

# Committee Agenda



**Epping Forest  
District Council**

## **Area Plans Subcommittee D Wednesday, 1st November, 2006**

**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 P McMillan (Chairman), Councillor Mrs D Borton (Vice-Chairman), Mrs P Brooks, Mrs A Cooper, J Demetriou, R D'Souza, Mrs R Gadsby, R Haines, Mrs J Lea, Mrs M Sartin, Mrs P Smith, D Spinks, Ms S Stavrou and J Wyatt

**A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 6.30 P.M. IN COMMITTEE ROOM 1 ON THE DAY OF THE SUB-COMMITTEE.**

**1. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 7 - 8)**

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

**2. MINUTES (Pages 9 - 16)**

To confirm the minutes of the last meeting of the Sub-Committee held on 4 October 2006 as correct record (attached).

**3. APOLOGIES FOR ABSENCE**

**4. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

(Head of Research and Democratic Services) To report the appointment of any substitute members for the meeting.

**5. DECLARATIONS OF INTEREST**

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

## 6. 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.

## 7. CONFIRMATION OF TREE PRESERVATION ORDER EPF/02/06 - BARN COTTAGE, EPPING ROAD, BROADLEY COMMON, NAZEING

### **RECOMMENDATION:**

**That tree preservation order EPF/02/06 is confirmed.**

### **Background:**

Tree Preservation Order EPF/02/06 was made to protect one tree at Barn Cottage, Epping Road, Broadley Common.

The order was served to protect:

T1. Monterey Cypress

The Tree Preservation Order was made to give control over the tree as a result of a request made by the tree owner, who gave notice of her intention to fell the tree. It is a legal requirement to give notice of an intention to carry out works to trees within a conservation area. The notice alerted officers to the threat posed and action was taken accordingly. The order will ensure that a landscape feature stands at this point in the road and allow proper scrutiny of reasons for any future proposals to fell the tree.

The local landscape of this part of Broadley Common is characterized by a ribbon development of residential dwellings with occasional light commercial businesses, fronting onto Epping Road. Individual trees and shrubs generally situated in the residential front garden/driveways provide elements of sporadic greening along this busy route .

T1, is a landmark tree, with striking skyline landscape importance. Individually this tree is possibly the most important landscape feature of this part of Broadley Common. It was clear that, unless the council acted quickly to protect it, this tree would have been lost.

### **Objection to the Tree Preservation Order :**

Two objections to the order have been raised, on the following grounds:

1. 'Barn Cottage' resident:

'... the tree's root system may be threatening the existence of my property and also that of 'The Firs'.' I understand, after a conversation with the owner of 'The Firs', that he was advised several years ago, to have the trees removed, when it was established that the roots of the trees were undermining the stability of the foundations of his property.'

'The tree is very tall and interferes with telephone wires that run through the tree and sways energetically in high winds.'

2. 'The Firs' resident

The tree is of amenity value but is too close to The Firs and Barn Cottage garage. The size of the tree suggests it is undermining existing footings and services from the tall signs visible on Barn Cottage's garage wall. Over time the tree should be removed with pruning management in the interim.

### **Head of Planning Services Comments**

The detailed response to the grounds of objections are listed below:

1. The Monterey cypress has and continues to damage the front boundary wall by the direct action of the large buttress roots on this light structure. There are technical design solutions available to remedy the immediate problem of wall disruption, without the need to fell the tree.
2. There is, at present, no technical evidence provided to confirm that roots from this tree are undermining the stability of the foundations of The Firs.
3. The presence of telephone wires within the crown of a tree is not in itself justification to fell a tree of this importance and it generally regarded as a sign of structural integrity that branches and even the stem of a tree bend and sway under load.
4. The cracks to the garage wall require detailed analysis before any decision to remove the tree can be considered. It appears from a letter written by a planning officer in 1987, that ash trees stood in the front garden of The Firs and an opinion was given at that time, which implicated them in the subsidence occurring to the garage. An ash tree has since been removed, which may have stabilized the problem. In any event, new investigations would be required in respect of structures at both properties before considerations are given to the removal of the cypress.

### **Conclusions**

The tree protected by this order is an established public amenity, adding outstanding scale and greening to the local landscape character. This tree is under threat and deserves protection from its owner, who has clearly expressed her wish to fell it. Members are asked to confirm the order.

**8. VARIATION TO THE HEAD OF TERMS OF THE SECTION 106 AGREEMENT IN RESPECT OF THE COBINS BROOK FLOOD ALLEVIATION SCHEME (Pages 17 - 20)**

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

**9. DEVELOPMENT CONTROL (Pages 21 - 44)**

(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.

**10. 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.

**11. EXCLUSION OF PUBLIC AND PRESS**

**Exclusion:** 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 following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

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

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Confidential Items Commencement:** 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 and 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.