IN PLANNING - APPEAL DECISIONS, OCTOBER 2004 - MARCH 2005. (Pages 71 - 72)

### Recommendation:

That the committee notes the outcomes of the appeals.

### Background

(Head of Planning Services) In compliance with the recommendation of the District Auditor of November 2000, this report advises the decision-making committee 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.

To set the context, a Best Value Performance Indicator was for district councils to aim to have less than 40% of their decisions overturned on appeal with the national average of about 33%. In fact in recent years the Council has been more successful with only 31% overturned in 1999/00, 25% in 2000/01, 24% in 2001/02, 27% in 2002/03 and only 18% in 2003/04.

### Performance

Over the six-month period between October 2004 and March 2005, the Council received 47 decisions on appeals – 44 planning appeals and 3 enforcement appeals. Of the 44 planning appeals, 14 were allowed (32%) and of the 3 enforcement appeals none were allowed – a combined total of 29% of the Council's decisions overturned.

For the year (04/04 to 03/05) as a whole, there were 79 planning appeal decisions and 12 enforcement appeals, with 23 planning appeals allowed and 2.5 enforcement

appeals allowed, providing an overall proportion for the year of 28% of the Council's decisions being overturned at appeal.

### **Planning Appeals**

Of those 14 planning appeals allowed, 4 were allowed following decisions by committee to refuse contrary to officer's recommendation. Those 4 were:

EPF/1007/03 – Fishing lakes and associated buildings at the former Thornwood Camp, Carpenters Arms Lane, Thornwood (Area Committee B 12/11/03)

EPF/2207/03 – Single and two storey side and rear extensions at 58, Loughton Way, Buckhurst Hill (Area Committee A 11/02/04)

EPF/416/04 – Erection of two storey side and rear extension at 11, Primley Lane, Sheering (Area Committee C 19/05/04)

EPF/1254/04 – New dwelling at 87, Monkswood Avenue, Waltham Abbey (Area Committee D 29/09/04)

To complete the picture, officers were successful in sustaining a committee decision to refuse, when officers had recommended granting permission, in 5 cases - nos. 18, 21, 24, 32 and 33 on the attached list.

### **Costs**

Costs were awarded against the Council in just 1 appeal. This was in regard to the two cases at Old House Farm, Old House Lane, Nazeing where the Council sought to argue that the nature of the traffic implications from the retention and expansion of commercial activities at this former farm complex was so different from the former farm traffic that amenity and environmental concerns were justified. The Inspector concluded that the Council should have had greater regard to the traffic information submitted at application stage and that the refusal of permission was unreasonable. In the circumstances he made a full award in the appellant's favour of the costs of the whole appeal. The sum is still being determined but is likely to be in the order of £14,000.

### **Conclusions**

The Council's performance for this 6-month period was somewhat below last year's exceptional performance but consistent with previous periods and has exceeded the BVPI and the national average.

The decisions are listed in the Members Bulletin from time to time but a full list of decisions over this six month period is attached the agenda.

## **8. DELEGATED DECISIONS**

(Head of Planning and Economic Development) Schedules of planning applications determined by the Head of Planning and Economic Development under delegated powers since the last meeting of a Plans Subcommittee may be inspected in the Members Room or at the Planning and Economic Development Information Desk at the Civic Offices, Epping.

**9. EXCLUSION OF PUBLIC AND PRESS**

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the paragraph(s) of Part 1 of Schedule 12A of the Act indicated:

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
Nil	Nil	Nil

To resolve that the press and public be excluded from the meeting during the consideration of the following items which are confidential under Section 100(A)(2) of the Local Government Act 1972:

<b>Agenda Item No</b>	<b>Subject</b>
Nil	Nil

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

**Background Papers:** Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.