

Committee Agenda



**Webcast
Meeting**



**Epping Forest
District Council**

Area Planning Subcommittee West Wednesday, 24th October, 2007

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

Room: Council Chamber

Time: 7.30 pm

Democratic Services Officer Adrian Hendry - Research and Democratic Services
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WEBCASTING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

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Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

Members:

Councillors P McMillan (Chairman), J Wyatt (Vice-Chairman), R Bassett, Mrs P Brooks, Mrs A Cooper, R D'Souza, J Demetriou, Mrs R Gadsby, Mrs J Lea, Mrs M Sartin, Mrs P Smith, Ms S Stavrou, A Watts and Mrs E Webster

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. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of repeated viewing and copies of the recording could be made available for those that request it.

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery”

2. 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.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 9 - 20)

To confirm the minutes of the last meeting of the Sub-Committee held on 26 September 2007 as a correct record (attached).

5. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive) 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/01/07 – LAND ADJACENT TO PARK FARM NURSERY, SEWARDSTONE ROAD, WALTHAM ABBEY (Pages 21 - 22)

Recommendation:

That Tree Preservation Order EPF/01/07 is confirmed.

Background:

1. Tree Preservation Order EPF/01/07 was made to protect all the trees within this site.
2. The Tree Preservation Order was made as a result of this site being marketed for sale. Whilst it has not been possible to fully access the site, from aerial photographs it is evident that the site is well treed. The purpose of this area order is to ensure that the trees are taken into account should any planning application be received.

Objection to the Tree Preservation Order:

3. An objection to the Order has been received from Strutt & Parker.

The grounds of the objection are as follows:-

i) The trees on the site are not worthy of protection

The order seeks to protect trees within the site outlined in the TPO. The condition of many of the trees is poor and many are dying and it is not considered that the trees are worthy of long term protection. The species of trees on the site such as Willow, Elm and Ash trees are not considered to be specimens. The trees at the site are scattered across the landscape and provide no particular pattern to make them worthy of preservation.

ii) The reasons for making the order are not explained relating to the trees

The Council has not stated why the trees on the site have been protected by TPO or how the Council have assessed the amenity value of the trees. No evidence has been provided of an assessment to support the making of the Order.

Head of Planning Services Comments:

4. The detailed response to the ground of objection is listed below:
 - i) A full tree survey of this site has not been carried out. Therefore it was necessary to make an area order. We wrote to Strutt & Parker on 5th July asking them for a copy of their tree survey that might justify their objection. To date, this has not been forthcoming. It is our intention that on receipt of a full tree survey, the area order will be replaced with a new order protecting specific areas, groups or individual trees in accordance with the guidelines laid down in the DETR's "Tree Preservation Orders – A Guide to the Law and Good Practice".
 - ii) This site is being marketed for sale. It was not possible to safely fully access the site in order to carry out a full tree survey. Therefore, in accordance with the DETR Guide, we have made the TPO without entering the land and before we have had an opportunity to fully assess the amenity value of the trees within the site. This is a valid and recognised way of dealing with this type of situation.

Conclusions:

5. From aerial photographs and views into the site, we believe that the trees on this site are worthy of protection. The only practical way of protecting them at the moment is with an area order. Without this protection the trees may be lost. When we receive a full tree survey for this site, we may be able to review the situation. Landscaping policy requires that adequate provision be made for the retention of trees in these situations. Confirmation of the Order is recommended.

8. DEVELOPMENT CONTROL (Pages 23 - 38)

(Director 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.

9. DELEGATED DECISIONS

(Director 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.

10. 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):

Agenda Item No	Subject	Exempt Information Paragraph Number
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.