

# Committee Agenda



**Webcast  
Meeting**



**Epping Forest  
District Council**

## **AREA PLANNING SUBCOMMITTEE SOUTH** **Wednesday, 7th April, 2010**

**Place:** Roding Valley High School, Brook Road, Loughton, Essex

**Room:** Dining Hall

**Time:** 7.30 pm

**Democratic Services Officer:** Rebecca Perrin - Office of the Chief Executive  
Email: rperrin@eppingforestdc.gov.uk Tel: 01992 564532

### **Members:**

Councillors J Hart (Chairman), Mrs L Wagland (Vice-Chairman), K Angold-Stephens, R Barrett, K Chana, Mrs S Clapp, Miss R Cohen, M Cohen, D Dodeja, Mrs A Haigh, J Knapman, R Law, A Lion, J Markham, G Mohindra, Mrs C Pond, Mrs P Richardson, B Sandler, P Spencer, Mrs J Sutcliffe, P Turpin, H Ulkun and D Wixley

**A PLAN SHOWING THE LOCATION OF RODING VALLEY HIGH SCHOOL IS ATTACHED TO THIS AGENDA. A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP SPOKESPERSONS OF THE SUB-COMMITTEE, AT 6.30 P.M. PRIOR TO THE MEETING**

### **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.**

**You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy and copies made available to those that request it.**

**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.**

**1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast;
2. Members are reminded of the need to activate their microphones before speaking; and
3. the Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be filmed live for subsequent uploading to the Internet and will be capable of repeated viewing.

If you are seated in the public seating area it is possible that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast although Officers will try and avoid this.

This may infringe your human and data protection rights and if you have any concerns about this you should speak to the Webcasting Officer.”

**2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 8)**

General advice to people attending the meeting is attached together with a plan showing the location of the meeting.

**3. MINUTES (Pages 9 - 18)**

To confirm the minutes of the last meeting of the Sub-Committee.

**4. APOLOGIES FOR ABSENCE**

**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. DEVELOPMENT CONTROL (Pages 19 - 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.

**8. 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.

**9. 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):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
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.

## **Advice to Public and Speakers at Council Planning Subcommittees**

### **Are the meetings open to the public?**

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

### **When and where is the meeting?**

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

### **Can I speak?**

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### **Who can speak?**

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

### **What can I say?**

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

### **Can I give the Councillors more information about my application or my objection?**

**Yes you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

### **How are the applications considered?**

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

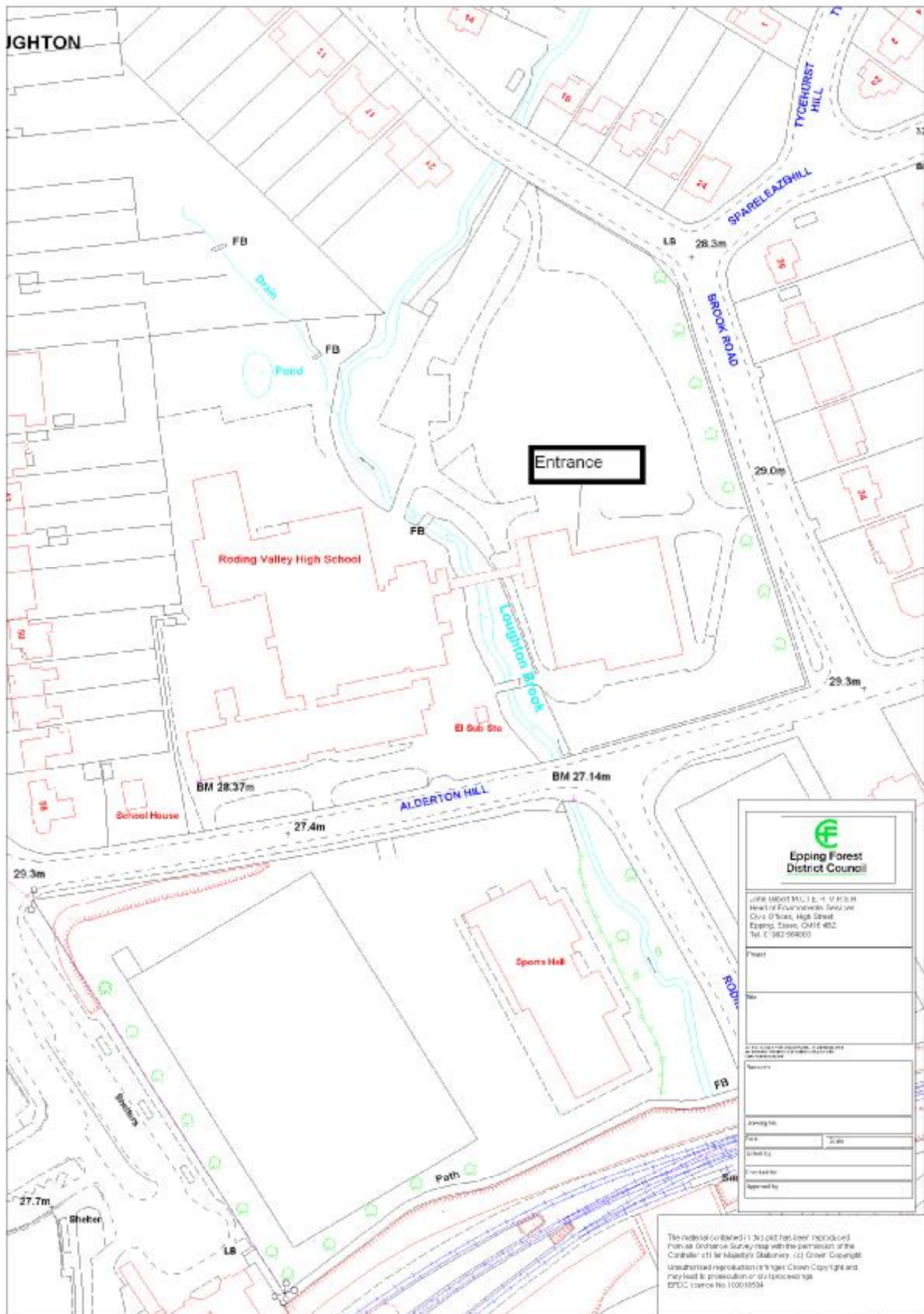
The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

### **Further Information?**

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

# Area Plans Subcommittee South – Location Plan



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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Subcommittee **Date:** 17 March 2010  
South

**Place:** Roding Valley High School, Brook Road, Loughton, Essex **Time:** 7.30 - 9.10 pm

**Members Present:** Mrs L Wagland (Chairman), K Chana (Vice-Chairman), K Angold-Stephens, R Barrett, M Cohen, D Dodeja, J Markham, Mrs C Pond, Mrs P Richardson, P Spencer, Mrs J Sutcliffe and H Ulkun

**Other Councillors:** -

**Apologies:** J Hart, Mrs S Clapp, Miss R Cohen, Mrs A Haigh, J Knapman, R Law, A Lion, G Mohindra, B Sandler, P Turpin and D Wixley

**Officers Present:** S Solon (Principal Planning Officer), R Hellier (Aboriculturual Officer) and G J Woodhall (Democratic Services Officer)

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### 100. WELCOME & 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.

### 101. ELECTION OF VICE-CHAIRMAN

In the absence of the Chairman, the Vice-Chairman assumed the role of Chairman and requested a nomination for the role of Vice-Chairman.

#### RESOLVED:

That Councillor K Chana be elected Vice-Chairman for the duration of the meeting.

### 102. MINUTES

#### RESOLVED:

That the minutes of the meeting held on 3 March 2010 be taken as read and signed by the Chairman as a correct record, subject to the following amendment:

(i) that minute 95(j) be amended such that the planning applications at 26 Queens Road, Loughton and 186 Forest Road, Loughton be removed from the Declaration of Interest.

**103. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillors K Angold-Stephens, R Barrett, J Markham and Mrs C Pond declared a personal interest in the following item of the agenda, by virtue of being members of the Loughton Residents Association. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

(i) EPF/0061/10 7 Church Hill, Loughton.

(b) Pursuant to the Council's Code of Member Conduct, Councillors K Angold-Stephens, R Barrett, Mrs C Pond and Mrs P Richardson declared a personal interest in the following items of the agenda, by virtue of being members of Loughton 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:

(i) EPF/0061/10 7 Church Hill, Loughton;

(ii) EPF/2493/10 24 Kenilworth Gardens, Loughton; and

(iii) EPF/2498/10 26 Kenilworth Gardens, Loughton.

(c) Pursuant to the Council's Code of Member Conduct, Councillors D Dodeja, P Spencer and Mrs J Sutcliffe declared a personal interest in the following item of the agenda, by virtue of being members of Buckhurst Hill Parish Council. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

(i) EPF/0108/10 Loyola Preparatory School, Palmerston Road, Buckhurst Hill.

(d) Pursuant to the Council's Code of Member Conduct, Councillors K Chana and Mrs L Wagland declared a personal interest in the following item of the agenda, by virtue of being members of Chigwell Parish Council. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

(i) EPF/0068/10 West Hatch High School, High Road, Chigwell.

**104. ANY OTHER BUSINESS**

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

**105. DEVELOPMENT CONTROL**

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

**RESOLVED:**

That the planning applications numbered 1 – 5 be determined as set out in the attached schedule to these minutes.

**106. DELEGATED DECISIONS**

The Sub-Committee noted that schedules of planning applications determined by the Director of Planning and Economic Development under delegated authority since the last meeting had been circulated and could be inspected at the Civic Offices.

**CHAIRMAN**

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0061/10
<b>SITE ADDRESS:</b>	7 Church Hill Loughton Essex IG10 1QP
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/29/04 T1 Cedar - Fell
<b>DECISION:</b>	Refuse Permission

**REASON FOR REFUSAL**

1. It is recognised that the Cedar causes problems that cannot be adequately dealt with by pruning and that there is a diminution of the enjoyment of their property for its owners. However it is considered that the amenity value of the tree, by virtue of its public prominence, contribution to the street scene and to local character and distinctiveness are such that its value to the community should take precedence. The proposal therefore fails to meet policy LL9 of the Council's Adopted Local Plan and Alterations in that it is not justified.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0108/10
<b>SITE ADDRESS:</b>	Loyola Preparatory School 103 Palmerston Road Buckhurst Hill Essex IG9 5NH
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/15/94 T9 Birch - Fell T10 and T11 Birch - Crown reduce 15 - 20% T12 Sycamore, T13 Birch and T14 Sycamore - Crown reduce 20%
<b>DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

1. A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, 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.
2. The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
3. The crown reduction authorised by this consent to T10,T11, T12, T13 and T14 shall be by no more than 20%.
4. All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (1989) (or with any similar replacement Standard).
5. The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2493/09
<b>SITE ADDRESS:</b>	24 Kenilworth Gardens, Loughton, Essex IG10 3AF
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Roding
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of an outbuilding to rear garden.
<b>DECISION:</b>	Refuse Permission

**REASON FOR REFUSAL**

1. By reason of its height and massing the proposed outbuilding would appear disproportionately large and have an overbearing impact on adjacent gardens and adjacent access road. Consequently the outbuilding would fail to respect its setting and cause harm to the character and visual amenities of the locality. The harm caused would be exacerbated by the cumulative impact of the proposed outbuilding and a similarly large existing outbuilding in the rear garden of 28 Kenilworth Gardens. The proposed development could also set an undesirable precedent for permitting similarly large outbuildings in the rear gardens of houses in the locality that would further harm its character and visual amenity. Accordingly, the proposed outbuilding is contrary to policies CP2, DBE1, DBE2 and DBE9 of the Local Plan and Alterations.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2498/09
<b>SITE ADDRESS:</b>	26 Kenilworth Gardens Loughton Essex IG10 3AF
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Roding
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of outbuilding to rear garden.
<b>DECISION:</b>	Refuse Permission

**REASON FOR REFUSAL**

1. By reason of its height and massing the proposed outbuilding would appear disproportionately large and have an overbearing impact on adjacent gardens and adjacent access road. Consequently the outbuilding would fail to respect its setting and cause harm to the character and visual amenities of the locality. The harm caused would be exacerbated by the cumulative impact of the proposed outbuilding and a similarly large existing outbuilding in the rear garden of 28 Kenilworth Gardens. The proposed development could also set an undesirable precedent for permitting similarly large outbuildings in the rear gardens of houses in the locality that would further harm its character and visual amenity. Accordingly, the proposed outbuilding is contrary to policies CP2, DBE1, DBE2 and DBE9 of the Local Plan and Alterations.



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0068/10
<b>SITE ADDRESS:</b>	West Hatch High School High Road Chigwell Essex IG7 5BT
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>DESCRIPTION OF PROPOSAL:</b>	New area of tarmac paving to provide 14 car parking spaces adjacent to existing access road.
<b>DECISION:</b>	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.

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## AREA PLANS SUB-COMMITTEE SOUTH

Date 7 April 2010

### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
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2.	EPF/0259/10	57 Roebuck Lane Buckhurst Hill	Grant Permission (With Conditions)	25
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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0248/10
<b>SITE ADDRESS:</b>	Carlton House Algers Road Loughton Essex IG10 4RS
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>APPLICANT:</b>	Carlton House
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/18/99 T1 Robinia - Remove and replace with Bird Cherry
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**REASON FOR REFUSAL**

- 1 Insufficient justification has been provided to demonstrate a need to remove the tree, contrary to policy LL09 of the Council's Adopted Local Plan and Alterations..

*This application is before committee since all applications to fell preserved trees are outside the scope of delegated powers.*

**Description of Proposal:**

T1.Robinia: Fell and replace with Bird Cherry.

**Description of Site:**

T1 stands approximately 5 metres tall, at the end of a line of small trees facing the High Road leading into central Loughton from the south. The grass swathe between the front boundary and the residential development is not more than 6 metres in depth and is regularly punctuated by planned landscaping in the form of the largely ornamental species chosen for their compact and neat form and low maintenance requirements.

The group is of relatively uniform age and has a very managed appearance. T1 has undergone major crown reduction surgery but has recently produced a full and vigorous crown.

### **Relevant History:**

Since the service of TPO/EPF/18/99 records show TRE/EPF/0652/06 and TRE/EPF/704/09 have given permission for repeated pruning works relating to this and other trees bordering Algiers Road and Loughton High Road:

Historically, the site had been well covered by trees and the planning permission given to build Carlton House was only allowed on condition that adequate provision was made for good landscaping in the form of a screen of trees, which should be allowed to grow to mature heights and reduce the mass of the new building.

### **Policies Applied:**

#### **Epping Forest District Local Plan and Alterations:**

LL09 Felling of preserved trees.

### **SUMMARY OF REPRESENTATIONS:**

The management company of the immediate neighbours at Collins Court were notified.

LOUGHTON TOWN COUNCIL – were prepared to waive their objection should the arboricultural officer deem the application acceptable.

### **Issues and Considerations:**

#### **Applicant issues**

i) The main reasons put forward to fell the birch tree are the following:

- The tree is in poor condition and not a suitable species for a retirement home.

#### **Planning considerations**

The main planning considerations in respect of the felling of the tree are:

#### **Visual amenity**

This Robinia has high public amenity due to its location at the front roadside corner of the site, in front of the large retirement building. Due to repeated complaints from residents regarding shading into rooms occupied throughout the daylight hours this tree has undergone more crude surgery than would normally be acceptable and has reduced its visual appeal.

Despite its rather gaunt appearance during winter months it has produced abundant new shoots and associated dense foliage in the last growing season, which has improved its visual amenity.

#### **Tree condition and life expectancy**

The tree has previously shown signs of branch dieback but there are no clear visual indications of infection on the base or stem of the tree. If it continues to respond vigorously to regular pruning it is foreseeable that the life expectancy should exceed 10 years. However, repeated pruning causes stress to trees and this stress may accumulate to bring on an early decline.

### Suitability of tree in current position

The tree is approximately 5 metres from the nearest flat window, which faces onto the main road in a north western direction. The tree obstructs diffuse light and direct sight of the sky from the ground floor flat. However, the attractive foliage and soft screen the tree provides is good justification for retaining it in a managed state at this location. All the trees along this front and side grass verge are subject of concerns from residents in respect of shading to their rooms but formal and attractive landscaping buffers the bulk of the building and was a planning requirement at the time of granting the original proposal permission.

### **Conclusion:**

Planning policy demands that tree removal is not simply justifiable but necessary. There is insufficient justification to remove this tree on grounds of its unsuitability and shading foliage.

The tree has public value due to its prominent position at the front of the apartment complex. It produces attractive foliage and its response to the recent hard pruning appears to be vigorous and therefore should remain. In the event of its health declining the species of replacement tree can be considered and possibly changed for a more compact variety.

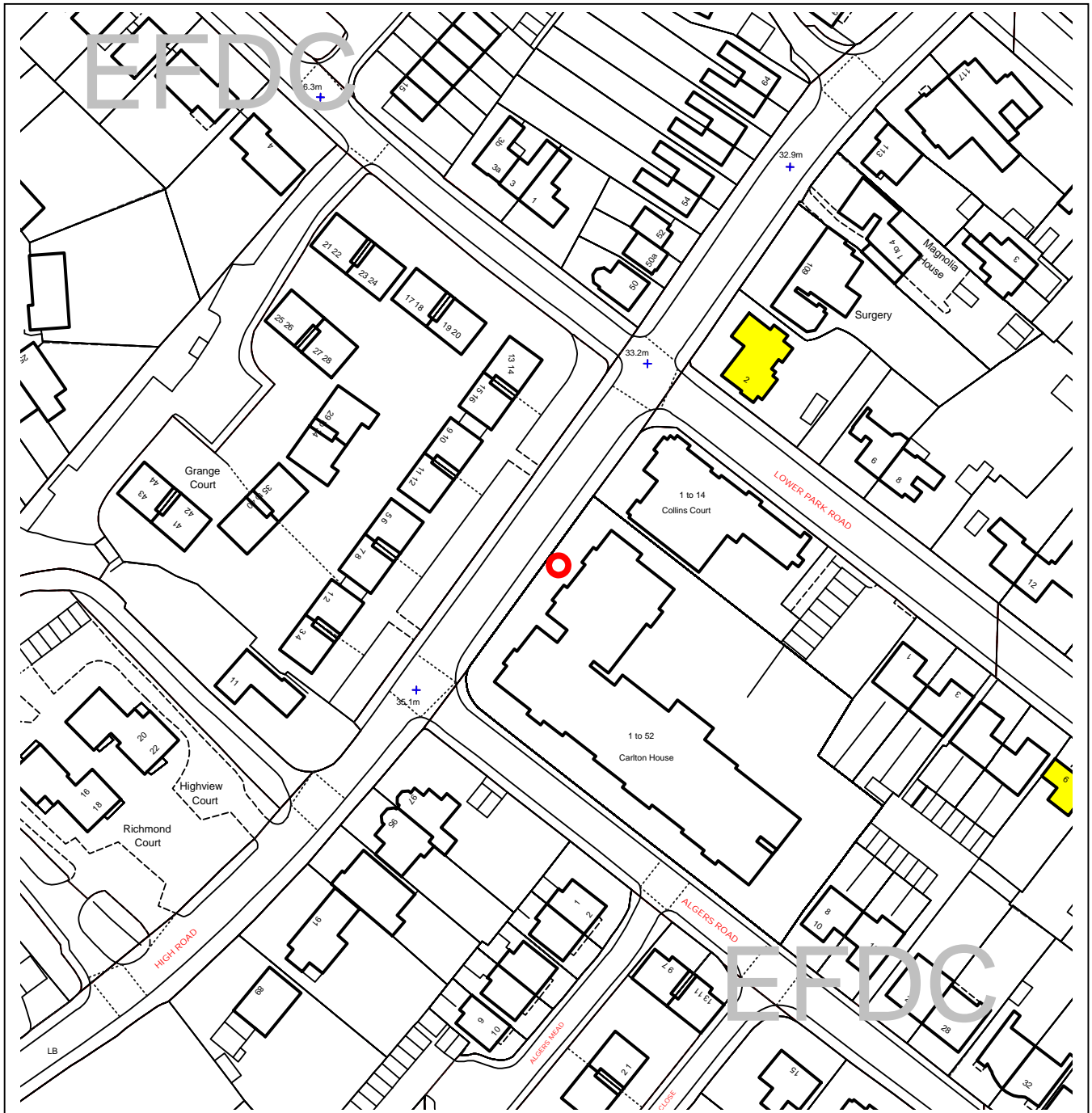
It is recommended to refuse permission to the application to fell T1 Robinia on the grounds that the reason given does not justify the need to remove the tree. The proposal therefore runs contrary to Local Plan Landscape Policy LL09.

In the event of members agreeing to allow the felling it is recommended that a condition requiring the replacement of this tree and a condition requiring prior notice of the works to remove it must be attached to the decision notice.



# Epping Forest District Council

## Area Planning Sub-Committee South



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Agenda Item Number:	1
Application Number:	EPF/0248/10
Site Name:	Carlton House, Algers Road Loughton, IG10 4RS
Scale of Plot:	1/1250



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0259/10
<b>SITE ADDRESS:</b>	57 Roebuck Lane Buckhurst Hill Essex IG9 5QX
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>APPLICANT:</b>	Mr John Caplan
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/06/87 T2 Horse Chestnut - Fell
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.
- 2 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, 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.

*This application is before committee since all applications to fell preserved trees are outside the scope of delegated powers.*

**Description of Proposal:**

T1. Horse Chestnut: Fell.

**Description of Site:**

T1 stands approximately 13 metres tall in the north western corner of the rear garden. The area directly beneath the tree is a recently repaired hard terrace. The tree is visible from Powell Road but largely obscured from views on Roebuck Lane. The garden rises from Powell Road and increases the tree's dominance between the applicant's house and the neighbouring detached residential dwelling. A dense laurel hedge and an internal dividing wall at about 2 metres in height enclose the garden area to the rear and obscure a full view of the tree's stem

### **Relevant History:**

Since the service of TPO/EPF/06/87 records show numerous pruning works relating to this tree.

TRE/0054/93 was refused permission to fell the tree.

TRE/EPF/2179/02 was granted permission to reduce the crown by 25%. The council case officer noted that there was a '...large cavity at the base of one of the large regrowth stems...' She went on to say that; '...this may not be an immediate concern...' but she advised a closer climbed inspection to assess whether more works may be necessary to manage the risk of future limb failure.

TRE/EPF/2497/07 was granted permission to reduce the crown by 50%

The issue is whether or not the tree's removal is justified due to the threat posed by the faults in the tree's crown and evidence of decay fungus at its base.

Historically, as noted in the relevant history, the tree has suffered from structural decay, which will continue to progress and increase the chances of major limb failure

### **Policies Applied:**

#### **Epping Forest District Local Plan and Alterations:**

LL09 Felling of preserved trees.

### **SUMMARY OF REPRESENTATIONS:**

No neighbours were notified because of the enclosed location of the tree; remote from neighbouring properties.

BUCKHURST HILL PARISH COUNCIL – made no objection but would request that the arboricultural officer confirms the diagnosis of the tree before work is undertaken under his supervision.

### **Issues and Considerations:**

#### **Applicant issues**

The main reason put forward to fell the tree are the following:

- The tree has a Ganoderma fungal infection
- The tree is situated in a rear garden, where children play

It is clear that this tree has suffered extensive decay in the main supporting frame of the lower crown. Large cavities are visible with bulges and distortions of the main trunk point towards extensive core decay. The identification of the heart rot fungus Ganoderma, growing at the base of the trunk, is confirmed by officer inspection. This presents a growing risk to the tree's long term stability and more importantly to the structural integrity of the massive main boughs growing on decayed heartwood material. This frequently used patio area will present a clear target and weight must be given to the potential danger facing the householder and family users of this space directly beneath the tree.

## Planning considerations

The main planning considerations in respect of the felling of the Chestnut are:

### Visual amenity

This large tree has moderate public amenity due to its location between the two dwellings when viewed from Powell Road. Previous heavy pruning has truncated its natural form and diminished its visual appeal. All but the top growth is largely obscured by the houses on Roebuck Lane, which further reduces the tree's amenity presence.

### Tree condition and life expectancy

The tree is declining with the growing perennial fungus at its base. Rot at major supporting branch bases further increase the risk to people and property both on Roebuck Lane and Powell Road. It is foreseeable that the life expectancy for T9 will not safely exceed 10 years.

### Suitability of tree in current position

The tree is very dominant in this modest patio area. It is within falling distance of three houses: 59 Roebuck Lane, The Laurels on Powell Road and the applicant's house. It is a disproportionate specimen in this constrained location and while efforts have been made to contain its size the greater issue of the tree's safety prevails. A risk of falling debris, large limbs and even the whole tree exists and therefore its function as a canopy and screen has been invalidated by the risk posed. It is no longer suitable in this position.

### **Conclusion:**

The tree has moderate public value due to its position at the rearmost corner of the property. Its condition prompts action to avert possible collapse and subsequent damage and injury. Planning policy demands that tree removal is justifiable and in this case there is justification to remove this tree on health and safety grounds due to heart rot.

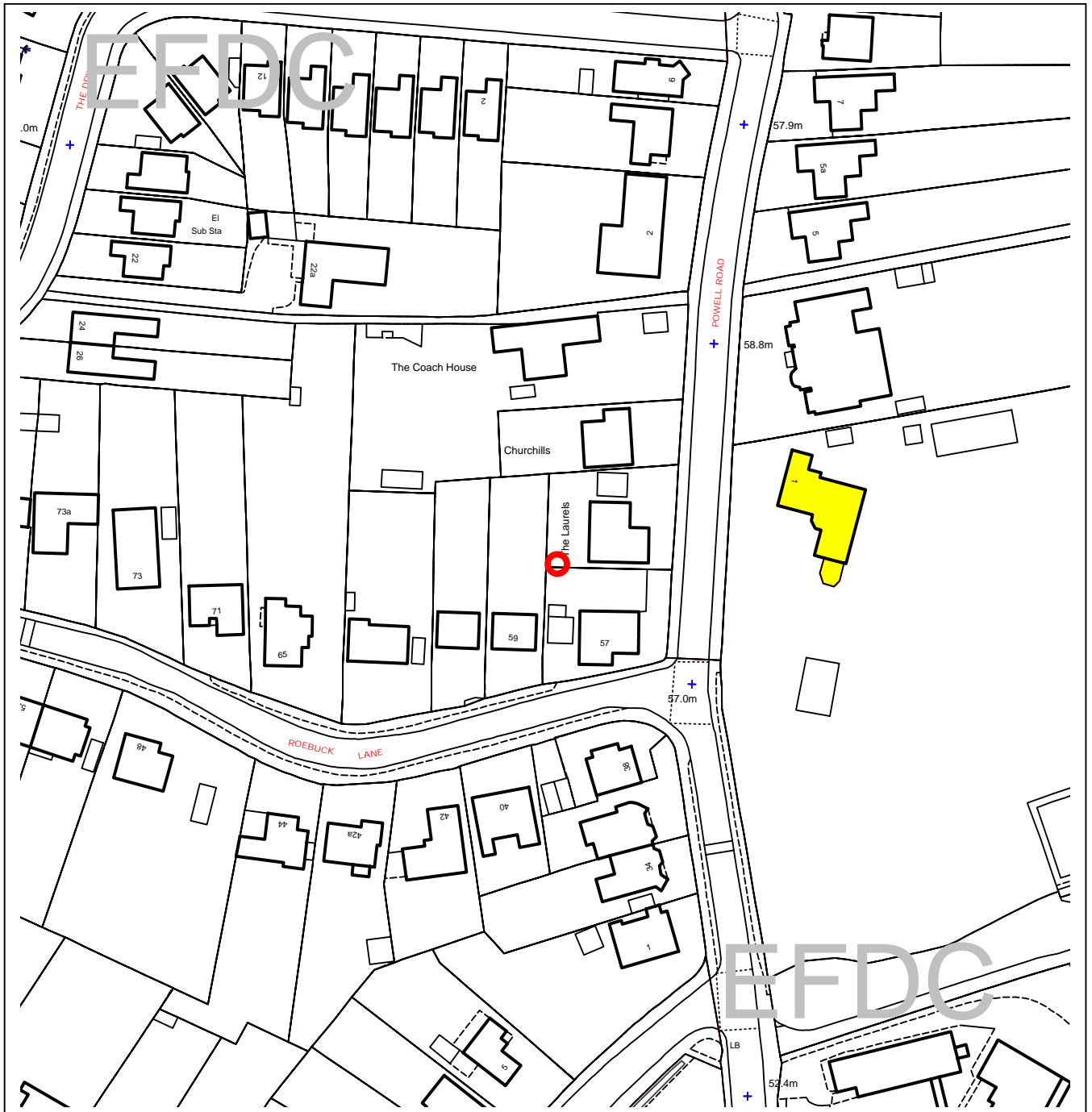
It is recommended to grant permission to the application to fell T1 Horse Chestnut on the grounds that the reasons given justify the need to remove the tree. The proposal therefore accords with Local Plan Landscape Policy LL9.

In the event of members agreeing to allow the felling it is recommended that a condition requiring the replacement of this tree and a condition requiring prior notice of the works to remove it must be attached to the decision notice.



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>2</b>
Application Number:	EPF/0259/10
Site Name:	57 Roebuck Lane, Buckhurst Hill IG9 5QX
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0114/10
<b>SITE ADDRESS:</b>	122 High Road Loughton Essex IG10 4HJ
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>APPLICANT:</b>	Mr Mitchell Green
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from A1 to A3 use.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The A3 use hereby permitted shall not be open to customers / members outside the hours of 07.00 to 23.00 on Monday to Saturday, and 10:00 - 17:00 on Sundays and public holidays.
- 2 The footway adjacent to the shopfront and the public paved area on the north east boundary of the site shall not be used for stationing tables, chairs, outdoor heaters, planters or other furniture.
- 3 Within three months of the date of this decision notice details of equipment for the dispersal of cooking/food preparation fumes shall be submitted for approval by the Local Planning Authority. The equipment shall be installed and in full working use to the satisfaction of the Local Planning Authority within six months of the date of this notice.
- 4 Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority within three months of the date of this decision notice and the development shall be implemented in accordance with such agreed details within six months of the date of this decision.

*This application is before this Committee since it is an application for commercial development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).*

**Description of Proposal:**

It is proposed to continue the use of the unit for purposes within Class A3 (restaurants and cafes). The proposed A3 use is currently operational as "Pie" a premises which sell an array of hot pies and sandwiches for consumption both on and off the premises. The interior of the site is laid out with hot food display counters along part of the south west boundary of the shop separating the

servicing area from a customer waiting area. Seating for 12 people is available at six small tables towards the front of the unit. The rear of the shop provides customer toilets and there is a small storage room.

Proposed opening times are from 9am – 19.30pm (Mon – Fri), 9am – 17.30 (Saturday) 9am – 13.00pm (Sunday and Bank Holidays).

### **Description of Site:**

The unit forms part of an approved mixed use development of retail space and residential accommodation (EPF/2130/02). The last use for the premises was for a clothes shop. However the unit has been vacant for over a year. The first and second floor of the building contains residential units. A gate at the rear of the unit leads to a courtyard area with other residential units across this.

The application unit forms part of Loughton High Road Town Centre but is outside the Key Frontage as designated on the proposals map of the Local Plan and Alterations. The frontage of the shop is 5.0m. The site is bordered on its north east boundary by a paved public area and on the south west boundary by an existing A1 use.

### **Relevant History**

EPF/2130/02 - Demolition of existing buildings and erection of 3 storey residential building with 4 no. flats and 1 no. A1 commercial unit; and 3 storey residential building comprising 6 no. flats with parking (whole site). Grant Permission (with conditions) - 05/03/2003.

EPF/1807/08 - Change of Use from A1 (Retail) to D1 (Dental Surgery). Grant Permission (With Conditions) – 07/11/2008.

EPF/0326/09 - T1 Horse Chestnut - Crown reduction and removal of limb overhanging road. Refuse Permission – 21/04/09.

### **Policies Applied:**

Policy TC1 – Town Centre Hierarchy  
Policy TC3 – Town Centre Function  
Policy DBE9 – Loss of Amenity  
Policy RP5A – Adverse Environmental Impacts  
Policy ST4 – Road Safety  
Policy ST6 – Vehicle Parking  
Policy CP2 – Protecting the Quality of the Rural and Built Environment.

### **SUMMARY OF REPRESENTATIONS:**

19 properties were consulted, a site notice displayed, and the following replies were received.

LOUGHTON TOWN COUNCIL – No Objection: The council noted that the proposal site is outside the key frontage of Loughton High Road. Concern was raised to potential noise the proposal could cause to residents in the flat above and the proliferation of eateries in the immediate vicinity.

The council noted a discrepancy on the weekly list in that the application referred to DeeJay Shoes when the last occupant was in fact a clothes shop.

LOUGHTON RESIDENTS ASSOCIATION – Objection: We feel it is vital to the vitality of the town centre that a good proportion of retail premises are retained. Loughton is already over-provided with cafes, restaurants and takeaways.

THE OLD STABLES, CONNAUGHT AVENUE – Objection: Concern about smells permeating over our house and affecting the outside recreational areas. Concern about al fresco dining on the paved area outside the shop. Loughton High Road is already over served by eateries and there is a need to retain retail premises in order for the town centre to remain vibrant.

262 HIGH ROAD – Objection: If the council continue to grant permission for A3 and A5 uses the high street will consist of only food purveyors. There can be no logical reason for more food outlets.

### **Issues and Considerations:**

The main issues to consider are the impact on the vitality and viability of the retail centre and on residential amenity.

#### **Town Centre**

Policies TC1 and TC3 aim to promote town centres and will permit uses that makes the centres attractive places to shop, work and visit. The proposed arrangement is that the food is cooked off site and then heated in a conventional oven, not requiring an extraction system, on site. Seating within the premises allows for consumption of food within the shop. The main issue to consider is whether the loss of the A1 unit and its replacement with an A3 use would impact adversely on the vitality and viability of Loughton Town Centre.

Council records show that the unit had lain vacant for at least a year so its occupation would potentially contribute to the vitality and viability of the town centre. Objectors have made the point that there is an adequate supply of eateries along Loughton High Road. Indeed there are a number of eateries, including A3, A4 and A5, in close proximity to the application site. However it is also the case that the town centre is in a fairly healthy state with a large number of A1 uses both in the immediate vicinity and along the High Road. Although rigorous controls exist within the key frontage to protect the A1 element of the High Road, as outlined in local Policy TC4, a less stringent approach is employed outside of this area. Located outside the key frontage the application site is by definition in a more peripheral position. It would not result in dead frontage as it would remain open during normal working hours. It is also evident that a significant A1 element, in the form of takeaway trade, could be retained. Therefore the proposal would have no significantly adverse impact on the vitality and viability of Loughton Town Centre or its position within the hierarchy of retail centres within the district. Indeed the occupation of the site could contribute positively to the aims as outlined in Policies TC1 and TC3. There is no evidence that the number of existing eateries along the high road is impacting negatively on the vitality and viability of the town centre. It is also evident that an acceptable level of A1 uses is retained within the immediate vicinity.

#### **Neighbour Amenity**

There are a number of residential properties in the immediate vicinity, both above and behind the site. The main potential cause of concern could be from smells and noise pollution, and concerns have been raised in relation to impact on the amenities enjoyed by these residents. The proposed cooking methods involve the reheating of the product in a conventional oven. The Environmental Health section of The Council has been consulted and subject to a condition relating to the dispersal of fumes raises no objections on this point. The cooking methods at present are considered relatively low scale, not requiring an extraction system, and not likely to impact on amenity to any great degree. However any intensification in use requiring the installation of extraction equipment which could cause disturbance in the dispersal of smells, would fall under the control of the Local Planning Authority where it could be assessed on its individual merits and

considered in relation to loss of amenity to the occupants of the flats above and behind the premises.

Concerns have also been raised about an intensification of the use to include al fresco dining on the paved public area adjacent to the site. The retention of the paved area for public use has been secured by condition on the original permission for the redevelopment of the site (EPF/2130/02). The reason for this was to secure its use for the public. This, and the inclusion of the front footpath adjacent to the unit to remain free from seating, is considered desirable and this application will be conditioned accordingly.

The proposed opening hours include a closing time of 19.30 on weekday evenings. The site is on a busy high road with other late night activities in the immediate vicinity. This use would therefore not result in a level of noise and disturbance that would impact excessively on amenity. A standard council condition limiting the opening hours to between 07:00 and 23:00 is therefore deemed reasonable.

### Parking

Pay and display parking facilities exist adjacent to the site. It is also served well by public transport with bus routes passing by and the local tube station within walking distance.

### Conclusion

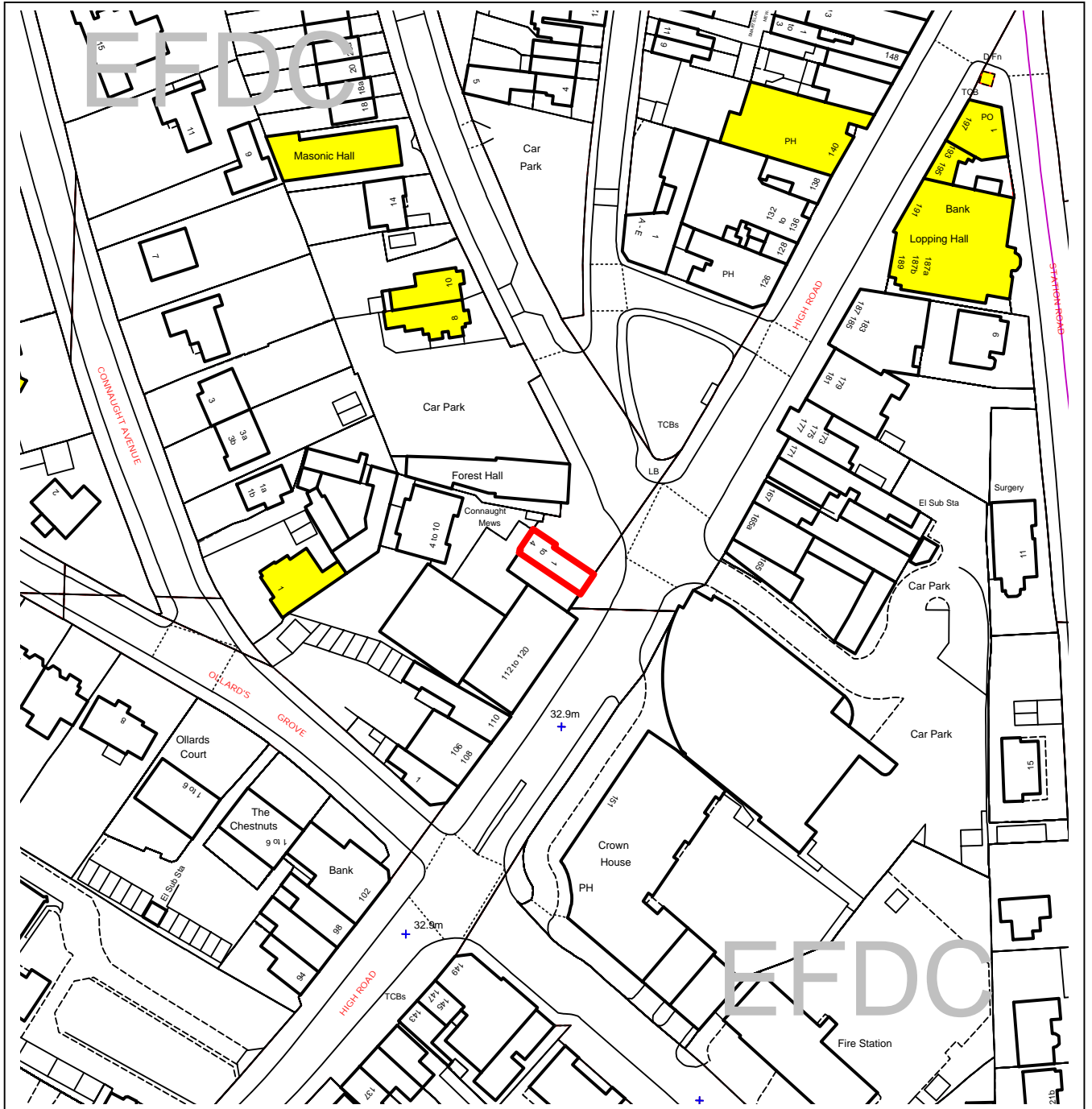
As the proposed application would have no significant impact on the vitality and viability of the area and impact on amenity is not to an excessive level, it is recommended the application be approved with conditions.





# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/0114/10
Site Name:	122 High Road, Loughton, IG10 4HJ
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0214/10
<b>SITE ADDRESS:</b>	Roding Valley Cricket Club Bradwell Road Buckhurst Hill Essex
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill East  Loughton Roding
<b>APPLICANT:</b>	Roding Valley Cricket Club
<b>DESCRIPTION OF PROPOSAL:</b>	Relocation of containers for storage of essential ground maintenance equipment.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of 6 months beginning with the date of this notice.
- 2 The development hereby approved shall be completed within 9 months of the date of this permission.
- 3 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.

- 4 Prior to the commencement of the development hereby approved written details of a scheme of landscaping to screen the containers shall be submitted to the Local Planning Authority for its approval. The approved landscaping scheme shall be carried out within the first planting season following the completion of the

development. Any tree or bush that dies or is removed within 5 years of the implementation of the scheme shall be replaced within 6 months with a similar species unless otherwise agreed in writing by the Local Planning Authority.

- 5 The existing containers shall be removed from their existing position (as indicated on approved Site Plan B received by the Planning Directorate on 17 February 2010) within 9 months of the date of this decision. Thereafter, no shipping containers or any similar container other than those in the position hereby approved shall be stationed on the land outlined in blue on approved Site Plan B.

*This application is before this Committee since it is an application for commercial development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).*

**Description of Proposal:**

Relocation of containers for storage of essential ground maintenance equipment.

The containers would be stationed between the northern site boundary and a netted practice area adjacent to that boundary.

**Description of Site:**

A cricket ground located on land rear of houses on the west side of the northern part of Bradwell Road. The land is part of a linear area of open land used for formal and informal recreation that separates the built up areas of Buckhurst Hill and Loughton from the M11. It is maintained as short grass and accessed from Bradwell Road via a wide tarmac footpath that runs adjacent to the northern boundary of the cricket ground and links to a network of footpaths across the recreation land. A drainage ditch and mature hedgerow separate the cricket ground from the footpath.

The cricket ground includes a metal clad single storey building adjacent to the northern site boundary that is used as a clubhouse by the Roding Valley Cricket Club. The building includes 2 changing rooms, a bar and office facilities. A car park is situated to the west of the building while a netted practice area is situated to the east of the building on the northern site boundary.

Two metal shipping containers are stationed side by side between the clubhouse and northern site boundary. The approximate dimensions of each container are 6.7m in length, 2.4m in width and 2.6m in height. They are predominantly painted green but have been covered in graffiti.

**Relevant History:**

EPF/0561/98	Replacement cricket pavilion	Approved Consent <i>not</i> taken up
EPF/0624/00	Car park and extension to pavilion	Approved Consent implemented
EPF/0829/04	Part demolition of clubhouse and extension	Approved Consent partially implemented
EPF/1288/08	Retention of 2 metal containers for essential ground maintenance equipment Refused for the following reasons:	

1. The site is within the Metropolitan Green Belt. The proposed works represent inappropriate development and are therefore at odds with Government advice, as expressed in PPG2, the East of England Plan, and the policies of the adopted Local Plan

and Alterations. The latter state that within the Green Belt permission will not be given, except in very special circumstances for the construction of new buildings or for the change of use or extension to existing buildings except for the purposes of agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, cemeteries, or similar uses which are open in character. In the view of the Local Planning Authority the application does not comply with these policies as the two containers are incongruous structures which unacceptably harm the openness, character and appearance of the Green Belt in this location, contrary to policy GB2A of the Adopted Local Plan and Alterations.

2. The retention of the 2 containers would have an adverse effect on the character and appearance of the countryside in this location, by reason of their design and appearance, contrary to policy LL2 of the Adopted Local Plan and Alterations.

### **Policies Applied:**

#### **Epping Forest District Local Plan and Alterations**

CP2	Protecting the quality of the rural and built environment.
GB2A	Development in the Green Belt
GB7A	Conspicuous development
RST1	Recreational, sporting and tourist facilities
LL2	Inappropriate rural development

### **Summary of Representations:**

BUCKHURST HILL PARISH COUNCIL – No Objection: Would request additional screening of the containers at the end nearest the houses in Bradwell Road.

12 neighbours were consulted and a site notice was erected. The following comments were received from the occupants of 28, 35, 37, 41 and 43 Bradwell Road. Objection is raised to the development on the following grounds:

1. The containers are an eyesore that attract graffiti.
2. The proposed development would have the same impact as that which exists and was previously refused planning permission.
3. The containers attract a number of youths who cause disturbance and use drugs.
4. The containers are used as a climbing frame by youths, which is a health and safety issue.
5. The containers are not necessary because the equipment stored in them should be kept in the cricket pavilion.

### **Issues and Considerations:**

The main issues raised by the development are its impact on the character and appearance of the locality and on the visual amenities and openness of the Green Belt.

The containers do serve to provide essential storage facilities for outdoor participatory sport. It is accepted the containers meet the reasonable storage requirements generated by the lawful use of the land as a cricket ground. They have replaced a storage facility previously provided in an adjacent building that was destroyed by fire and no opportunity exists to provide the equivalent storage facility within the existing clubhouse. The identified need for a storage facility must, however, be seen in the context of a planning permission to erect a permanent storage facility that is capable of being implemented. Planning permission EPF/0829/04, dated 17 December 2004, for an extension to the adjacent clubhouse includes a 4m wide by 6m long machine store as the northeast part of the approved extension. The approved extension has only been partially

implemented, the element not having been built being the machine store. There is no site-specific impediment to the completion of the extension and the Club advises that it has not been built due to a shortage of funds. Should it be completed it would meet the reasonable storage requirements generated by the lawful use of the land as a cricket ground in a manner that would safeguard the character and visual amenities of the locality. In the circumstances, the retention of the containers is only appropriate where their visual impact is sufficiently limited such that they do not cause unacceptable harm to the visual amenities of the Green Belt or character and appearance of the locality

As essentially large metal boxes the appearance of the containers is stark and utilitarian. They are unattractive in terms of their design, which from time to time is exacerbated by graffiti painted on them.

In their present position, although partially screened by the adjacent clubhouse building and a hedgerow, the containers are visible from the footpath and open land to the north as well as from open land to the southeast and west. They are also clearly visible from adjacent houses on Bradwell Road.

The proposed location would result in them being moved further from the houses and arranged end to end between a mature hedge and the Cricket Clubs practice nets. They would therefore present only one end elevation to the houses at a greater distance from them. Their northern flank would be well screened by the adjacent hedge, which is separated from the footpath beyond the northern site boundary by a drainage ditch. The southern flank would be partially screened by the practice nets and would in any event be seen against the background of the hedge. The Council's Tree and Landscape Officer advises the siting of the containers adjacent to the hedge would not cause any harm to it. Consequently the proposed resiting of the containers would significantly reduce the visual impact of the containers on the visual amenities of the locality. Together with additional landscaping requested by the Parish Council the proposal would result in the near complete mitigation of the visual impact of the containers.

In the circumstances, the proposal to resite and retain the containers would result in an acceptable way of providing for the reasonable secure storage needs of the Cricket Club. Although the completion of the approved extension to the pavilion would be a better solution it is not an option the Club is able to pursue. Notwithstanding the partially implemented planning permission for the extension to the pavilion, given the reasonable need for the facility and since the proposal would of itself have an acceptable visual impact, the proposal amounts to appropriate development.

Concern has been raised by neighbours that the containers act as a focus for anti-social behaviour. That they do is regrettable but it is beyond the control of the Cricket Club. Indeed, their previous permanent storage building was destroyed in a fire caused by such activity. Nevertheless, the Club's need for secure storage remains and the proposal would result in the focus for such activity being moved further from neighbouring houses and out of sight of the footpath thereby reducing the impact of such activity.

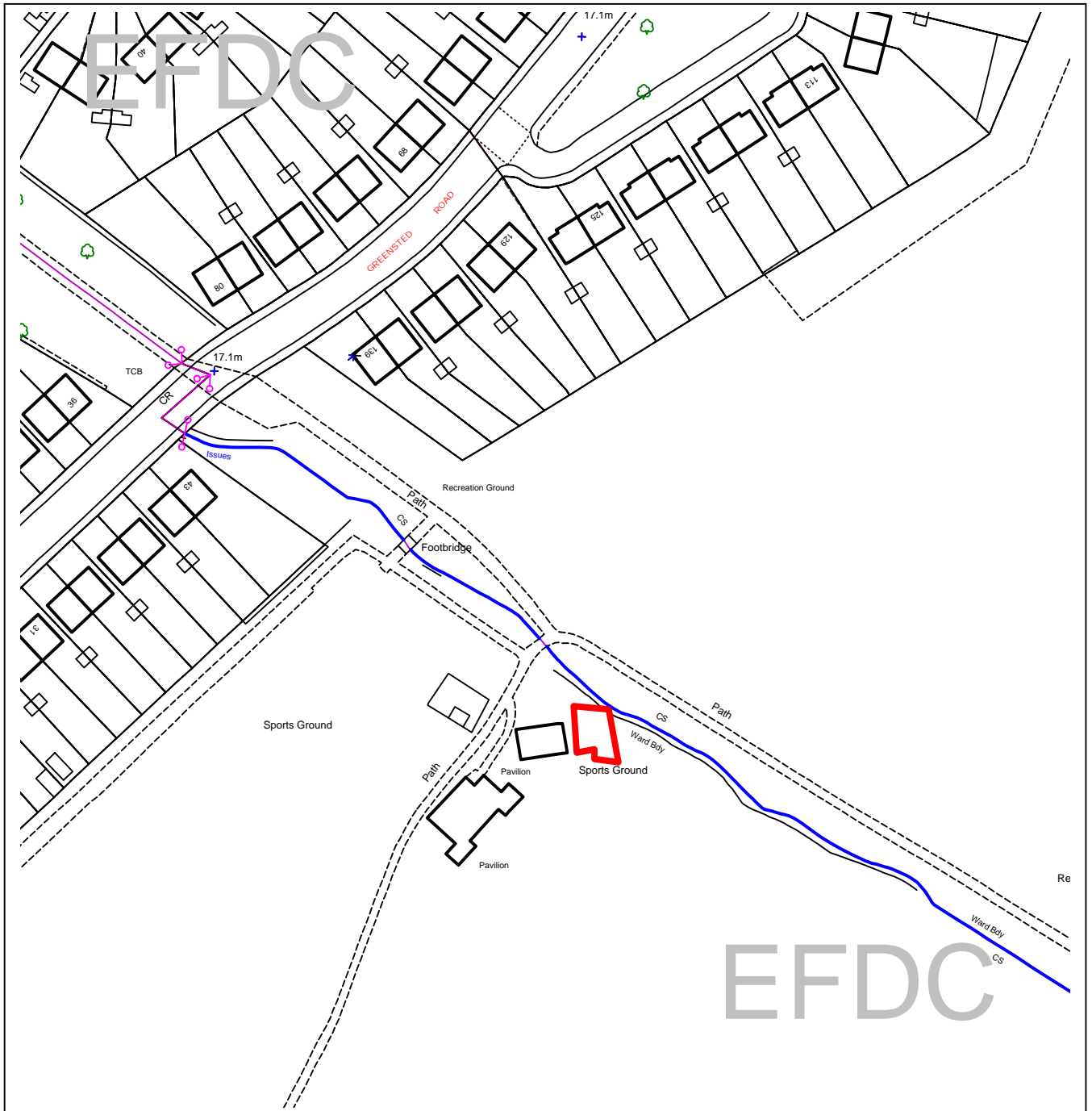
**Conclusion:**

The proposal would provide essential storage facilities for outdoor participatory sport in a manner that safeguards the openness and visual amenities of the Green Belt and safeguards the character and appearance of the locality. It is therefore recommended that planning permission be granted subject to conditions securing the speedy implementation of the development and additional landscaping.



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/02114/09
Site Name:	Roding Valley Cricket Club, Bradwell Road, Buckhurst Hill
Scale of Plot:	1/1250