

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Plans Subcommittee B/C **Date:** Wednesday, 21 March 2007

Place: Council Chamber, Civic Offices, **Time:** 7.30 pm - 10.15 pm
High Street, Epping

Members Present: M Colling, Mrs D Collins, R Frankel, P Gode, A Green, Mrs A Grigg, D Jacobs, D Kelly, S Metcalfe, R Morgan, Mrs S Perry, Mrs P K Rush, D Stallan, Mrs J H Whitehouse, J M Whitehouse and K Wright

Other Councillors:

Apologies: Mrs H Harding, Mrs M McEwen and C Whitbread

Officers Present: B Land (Assistant Head of Planning Services), A Sebbinger (Principal Planning Officer), C Neilan (Planning and Economic Development Services), R Rose (Senior Lawyer), G J Woodhall (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

8. 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.

9. 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.

10. MINUTES

RESOLVED:

That the minutes of the meeting held on 21 February 2007 be taken as read and signed by the Chairman as a correct record.

11. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors M Colling, Mrs D Collins, A Green, Mrs A Grigg, S Metcalfe, Mrs S Perry, and D Stallan declared a personal interest in the following item of the agenda by virtue of the applicant being a District councillor for the Conservative Group. The Councillors had determined that their interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

EPF/1213/06 – The Thatched House Hotel, High Street, Epping.

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

- EPF/0107/07 – 30 Bower Road, Epping.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Mrs K Rush declared a personal interest in the following items of the agenda, by virtue of having been a member of Wansfell College's governing body. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2464/06 – Wansfell College, 30 Piercing Hill, Theydon Bois; and
- EPF/2470/06 – Former Caretaker's House, Wansfell College, 30a Piercing Hill, Theydon Bois.

(d) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following item of the agenda, by virtue of having an account with the Lloyds Bank. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2453/06 – 154 High Street, Epping.

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

- EPF/2185/06 – Purlieu House, 11 Station Road, Epping;
- EPF/0039/06 – 208-212 High Street, Epping;
- EPF/0060/06 CAC – 208-212 High Street, Epping;
- EPF/2453/06 – 154 High Street, Epping; and
- EPF/0107/07 – 30 Bower Road, Epping.

(f) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J H Whitehouse declared a personal interest in the following items of the agenda, by virtue of being a member of the Epping Society and the Theydon Bois and District Rural Preservation Society. The Councillors had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/2464/06 – Wansfell College, 30 Piercing Hill, Theydon Bois;
- EPF/2470/06 – Formers Caretaker's House, Wansfell College, 30a Piercing Hill, Theydon Bois;

- EPF/0039/06 – 208-212 High Street, Epping; and
- EPF/0060/06 CAC – 208-212 High Street, Epping.

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

- EPF/2185/06 – Purlieu House, 11 Station Road, Epping;
- EPF/0039/06 – 208-212 High Street, Epping;
- EPF/0060/06 CAC – 208-212 High Street, Epping;
- EPF/2453/06 – 154 High Street, Epping;
- EPF/0107/07 – 30 Bower Road, Epping; and
- EPF/0113/07 – 182 High Street, Epping

12. ANY OTHER BUSINESS

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

13. EXEMPTION OF OAK TREE SUBJECT TO TREE PRESERVATION ORDER, OAK TREES, HIGH ONGAR ROAD

The Tree Preservation Officer presented a report regarding the exemption of an Oak Tree subject to Tree Preservation Order TPO 16/90 at Oak Trees, High Ongar Road, High Ongar. The tree preservation order had been made due to the local importance of the tree, its age, historic significance, and because of an impending change of ownership of the property. At the time the Tree Preservation Order was made, there had been no allegations of subsidence.

On 6 September 2006, an application was received to fell the tree on the grounds of subsidence to the adjacent property - The Cedars, High Ongar Road, Ongar - by representatives for their insurers. Following a meeting at the property, an independent engineer advised that while there was no doubt that the adjacent property was suffering from subsidence, and that the subsidence was linked to root activity of the oak trees in the adjacent property, the reason for the damage was that the foundations were sub-standard. In the engineers opinion the current solution was to make good the foundations, which would allow the tree to be retained.

Furthermore it was discovered that no application for planning permission had been received for the damaged part of the adjacent building, which was a front extension, and no record could be found for any application for Building Control approval for the details of the foundation design. It appeared that a proper foundation design would have prevented the damage occurring. It could have been foreseen that the tree would cause problems, and therefore it would be expected that proper foundations would be put in place. It was intended that the application to fell the tree be reported to Committee for refusal, however the issue was then appealed for non-determination before the matter was presented to Committee. The hearing had been set for 1 May 2007.

On 18 December 2006 a letter was received from the appellants stating that, following a decision on a recent case, the current case should be treated as exempt as the consent of the Council would not be required for the abatement of a nuisance. In this particular case the felling of the tree being a remedy was not at dispute, what was resolved was that it was not open to the Council to say it would be possible to resolve the issue by such measures as a root barrier or improved foundations.

This argument by the appellants had been the subject of a legal opinion specially commissioned on behalf of the Council. Effectively this opinion had confirmed the submission of the appellants in all major respects and confirmed that there was no likelihood of the Council succeeding in a case that the tree was not exempt as a result of the failure to construct proper foundations. This has rendered the legal process of the appeal redundant since the Council cannot argue that the case falls within its jurisdiction to agree.

RESOLVED:

- (1) That, an oak tree subject to TPO 16/90 at Oak Trees, High Ongar Road, High Ongar be declared exempt in respect of damage to the adjacent property;
- (2) That, this exemption be confirmed to the agents and owners of the adjacent property; and
- (3) That, the current appeal not be contested.

14. DEVELOPMENT CONTROL

RESOLVED:

That the planning applications numbered 1 – 14 be determined as set out in the schedule attached to these minutes.

15. 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

Report Item no: 1

APPLICATION No:	EPF/1737/06
SITE ADDRESS:	Hall Farm Greensted Road Ongar Essex CM5 9LD
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
DESCRIPTION OF PROPOSAL:	Construction of private stables and manege with new vehicle access.
DECISION:	GRANTED

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 stables hereby approved shall be used for private stabling purposes only and not for any commercial or business activity, including livery.
- 3 The development shall be carried out in accordance with the amended plans received on 15/01/07 unless otherwise agreed in writing with the Local Planning Authority.
- 4 Details of the types and colours of the external finishes 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.
- 5 Prior to the commencement of development details of the post and rail fencing shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of the site hereby approved and maintained in the agreed positions.
- 6 Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority before any work commences and the development shall be implemented in accordance with such agreed details.
- 7 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

- 8 The gates hereby approved at the new vehicle access shall only open inwards and shall be set back a minimum of 14 metres from the edge of the highway.
- 9 Prior to commencement of the development hereby approved the visibility splay of the new access shall be a minimum of 150 metres by 2.4 metres to the west and 130 metres by 2.4 metres to the east as measured from and along the edge of the carriageway shall be provided and maintained thereafter.
- 10 Prior to the commencement of the development details of the proposed surface materials for the new access shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.
- 11 Prior to occupation of the site the existing access shall be permanently closed and shall thereafter be retained as such.
- 12 There shall be no external lighting of the stable yard, manege or roadway.
- 13 Burning of manure and other animal waste shall not take place on the site.
- 14 Manure shall be stored in a manner that does not give rise to nuisance from odour, vermin or flies, and run-off shall not pollute any surface or groundwater.
- 15 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.
- 16 No horses shall be exercised on the public highway without the prior permission in writing from the Local Planning Authority.

Report Item no: 2

APPLICATION No:	EPF/0052/07
SITE ADDRESS:	Land to the east of Willow Mount Epping Road Ongar Essex CM5
PARISH:	Stanford Rivers
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Proposed manege associated with private stables.
DECISION:	GRANTED

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 lighting or illumination is to be installed for the manege hereby approved.
- 3 No commercial or business use of the manege hereby approved shall take place at any time.
- 4 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.

Report Item no: 3

APPLICATION No:	EPF/0213/07
SITE ADDRESS:	Lyngs Farm Nupers Lane Stapleford Abbots Romford Essex RM4 1JR
PARISH:	Stapleford Abbots
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Formation of a access road to existing buildings.
DECISION:	GRANTED

CONDITIONS

- 1 No fencing or lighting or other structures shall be erected along the course of the driveway
- 2 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 3 Within 3 months of the date of the permission the first 6m of the driveway from the edge of the highway boundary shall be treated in an approved bound material to prevent loose materials being carried onto the highway, and approved in writing by the Local Planning Authority.

Report Item no: 4

APPLICATION No:	EPF/2464/06
SITE ADDRESS:	Wansfell College 30 Piercing Hill Theydon Bois Epping Essex CM16 7SW
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Change of use, alteration and extension of former college building to contain 14 no. residential flats with on-site parking. (Revised application)
DECISION:	REFUSED

The Committee's attention was drawn to a further representation from 32 Heath Drive, Theydon Bois.

REASON FOR REFUSAL

- 1 The proposals represent overdevelopment in the Green Belt since the substantial car parking area deriving from 14 units adds further built development in the Green Belt, harming openness and the character of the surroundings. The proposals therefore amount to inappropriate development in the Green Belt, contrary to the purposes of including Land within it and thus contrary to adopted Local Plan policy GB8A and the provisions of PPG2.

Report Item no: 5

APPLICATION No:	EPF/2470/06
SITE ADDRESS:	Former Caretakers House Wansfell College 30A Piercing Hill Theydon Bois Epping Essex CM16 7SW
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Outline application for the erection of new dwelling on new plot 30A Piercing Hill.
DECISION:	WITHDRAWN

Report Item no: 6

APPLICATION No:	EPF/1213/06
SITE ADDRESS:	Thatched House Hotel High Street Epping Essex CM16 4AP
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Single storey side extension to approved reception for two proposed bedrooms with wheelchair access. (Revised application)
DECISION:	REFUSED

CONDITIONS

- 1 The proposal would result in the loss of off-street parking, and would result in an insufficient number of spaces for the hotel, causing increased congestion. This is contrary to Policy ST6 of the Adopted Local Plan and Alterations.

Report Item no:7

APPLICATION No:	EPF/2185/06
SITE ADDRESS:	Purlieu House 11 Station Road Epping Essex CM16 4HA
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Change of use from shop to office/reception use. (A1 to B1)
DECISION:	GRANTED

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: 8

APPLICATION No:	EPF/0039/06
SITE ADDRESS:	208 - 212 High Street Epping Essex CM16 4AQ
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Demolition of buildings and redevelopment of site to provide a mixed use development comprising A1 retail and 8 residential units.
DECISION:	GRANTED

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 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 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 4 No development shall take place until the applicant has secured the implementation of a programme of historic building recording and archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the planning authority.
- 5 Details of a screen to surround the first floor terrace area shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The screen shall be erected in accordance with this agreed scheme and be permanently retained thereafter.
- 6 Details of a wall to be erected to the boundary of number 2 Hemnall Street shall be submitted to and approved by the Planning Authority and the boundary wall shall be erected in accordance with these approved plans and permanently retained thereafter.
- 7 The rating level of noise (as defined by BS4142:1997) emitted from any air conditioning units, condenser units and other mechanical plant shall not exceed 5dB(A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:1997.
- 8 The servicing of the retail unit hereby approved shall not take place between the hours of 06:30 and 18:00 every day and the unit shall be serviced from the High Street entrance only and not from the rear Hemnall Street side of the premises.
- 9 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 10 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 11 The retail unit hereby approved shall be let as one unit and not sub-divided without the prior written consent of the Local Planning Authority.
- 12 The development shall be carried out in accordance with the amended plans received on 21/03/07 unless otherwise agreed in writing with the Local Planning Authority.
- 13 Prior to the commencement of the development, and notwithstanding the approved plans, details of a bin store shall be submitted for approval in writing by the Local Planning Authority (LPA). The bin store shall be provided in accordance with these

details and be permanently retained as such thereafter, unless the Local Planning Authority gives it's written consent to any variation.

- 14 No development shall commence without having in place the measures to secure a contribution towards the enhancement of the Conservation Area.

Report Item no: 9

APPLICATION No:	EPF/0060/06 CAC
SITE ADDRESS:	208 - 212 High Street Epping Essex CM16 4AQ
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Conservation area consent for demolition of 208-212 High street and buildings to rear.
DECISION:	GRANTED

CONDITIONS

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

In addition, it is recommended that this permission is subject to the prior completion of a satisfactory section 106 agreement ensuring that the demolition does not commence until a contract has been entered into for the construction of the replacement building.

Report Item no: 10

APPLICATION No:	EPF/2453/06
SITE ADDRESS:	154 High Street Epping Essex CM16 4AQ
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	New bank signage: illuminated hanging sign and non illuminated fascia type sign.
DECISION:	GRANTED

CONDITIONS

- 1 The maximum luminance of the sign granted consent by this Notice shall not exceed 800 candelas per square metre.

Report Item no: 11

APPLICATION No:	EPF/0107/07
SITE ADDRESS:	30 Bower Hill Epping Essex CM16 7AD
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Retention of non illuminated hoarding sign.
DECISION:	GRANTED

NO CONDITIONS

Report Item no: 12

APPLICATION No:	EPF/0113/07
SITE ADDRESS:	182 High Street Epping Essex CM16 4AQ
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Replacement shopfront.
DECISION:	GRANTED

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: 13

APPLICATION No:	EPF/0109/07
SITE ADDRESS:	Land to the rear of 12 New Farm Drive Lambourne Romford Essex RM4 1BT
PARISH:	Lambourne
WARD:	Lambourne
DESCRIPTION OF PROPOSAL:	Retention of shed for agricultural purposes.
DECISION:	GRANTED

NO CONDITIONS**Report Item no: 14**

APPLICATION No:	EPF/0033/07
SITE ADDRESS:	Chase Meadow 140 London Road Lambourne Romford Essex RM4 1XX
PARISH:	Lambourne
WARD:	Lambourne
DESCRIPTION OF PROPOSAL:	Erection of front boundary garden wall, railings and associated planting to form boundary separation to front of site. (Revised application)
DECISION:	GRANTED

The committee's attention was drawn to the receipt of a letter of support signed by 12 near neighbours.

CONDITIONS

- 1 Within 2 months of the date of this permission, details shall be submitted for approval to the Local Planning Authority, indicating the removal or reduction in height of the two wing walls at the extremities of the front boundary and the works carried out within two months of that approval.