

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Area Planning Subcommittee West   **Date:** 29 October 2008

**Place:** Council Chamber, Civic Offices, High Street, Epping   **Time:** 7.30 - 10.10 pm

**Members Present:** J Wyatt (Chairman), Mrs P Brooks (Vice-Chairman), Mrs A Cooper, Mrs J Lea, W Pryor, Mrs P Smith, Ms S Stavrou, A Watts and Mrs E Webster

**Other Councillors:**

**Apologies:** R Bassett, J Collier, Mrs R Gadsby and Mrs M Sartin

**Officers Present:** S Solon (Principal Planning Officer), G Courtney (Senior Planning Officer), M Jenkins (Democratic Services Assistant), G J Woodhall (Democratic Services Officer) and R Perrin (Democratic Services Assistant)

#### **44. 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.

#### **45. WELCOME AND INTRODUCTION**

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

#### **46. MINUTES**

##### **RESOLVED:**

That the minutes of the meeting of the Sub-Committee held on October 8 2008 be taken as read and signed by the Chairman as a correct record.

#### **47. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs P Brooks declared a personal interest in the following items of the agenda by virtue of being a member of Waltham Abbey Town Council Planning Committee. The Councillor had determined that her interest was non prejudicial and indicated that she would remain in the meeting for the consideration of the items and voting thereon:

- EPF/1840/08 13 Windsor Wood, Waltham Abbey; and

- EPF/1305/08 1 Carterfield Road, Waltham Abbey; and
- EPF/1771/08 Unit 1, Highbridge Retail Park, Highbridge Street, Waltham Abbey; and
- EPF/1675/08 The Barn, Warlies Park Farm, Woodgreen Road, Waltham Abbey

(b) Pursuant to the Council's Code of Member Conduct, Councillor Ms S Stavrou declared a personal interest in the following item of the agenda by virtue of being a member of Waltham Abbey Town Council Planning Committee. The Councillor had determined that her interest was non prejudicial and indicated that she would remain in the meeting for the consideration of the item and voting thereon:

- EPF/1840/08 13 Windsor Wood, Waltham Abbey

(c) Pursuant to the Council's Code of Member Conduct, Councillor Ms S Stavrou declared a personal interest in the following items of the agenda by virtue of being a member of Waltham Abbey Town Council Planning Committee. She declared a further interest in the same items by virtue of having a pecuniary interest in a shop in Waltham Abbey which traded in electrical goods. It was possible that this interest may have been affected by the retail sales of the two applications in question. The Councillor had determined that her interest was non –prejudicial and indicated that she would remain in the meeting for the consideration of the items and voting thereon:

- EPF/1305/08 1 Carterfield Road, Waltham Abbey
- EPF/1771/08 Unit 1, Highbridge Retail Park, Highbridge Street, Waltham Abbey

(d) Pursuant to the Council's Code of Member Conduct, Councillor Ms S Stavrou declared a personal interest in the following item of the agenda by virtue of being the ward member and a member of Waltham Abbey Town Council Planning Committee. The Councillor had determined that her interest was non-prejudicial and indicated that she would remain in the meeting for the consideration of the item and voting thereon:

- EPF/1675/08 The Barn, Warlies Park Farm, Woodgreen Road, Waltham Abbey

(e) Pursuant to the Council's Code of Member Conduct, Councillor Ms J Lea declared a personal interest in the following item of the agenda by virtue of living in close proximity to the application in question. The Councillor had determined that her interest was non-prejudicial and indicated that she would remain in the meeting for the consideration and voting thereon:

- EPF/1840/08 13 Windsor Wood, Waltham Abbey

(f) Pursuant to the Council's Code of Member Conduct, Councillor Ms J Lea declared a personal interest in the following items of the agenda by virtue of being employed by a neighbouring company to the sites in question. The Councillor had determined that her interest was prejudicial and that she would leave the meeting for the consideration of the items and voting thereon:

- EPF/1305/08 1 Carterfield Road, Waltham Abbey; and

- EPF/1771/08 Unit 1, Highbridge Retail Park, Highbridge Street, Waltham Abbey

(g) Pursuant to the Council's Code of Member Conduct, Councillor Mrs A Cooper declared a personal interest in the following item of the agenda by virtue of being a Parish Councillor and ward member. The Councillor had determined that her interest was not prejudicial and that she would remain in the meeting for the consideration of the items and voting thereon:

- EPF/1737/08 Nazeing Golf Club, Middle Street, Nazeing

#### **48. ANY OTHER BUSINESS**

It was reported that there was no urgent business for consideration at the meeting.

#### **49. DEVELOPMENT CONTROL**

The Sub-Committee considered a schedule of applications for planning permission.

##### **RESOLVED:**

That, Planning applications numbered 1 – 5 be determined as set out in the annex to these minutes.

#### **50. DELEGATED DECISIONS**

The Sub-Committee noted that details of planning applications determined by the Head of Planning Economic Development under delegated authority since the last meeting had been circulated to all members and were available for inspection at the Civic Offices.

#### **51. PLANNING REFUSAL EPF/0365/07 – SKILLET HILL FARM, HONEY LANE, WALTHAM ABBEY**

The Principal Planning Officer presented a report to the Planning Committee regarding EPF/0365/08 – Skillet Hill Farm, Honey Lane, Waltham Abbey. This application had been before Area Plans West Sub-Committee in December 2007. The application concerned changing the use of land and buildings at Skillet Hill Farm to a lorry park for up to 25 vehicles. Essex County Council Highways officers had raised a principal objection to the proposal, on the grounds that the A121 Honey Lane was a main distributor. Direct access from these roads would be prohibited, any development proposal which sought to create a new access, or increase the use of an existing access, would attract a recommendation for refusal.

Members of the committee, in reaching their decision to refuse the planning application had followed this reasoning and the development was refused on the following grounds:

1. The development had resulted in an increase in use of an existing access to Honey Lane, which at this location is a Main Distributor (PR1). The primary function of this route was the carrying of traffic freely and safely between major centres in the region. The increased use of the access is prejudicial to that function and as such contrary to Policy 1.2.1 of the Essex County

Council 2006-2011 Local Transport Plan, and to Policy ST4 of the adopted Local Plan and Alterations.

2. The development was inappropriate in the Metropolitan Green Belt in that it was harmful to its openness and visual amenities. The special circumstances put forward by the applicant did not amount to very special circumstances sufficient to override the harm caused by the development. The use was therefore prejudicial to the purpose of including land in the Metropolitan Green Belt and accordingly, was contrary to the provisions of PPG2 and policies GB2A and GB7A of the adopted Local Plan and Alterations.

An appeal against this decision had been lodged and would be determined by Public Inquiry in January 2009. The County Highways Section was asked to represent the District Council at the Public Inquiry and provide expert evidence regarding the Highway reason for refusal.

Since then, County Council Highways had stated that following re-assessment of the proposal, they now stated that they were not willing to defend the County Highways reason for refusal. The officer concerned had stated: "We have to consider very carefully as to what the likely outcome could be and whether we should use valuable staff resources and time putting together our case and then defending it on the day. In this case, the chances of the Inspector dismissing the Appeal on highway grounds, in our opinion, are slim to nil."

Following this, officers sought advice from an independent Highways Consultant who confirmed that it would be difficult to put forward a robust defence of the County Highways reason for refusals. His reasons were as follows:

- (i) the location of the access to and from the site was between the two roundabouts which had been created on the introduction of the M25. These roundabouts form the elongated junction 26, so that the site and its access lie within a junction and not on a stretch of open road.
- (ii) the two roundabouts were closely spaced i.e. only some 300 - 400 metres apart and the speed of traffic between them was therefore relatively low
- (iii) the access was very close to the Marriott roundabout so that through traffic on the main road ( A121, Honey Lane ) would already be slowing down in its approach to the roundabout and thus would be less affected than otherwise by traffic either entering or leaving the site.

For the above reasons the defence that the site would prejudice the free flow of traffic on the A121, Honey Lane was not strong and not easily supportable.

- (iv) the proposed access was to be Left in - Left out with the central island on Honey Lane extended across the mouth of the entrance to the site preventing traffic from turning right into or out of the site. This would be a useful safety feature since right turning manoeuvres by HGVs was likely to increase the risk of collisions at the access
- (v) notwithstanding the fact that the current operation of the site was Unauthorized, the reality was that the present indiscriminate parking on and beside the highway (Honey Lane) was a danger and the proposals would remove these activities thereby contributing to improved safety"

On the basis of this advice, two difficulties had arisen, firstly the District Council would have difficulties in finding a professional highways consultant who was willing to argue the Council's Highways case at the public inquiry, and secondly, if the District Council were unable to defend the reason for refusal then the District Council would be at considerable risk of costs being awarded against it at appeal.

The District Council was already at risk of a costs claim, in respect of work carried out by the appellant in respect of the highways issues. This could be minimised if the District Council conceded at this stage that it did not wish to pursue the County Highways reason for refusal at the appeal.

Officers recommended that members agree that the first reason for refusal should not be defended at the forthcoming Public Inquiry, subject to a unilateral agreement being submitted along the lines of the previously suggested 106 agreement and the imposition of highway conditions to ensure that junction improvements were made. This recommendation was on the basis that our current expert advice was that the development as proposed, with the highway improvements implemented would not prejudice the free flow of traffic on the A121.

**RESOLVED:**

That the District Council not pursue the County Highways' reason for refusal at the appeal Public Inquiry into the refusal of planning permission for the change for use of land at Skillets Hill Farm.

(Recorded in accordance with Council Procedure Rule 15.4 and 24, that Councillor Mrs A Cooper voted against this decision).

**CHAIRMAN**

This page is intentionally left blank

# Minute Item 49

## **Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1840/08
<b>SITE ADDRESS:</b>	13 Windsor Wood Waltham Abbey Essex EN9 1LY
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey North East
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/10/90 G3 T1 Sycamore - Fell
<b>DECISION:</b>	Deferred

This item was deferred for consideration by District Development Control Committee as the applicant was denied their right under council policy to influence the outcome and as the meeting was not properly convened.

## **Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1305/08
<b>SITE ADDRESS:</b>	1 Cartersfield Road Waltham Abbey Essex EN9
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing buildings and erection of new 'Lidl' foodstore and construction of five start-up industrial units. (Revised application)
<b>DECISION:</b>	Deferred

This item was deferred for consideration by District Development Committee with recommendation for approval.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1771/08
<b>SITE ADDRESS:</b>	Unit 1 Highbridge Retail Park Highbridge Street Waltham Abbey Essex EN9 1BY
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>DESCRIPTION OF PROPOSAL:</b>	Variation of condition 5 attached to planning permission EPF/808/93 to read ' The development shall be used for non-food retailing and no other purpose, with the exception of up to 1486 sqm (16000sqft) GIA floorspace within Unit 1 which may be used for the sale of food. (Class A1)
<b>DECISION:</b>	Deferred

This item was deferred for consideration by the District Development Control Committee with recommendation for approval.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1675/08
<b>SITE ADDRESS:</b>	The Barn Warlies Park Farm Woodgreen Road Waltham Abbey Essex EN9 3SD
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of new single storey barn to be used for storage.
<b>DECISION:</b>	Granted 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 development, shall match those of the existing building.



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1737/08
<b>SITE ADDRESS:</b>	Nazeing Golf Club Middle Street Nazeing Essex EN9 2LW
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Alterations and change of existing club house to a single dwelling and erection of garage, use of part of existing golf course as parkland with the remainder reverting to agricultural use.
<b>DECISION:</b>	Deferred

This item was deferred to be considered at a subsequent Planning Sub-Committee to allow further information to be sought.

This page is intentionally left blank