

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee East **Date:** 12 November 2008

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 10.45 pm

Members Present: G Pritchard (Chairman), A Boyce, M Colling, Mrs D Collins, R Frankel, P Gode, Mrs A Grigg, Mrs H Harding, Ms J Hedges, D Jacobs, Mrs M McEwen, R Morgan, J Philip, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

Other Councillors:

Apologies: A Green, B Rolfe and D Stallan

Officers Present: J Shingler (Senior Planning Officer), A Hendry (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

67. 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.

68. 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.

69. APPOINTMENT OF VICE CHAIRMAN

In view of the unavailability of the Chairman, Councillor A Green, it was noted that the Vice Chairman, Councillor G Pritchard, would be acting as Chairman for the meeting. Consequently the Sub-Committee was asked to appoint a Vice Chairman for the meeting.

RESOLVED:

That, Councillor R Frankel, be appointed Vice Chairman for the duration of the meeting.

70. MINUTES**RESOLVED:**

That the minutes of the meeting held on 22 October 2008 be taken as read and signed by the Chairman as a correct record.

71. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in the following items of the agenda. The Councillor had determined that his interest was prejudicial and that he would leave the meeting for the consideration and voting on the application:

- (item 8) EPF/1501/08 – 39 Theydon Park Road, Theydon Bois Epping.
- (item 10) EPF/1931/08 – Former Caretaker's House, Wansfell Cottage, 30a Piercing Hill, Theydon Bois.

(b) Pursuant to the Council's Code of Member Conduct, Councillor J Hedges declared a personal interest in the following item of the agenda by virtue of being a member of Epping Town Council. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration and voting on the application:

- (item 1) EPF/1350/08 – St Margaret's Hospital, The Plain, Epping.
- (item 2) EPF/1790/08 – 4 Creeds Cottages, High Road, Epping.

(c) Pursuant to the Council's Code of Member Conduct, Councillors M Colling and C Whitbread declared a personal interest in the following item of the agenda, by virtue of having attended a meeting on this application. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration and voting on the application:

- (item 1) EPF/1350/08 – St Margaret's Hospital, The Plain, Epping.

(d) Pursuant to the Council's Code of Member Conduct, Councillor J Philip declared a personal interest in the following items of the agenda, by virtue of being a member of Theydon Bois Council. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration and voting on the application:

- (item 8) EPF/1501/08 – 39 Theydon Park Road, Theydon Bois, Epping.
- (item 9) EPF/1584/08 – 27 Piercing Hill, Theydon Bois, Epping.
- (item 10) EPF/1931/08 – Former Caretaker's House, Wansfell Cottage, 30a Piercing Hill, Theydon Bois.

(e) Pursuant to the Council's Code of Member Conduct, Councillor G Pritchard declared a personal interest in the following item of the agenda, by virtue of having a past working relationship with the applicant's agent. The Councillors had determined that his interest was not prejudicial and he would remain in the meeting for the consideration and voting on the application:

- (item3) EPF/1757/08 – Sheering Lodge, Church Lane, Sheering.

(f) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J H Whitehouse declared a personal interest in the following item of the agenda, by virtue of being a member of 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 and voting on the application:

(item 8) EPF/1501/08 – 39 Theydon Park Road, Theydon Bois, Epping.

72. ANY OTHER BUSINESS

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

73. DEVELOPMENT CONTROL

RESOLVED:

That the planning applications numbered 1 – 11 be determined as set out in the schedule attached to these minutes.

74. PROBITY IN PLANNING - APPEAL DECISIONS, APRIL 2008 TO SEPTEMBER 2008

The Principal Planning Officer presented a report regarding the planning appeal decisions for the period April to September 2008. The Sub-Committee were informed that during the six-month period in question, the Council received 78 decisions on appeal, of which 75 were planning and related appeals and 3 were enforcement appeals. Of these appeals, 24 of the planning appeals were upheld (32%) and 2 of the 3 enforcement appeals were allowed, to give a combined total of 33.33% of the Council's decisions overturned.

In the previous year, 2007/08 as a whole, a total of 132 decisions were received – 120 planning appeals and 12 enforcement appeals. Of the 120 planning appeals 36 were allowed but none of the enforcement appeals - a total of 27.3% of the Council's decisions being overturned.

The Principal Planning Officer reported that the proportion of appeals that arose from decisions of the committees to refuse contrary to the recommendation of officers during the 6 month period was 24% and of the 18 decisions that this percentage represents, the Council was successful in sustaining its objection in 7 of them, the remaining 11 were lost.

RESOLVED:

That, as part of the probity in planning, the appeal decisions for the period April to September 2008 be noted.

75. 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/1350/08
SITE ADDRESS:	Saint Margarets Hospital The Plain Epping Essex CM16 6TL
PARISH:	Epping
WARD:	Epping Lindsey and Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Reserved matters application for 132 dwellings, siting, design and external appearance in compliance with condition 2 of EPF/2297/04.
DECISION:	Grant Permission (With Conditions)

Members were informed of 4 representations which were omitted from the Agenda, from 4 Creeds Farm Yard, Epping; 40 Beaufort Close, North Weald; 23 The Orchards, Epping' and 52a The Plain, Epping and 5 responses to the 3rd Consultation exercise from Epping Town Council; Plainly Say No Campaign; 70 The Plain; 28 Egg Hall and 2 Beulah Road.

CONDITIONS

- 1 No commencement of residential development shall be undertaken prior to the provision of the access to this part of the site which shall be laid out and constructed in accordance with drawing number TM0129/1300C or as otherwise agreed in writing with the Local Planning Authority.
- 2 Prior to the first occupation of each property, each vehicular access shall be provided on both sides with a 1.5m x 1.5m pedestrian visibility splay as measured from the highway boundary. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.
- 3 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary.
- 4 Prior to commencement of development, details of the estate roads and footpaths (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

- 5 The carriageway of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is completed, the footway base shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within 12 months of the occupation of such dwelling.
- 6 Details of the traffic calming and gateway feature indicated on the approved plans shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and works shall be carried out in accordance with the agreed details.
- 7 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes B and C shall be undertaken on those properties within the crescent (plot numbers 47-55 inclusive) without the prior written permission of the Local Planning Authority.
- 8 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.
- 9 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.

- 10 A conservation management plan shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development and all works set out in the approved plan shall be carried out in accordance with an agreed timetable.
- 11 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development. These existing levels at the site shall not be changed without the prior written agreement of the Local Planning Authority.

Report Item No: 2

APPLICATION No:	EPF/1790/08
SITE ADDRESS:	4 Creeds Cottages High Road Epping Essex CM16 4DE
PARISH:	Epping
WARD:	Epping Lindsey and Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Erection of shed to front garden.
DECISION:	Grant Permission (With Conditions)

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 tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub, or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 3 The timber walls and window surrounds shall be finished black unless agreed in writing with the LPA.

Report Item No: 3

APPLICATION No:	EPF/1757/08
SITE ADDRESS:	Sheering Lodge Church Lane Sheering Harlow Essex CM22 7NS
PARISH:	Matching
WARD:	Hastingwood, Matching and Sheering Village
DESCRIPTION OF PROPOSAL:	Single storey extension. (Revised application)
DECISION:	Deferred

This item was deferred for consideration by District Development Control Committee with a recommendation to grant permission.

Report Item No: 4

APPLICATION No:	EPF/1836/08
SITE ADDRESS:	Stock Barn Hoggs Farm Carters Green Matching Tye Essex CM17 0NX
PARISH:	Matching
WARD:	Hastingwood, Matching and Sheering Village
DESCRIPTION OF PROPOSAL:	Detached oak framed three bay garage with storage over. (Alternative to previously approved scheme)
DECISION:	Grant Permission (With Conditions)

The Committee were informed of representation received from Matching Parish Council

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 The weatherboard and window surrounds shall be finished black unless agreed in writing with the LPA.
- 4 The doors to the garage hereby approved shall be side hung, timber boarded doors as shown on the approved plans.
- 5 The building hereby approved shall be used only for the parking and storage ancillary to the domestic use of Stocks Barn and shall at no time be converted to habitable floorspace.

Report Item No: 5

APPLICATION No:	EPF/1375/08
SITE ADDRESS:	Perry Cottage Matching Green Matching Harlow Essex CM17 0PZ
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
DESCRIPTION OF PROPOSAL:	Proposed extension/part replacement single storey addition and minor alterations.
DECISION:	Grant Permission (With Conditions)

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 No additional pipework as a consequence of bathrooms shall be added to the front of the building without prior written approval from the Local Planning Authority.
- 4 Further details of the alterations to the staircase shall be agreed in writing with the Local Planning Authority.
- 5 Additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved by the Local Planning Authority before the commencement of works.

Report Item No: 6

APPLICATION No:	EPF/1376/08
SITE ADDRESS:	Perry Cottage Matching Green Matching Harlow Essex CM17 0PZ
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
DESCRIPTION OF PROPOSAL:	Grade II Listed building application for a proposed extension/part replacement single storey addition and minor alterations.
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 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 No additional pipework as a consequence of bathrooms shall be added to the front of the building without prior written approval from the Local Planning Authority.
- 4 Further details of the alterations to the staircase shall be agreed in writing with the Local Planning Authority.
- 5 Additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved by the Local Planning Authority before the commencement of works.
- 6 The timber partitions that have been removed shall be re-instated, as shown on the approved drawing no. 671/3A, within 6 months of the date of this decision and shall not be removed thereafter.

Report Item No: 7

APPLICATION No:	EPF/1862/08
SITE ADDRESS:	Stewarts Farm House School Road Stanford Rivers Ongar Essex CM5 9PT
PARISH:	Stanford Rivers
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Change of use to Class B2 with ancillary offices, parking and storage.
DECISION:	Refuse Permission

REASONS FOR REFUSAL

- 1 The site is located in an unsustainable location for such an extensive B2 use, being poorly located with regard to public transport and not readily accessible on foot. The proposal is therefore contrary to CP3 of the Adopted Local Plan and Alterations.
- 2 The proposal is likely to result in additional traffic movements including heavy goods vehicles within the rural area. It is not well related to the road hierarchy and will be likely to adversely affect the character of the rural area through which this new traffic will move. The proposal is contrary to Policy ST4 of the Adopted Local Plan and Local Plan Alterations.

Report Item No: 8

APPLICATION No:	EPF/1501/08
SITE ADDRESS:	39 Theydon Park Road Theydon Bois Epping Essex CM16 7LR
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	First floor extension to bungalow.
DECISION:	Grant Permission (With Conditions)

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 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 3 Prior to first occupation of the building hereby approved the proposed window openings in the Southeast side elevation at first floor level shall be fitted with obscured glass and have fixed frames, and shall be permanently retained in that condition.

Report Item No: 9

APPLICATION No:	EPF/1584/08
SITE ADDRESS:	27 Piercing Hill Theydon Bois Epping Essex CM16 7JW
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Richard Stevens
DESCRIPTION OF PROPOSAL:	Retention of garden outbuildings, garden shed, swimming pool and tennis courts, terracing of garden, fencing and front wall and gates.
DECISION:	Grant Permission

The Committee voted to defer this item in order to obtain further information and to arrange a members' site visit.

Report Item No: 10

APPLICATION No:	EPF/1931/08
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:	Amendment to EPF/862/08 for replacement dwelling to incorporate a basement area.
DECISION:	Grant Permission (With Conditions)

The Committee's attention was drawn to 4 additional representations from Theydon Bois Parish Council; Theydon Bois & District Rural Preservation Society; Woodberry, 31 Piercing Hill; 249 Willingale Road, Loughton

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 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.
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 The curtilage of the proposed dwellinghouse shall be restricted to that area marked on approved drawing no. P01-01-30A date stamped 02/10/08 that clearly states "Residential curtilage/domestic garden to be identical to existing (397m2)" and not include the larger red-lined area that states "This area forms part of a change of use to private amenity for 30A Piercing Hill".

- 6 Prior to the commencement of development details of screen walls, fences or hedgerow or similar vegetation, including delineation of the western boundary of the curtilage, as defined in condition 5, shall be agreed in writing by the Local Planning Authority, and shall be erected or planted before the occupation of the dwelling hereby approved and maintained in the agreed positions and specification.
- 7 The "building to be demolished", hardstanding areas hatched in diagonal green, and tennis court shown to be removed and grassed over and landscaped as indicated on drawing no. P01-01-30A and E01-01-30A, located on the western side of the site within the area edged in red, shall be removed and grassed over, prior to the construction of the new dwelling and not reinstated afterwards as a hard surface.
- 8 Prior to the commencement of the development details of the proposed surface materials for the parking area and 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.
- 9 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.
- 10 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.

Report Item No: 11

APPLICATION No:	EPF/1674/08
SITE ADDRESS:	The Old School House The Street Willingale Ongar Essex CM5 0SN
PARISH:	Willingale
WARD:	High Ongar, Willingale and the Rodings
DESCRIPTION OF PROPOSAL:	Proposed two storey rear extension.
DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The two storey rear extension, when combined with the existing additions, would result in extensions over and above what is considered a reasonable extension in the Green Belt. This therefore represents inappropriate development at odds with PPG2 and contrary to policies GB2A and GB14A of the adopted Local Plan and Alterations.
- 2 The two storey rear extension, due to its size and design, would be an incongruous addition out of keeping with the character and appearance of the original property and the surrounding area, contrary to policies DBE4 and DBE10 of the adopted Local Plan and Alterations.