

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control Committee **Date:** 7 August 2007

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

Members Present: B Sandler (Chairman), D Kelly (Vice-Chairman), K Chana, R Bassett, M Colling, R Frankel, J Hart, J Knapman, J Markham, P McMillan, Mrs P Smith and H Ulkun

Other Councillors: Mrs A Cooper and Mrs M Sartin

Apologies: Mrs A Haigh, P Turpin, Mrs L Wagland and M Woollard

Officers Present: T Carne (Public Relations and Marketing Officer), S G Hill (Senior Democratic Services Officer), S Solon (Principal Planning Officer) and G J Woodhall (Democratic Services Officer)

1. 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.

2. MINUTES

Resolved:

That the minutes of the meeting held on 17 April 2007 be taken as read and signed by the Chairman as a correct record.

3. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted that Councillor R Bassett had been appointed as a substitute for Councillor L Wagland for this meeting.

4. DECLARATIONS OF INTEREST

(a) Pursuant to the Councils Code of Member Conduct, All members of the Committee declared a personal interest in agenda item 8 (92 Crooked Mile, Waltham Abbey) by virtue of the applicant being a District Councillor. All members of the Committee stayed in the meeting and took part in the debate on that item.

(b) Pursuant to the Councils Code of Member Conduct, Councillor M Sartin declared a personal and prejudicial interest in agenda item 8 (92 Crooked Mile, Waltham Abbey) and indicated that she would leave the meeting for the duration of that item.

5. ANY OTHER BUSINESS

The Committee noted that there were no further items of business for this meeting.

6. EPF/0448/07 - 92 CROOKED MILE, WALTHAM ABBEY - TWO STOREY SIDE EXTENSION AND CHANGE OF USE FROM RESIDENTIAL TO MIXED USE OF RESIDENTIAL AND LEARNING DISABILITY HOME

The Committee considered an application for the erection of a two-storey side extension and change of use of the premises from a single dwelling house to a mixed use of residential and a residential learning disability care home, for up to 9 adults with learning disabilities at 92 Crooked Mile, Waltham Abbey. The application had stood referred to the Committee as the relevant Planning Subcommittee had been inquorate and therefore unable to consider the application.

The Committee noted that the main issues in the consideration of this application were whether the use was appropriate in the location, the design and impact on the street scene, impact on adjacent residents, the living conditions provided for residents, parking and highway issues and flooding.

In terms of the proposal, the size of the extension would double the size of the existing dwelling which was considered excessively large by Officers which didn't respect the character of the local area and harmful the amenities of the local residents. The intensification of use was also considered excessive within a site that was too small. Too little amenity space had been allowed for the proposed residents. The five additional parking spaces provided in the front of the property were insufficient and required vehicles to exit the site backwards and this, together with the lack of a loading/unloading space, meant that the proposal would result in harm to highway safety and an objection had been received by the Highway Authority. The site was also within a flood risk zone. Officers recommended refusal based upon these concerns.

The Committee noted two further letters of objection that had been received since the publication of the agenda and heard from Mrs Clark an objector to the proposed development.

The Committee, whilst having sympathy for the applicant, considered that no special circumstances had been shown that would override the planning concerns. The proposal was not in the right location and therefore not acceptable. The committee agreed with the assessment of officers and refused the application.

Resolved:

That Planning Application EPF/0448/07 at 92 Crooked Mile, Waltham Abbey be refused for the following reasons:

(1) The proposed extension and change of use of the building results in an unacceptable intensification of use of the site which will result in excessive harm to the amenities of neighbouring occupants from visual impact from the extension and disturbance from additional activity at and around the site. The proposal is therefore contrary to policies DBE9 and CP7 of the adopted Local Plan;

(2) The proposed extension by reason of its size and its position relative to the adjacent property fails to complement or enhance the appearance of

either the streetscene or the existing building, contrary to policy DBE10 of the adopted Local Plan;

(3) The proposed development is within a flood risk area, with a recent history of flooding and it has not been demonstrated to the Local Authority that this development will not result in an increased risk of flooding, either on site or elsewhere. The scheme is therefore contrary Policy U2A of the adopted local Plan and Local Plan Alterations;

(4) The proposals fail to provide adequate usable amenity space for the number of residents proposed and in addition there is inadequate internal communal space to compensate in any way for this shortcoming. The proposal is therefore contrary to policy DBE8 of the adopted Local Plan and Local Plan Alterations; and

(5) The proposed development will result in additional on street parking, additional turning movements off and onto the Crooked Mile and additional manoeuvring movements within Hereward Close, close to the junction with the Crooked Mile. Additionally the proposal fails to include adequate provision for the parking of bicycles and powered two wheeled vehicles. The proposal is therefore likely to result in harm to highway safety and is contrary to policies ST4 and ST6 of the adopted Local Plan and Alterations.

7. 42/43 ROYDON CHALET ESTATE, ROYDON

The committee received a report which set out options for dealing with the unlawful stationing of a mobile home in the Roydon Chalet Estate that was the subject of an extent enforcement notice. The matter had been referred to the District Development Control Committee by the Area Planning Sub-Committee West with a recommendation that direct action be taken to secure compliance with the requirements of an enforcement notice.

Roydon Lodge Chalet Estate had been established before the Second World War as a recreational site for the enjoyment of occupiers during summer holidays and weekends. It was never intended that the estate would provide permanent residential accommodation and long established planning policy relating to the estate restricted the use of all chalets, caravans and mobile homes to weekends and holidays during the months of April to October inclusive.

The Committee noted that a small wooden chalet formerly occupied one of the original plots of the 42/43 Roydon Chalet Estate had been demolished and a considerably larger mobile home stationed on the site on a new area of hardstanding. The formation of the hardstanding and stationing of the mobile home had been carried out without planning permission.

The owner of the land subsequently applied for retrospective planning permission for the development in January 2002, which had been refused on the grounds that it did not respect with the rural character of the estate, was at risk of flooding and would increase the risk of flooding elsewhere. The owner had appealed against this decision but in May 2003 the Secretary of State had dismissed the appeal for the reasons the Council refused planning permission and also because the development was inappropriate in the Green Belt and no very special circumstances existed that outweighed the harm caused.

Despite requests, the owner had not removed the development and an Enforcement Notice had been issued in May 2004. The notice required the owner to 'remove the

mobile home together with any associated works including the brick plinth, concrete base, all hardstanding and paving from the land'. The owner appealed against the notice but the Secretary of State had dismissed his appeal in October 2004. The notice therefore became effective and a period of 4 months given for compliance.

The requirements of the enforcement notice had been not complied with and in August 2006 the Council had attempted to prosecute the owner for failing to comply with the requirements of the notice, but it had not been possible to serve a summons on the owner in Spain but it had not been possible to find a contact address for him.

Since it had not been possible to find a person responsible for complying with the enforcement notice that the Council can prosecute, officers have taken steps to explore the option of taking direct action to secure compliance with the notice.

From Legal advice obtained was considered that the Council could not demolish the home since as it was a mobile structure and the requirement of the enforcement notice was to cease using the land for stationing a mobile home and to remove the existing home. The Head of Legal, Administration and Estates had recommended that the mobile home should be removed from the land and stored for at least 1 month in case the owner wishes to claim it.

Officers had sought quotes for the carrying out of steps to secure compliance with the requirements of the enforcement notice and only one company had been found that was willing to carry out the work and had the facilities to store the unit securely. The total budget for taking direct action to secure compliance with the requirements of the enforcement notice was £27,000 as no budget existed for this amount the Cabinet and/or the Council would be required to agree the expenditure.

The Committee noted that the option existed to take no further action to secure compliance and close the planning enforcement investigation. The Committee considered this course of action had the potential to seriously undermine long established Council policy in relation to the Estate because owners of other plots would become aware that the Council is not willing to take direct action to secure compliance with its enforcement notices.

The Committee were concerned that the expenditure proposed was high and that officers should explore legal remedies up the point of disposal which could lessen the expenditure needed in this case. They asked that any Cabinet report reflect this view.

Resolved:

- (1) That, subject to the approval of the Cabinet and/or the Council, authority be given to the Head of Planning Services and/or the Head of Legal, Administration and Estates Services to take direct action under Section 178 of the Town & Country Planning Act 1990 to secure full compliance with the requirements of the enforcement notice issued 5th May 2004 which would incur associated expenditure up to £27,000; and
- (2) That, within the report to the Cabinet, Officers seek to explore other potential solutions other than removal from the site that could result in lower levels of expenditure.

8. DISTRICT DEVELOPMENT CONTROL COMMITTEE ANNUAL REPORT 2006/07

The Committee, at their meeting on 13 June 2006, had considered a first annual report detailing the community benefits that had been achieved through the use of Section 106 agreements.

At that time, it was resolved that in future the Section106 performance should be wrapped up in an annual report covering all aspects of the work of this committee and its subcommittees.

The Committee consider the first Annual Report of the District Development Control Committee which covered the Development Control function of Planning Services, including the determination of planning applications, the enforcement of planning control and the performance of the Council in defending its decisions at appeal, details of benefits gained through Section106 agreements; the various activities of the Forward Planning and Environment team of Planning Services – the work with the Local Plan and Local Development Framework, Conservation and Landscape issues and Countrycare.

It was noted that any comments on the Annual Report would be fed through for further consideration by the Task & Finish Scrutiny Panel considering Value for Money in the Development Control Service.

The Committee made a number of comments as set out in the resolution.

Resolved:

- (1) That the First Annual Report of the District Development Control Committee be noted;
- (2) That the failure to reach top quartile performance for determination of Planning Applications requires better explanation;
- (3) That future reports on the progress of Section 106 Agreements include their current status;
- (4) That the Head of Planning and Economic Development give consideration to how recommendations to Sub-committees are presented in cases where the decision was 'balanced'; and
- (5) That the Committee express their concern at the proposals of the County Council to revoke tree preservation orders in this district and the resultant workload implication for this Council in remaking these orders and that the Head of Planning and Economic Development give consideration to using an outside contractor to carry out this work.

CHAIRMAN