

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee East **Date:** 25 November 2009

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.01 pm

Members Present: M Colling (Chairman), G Pritchard (Vice-Chairman), A Boyce, Mrs D Collins, C Edwards, R Frankel, P Gode, Mrs A Grigg, D Jacobs, Mrs M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

Other Councillors:

Apologies: A Green and Ms J Hedges

Officers Present: J Shingler (Senior Planning Officer), A Hendry (Democratic Services Officer) and G J Woodhall (Democratic Services Officer)

65. 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.

66. 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.

67. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors R Morgan declared a personal interest in the following item of the agenda. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1078/09 – Bury Farm Cottages, Bury Lane, Epping.

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

- EPF/1120/09 – 25 Piercing Hill, Theydon Bois, Epping.

(c) Pursuant to the Council's Code of Member Conduct, Councillor B Rolfe declared a personal interest in the following items of the agenda, by virtue of knowing some of the people involved in the application. The Councillor had determined that her interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

- EPF/1906/09 – 31 Lindsey Street, Epping

(d) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following item of the agenda, by virtue of being the Housing Portfolio Holder. The Councillor had determined that his interest was not prejudicial and would remain in the meeting but as he had arrived late he would not participate in the discussion and voting on the item:

- EPF/1529/096 – Land at School Lane, Abbess Roding, Ongar.

68. MINUTES

RESOLVED:

That the minutes of the meeting held on 4 November 2009 be taken as read and signed by the Chairman as a correct record.

69. ANY OTHER BUSINESS

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

70. DEVELOPMENT CONTROL

RESOLVED:

That the planning applications numbered 1 – 8 be determined as set out in the schedule attached to these minutes.

71. PROBITY IN PLANNING

The Sub-committee considered the report on probity in planning on appeal decisions between April 2009 and September 2009. The Sub-committee noted that the Best Value Performance Indicator (BVPI) for district councils was to aim to have less than 40% of their decisions overturned on appeal. The latest figure for the national average for District Councils was 30.9%. This had been scrapped and the Council had created a Local Performance Indicator with a target of 25% of allowed decisions. In recent years the Council had been more successful than the national average with only 18% in 2003/04; 29% in 2004/05; 22% in 2005/06; 30% in 2006/07 and 29% in 2007/08. However, for 2008/09 a total of 40.3% of the Council's decisions were overturned.

Over a six month period between April 2009 and September 2009, the Council received 49 decisions on appeal, 46 of which were planning and related appeals and 3 were enforcement related. Of these 14 were allowed (28.6%). The proportion of the 46 appeals that arose from decisions of the committee to refuse contrary to the

recommendation put to them by officers during the 6-month period was 13% and of the 6 decisions that this percentage represents, the Council was not successful in sustaining the committee's objection in any of them. During this period, there were no awarded costs made for or against the Council.

The council's performance for this 6 month period has improved on last year, but is still marginally over the threshold target. Because of the economic downturn, there have been fewer appeals submitted this year compared with last (80 by this stage last year).

RESOLVED:

That the Planning Appeals Decision be noted.

72. 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

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Report Item No: 1

APPLICATION No:	EPF/1078/09
SITE ADDRESS:	Bury Farm Cottages Bury Lane Epping Essex CM16 5JA
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Demolition of two existing houses, single garage and outbuildings and closure of existing access. Construction of 2 detached four bedroom houses, 2 detached double garages, new internal access road and hardstanding with associated landscaping.
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 development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall include a tree protection plan to show the areas designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Trees in Relation to Construction-Recommendations (BS.5837:2005) and no access will be permitted for any development operation.

The Arboricultural Method Statement shall include all other relevant details, such as changes of level, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas and of foundations, walls and fences. It shall also include the control of potentially harmful operations, such as burning, the storage, handling and mixing of materials, and the movement of people or machinery across the site, where these are within 10m of any designated Protection Zone.

The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed

from the site.

The Arboricultural Method Statement shall indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS.3998: 1989).

The Arboricultural Method Statement shall include a scheme for the inspection and supervision of the tree protection measures. The scheme shall be appropriate to the scale and duration of the works and may include details of personnel induction and awareness of arboricultural matters; identification of individual responsibilities and key personnel; a statement of delegated powers; frequency, dates and times of inspections and reporting, and procedures for dealing with variations and incidents. The scheme of inspection and supervision shall be administered by a suitable person, approved by the Local Planning Authority but instructed by the applicant.

- 3 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to an approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers / densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant 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.

- 4 No development shall take place, including site clearance or other preparatory work, until all details relevant to the implementation of hard and soft landscape works and tree planting, hereafter called the Landscape Method Statement, have been submitted to the LPA, and the development shall not commence until the Landscape Method Statement has been approved by the LPA in writing. All landscape works shall be undertaken in accordance with the approved details, unless the LPA has given its prior written consent to any variation.

The Landscape Method Statement shall include as appropriate, protection of the planting areas, where appropriate by fencing, during construction; preparation of the whole planting environment, particularly to provide adequate drainage; and the provision which is to be made for weed control, plant handling and protection, watering, mulching, and the staking, tying and protection of trees. The Landscape Method Statement shall also normally include provision for maintenance for the period of establishment, including weeding, watering and formative pruning, and the removal of stakes and ties. Provision shall be made for replacement of any plant, including replacements, that are removed, are uprooted, or which die or fail to thrive, for a period of five years from their planting, in the first available season and at the same place, with an equivalent plant, unless the LPA has given its prior written consent to any variation.

All hard and soft landscape works shall be completed prior to the occupation or use of any part of the development, unless the LPA has given its prior written consent to a programme of implementation. The hard and soft landscape works, including tree planting, shall be carried out strictly in accordance with any approved timetable.

The Landscape Method Statement shall state the provision which is to be made for supervision of the full programme of works, including site preparation, planting, subsequent management and replacement of failed plants.

- 5 No demolition/conversion or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- 6 Prior to the first occupation of the dwellings hereby permitted, the existing access from Bury Lane shall be closed off and landscaped in accordance with detail approved under conditions 2, 3 and 4 and not be re-opened or used again without prior approval from the Highway Authority.
- 7 Prior to the commencement of development the applicant shall provide details of proposed surface water drainage details to be submitted to and approved in writing by the Local Planning Authority.
- 8 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.
- 9 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.

- 10 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 A, E and F, extensions, outbuildings and hard surfacing, shall be undertaken without the prior written permission of the Local Planning Authority.
- 11 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages hereby approved shall be retained so that they are capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

Report Item No: 2

APPLICATION No:	EPF/1120/09
SITE ADDRESS:	25 Piercing Hill Theydon Bois Epping Essex CM16 7JW
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Removal of condition 3 'permitted development rights' on EPF/0105/09 for erection of single storey garage/store to side.
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 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 side extensions to the northern elevation of the dwelling generally permitted by virtue of Part 1, Class A shall be undertaken without the prior written permission of the Local Planning Authority.

Report Item No: 3

APPLICATION No:	EPF/1529/09
SITE ADDRESS:	Land at School Lane Abbess Roding Ongar Essex
PARISH:	The Rodings - Abbess, Beauchamp and Berners
WARD:	High Ongar, Willingale and the Rodings
DESCRIPTION OF PROPOSAL:	Erection of 6 affordable dwellings, (1 x one bed single storey detached dwelling, 2 x one bed flats, 2 x three bed semi detached dwellings and 1 x two bed detached house).
DECISION:	Grant Permission (subject to S106 agreement)

The Committee's attention was drawn to a report that sight lines had been increased to 100m and 120m and Highways Authority had therefore withdrawn their objection. Officer's recommendation to Committee was therefore to Grant Permission (subject to s106 agreement).

Members agreed to grant consent subject to the application first entering into a legal agreement under section 106 to ensure that the houses are affordable and made available only to local residents of Abbess and Beauchamp Roding and to secure the provision of sight lines, and subject to the attached 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 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 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.
- 5 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, D and E shall be undertaken without the prior written permission of the Local Planning Authority.

- 6 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.
- 7 The brook to the front of the site, indicated on plan Ref: 081 received as amended 05/11/09, shall be retained and maintained.
- 8 The new estate road at its junction with School Lane shall be so formed as to include within its boundaries a sight splay at each corner giving, from the new street, a clear and continuous view of traffic on School Lane within the limits of the splay and, shall thereafter not contain any obstruction above the crown of the adjacent road.
- 9 The area within the sight splays of 2.4m x 120m to the west of the new junction and 2.4m x 100m to the east of the new junction shall be formed to give a clear and continuous view of traffic and shall not contain obstructions above the crown of the adjacent road.
- 10 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 11 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 12 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.

- 13 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.
- 14 Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority before any work commences and the development shall be implemented in accordance with such agreed details.
- 15 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to and approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers / densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant 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.
- 16 Prior to commencement, details of the proposed bridged vehicle access shall be submitted to and agreed in writing by the Local Planning Authority and shall be carried out in accordance with the approved details prior to first occupation.
- 17 The development shall be carried out in accordance with the amended plans received on 15/09/09 and 05/11/09 unless otherwise agreed in writing with the Local Planning Authority.
- 18 Details of external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Report Item No: 4

APPLICATION No:	EPF/1756/09
SITE ADDRESS:	Cutlers Forge Cottage Tawney Lane Stapleford Tawney Essex RM4 1EE
PARISH:	Stapleford Tawney
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Erection of a new gate and fence and re-form access.
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 gates and pillar, shall match those of the existing gates and pillars at the site.

Report Item No: 5

APPLICATION No:	EPF/1843/09
SITE ADDRESS:	The Old Bobbingworth Landfill Site Moreton Bridge Moreton Ongar Essex
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
DESCRIPTION OF PROPOSAL:	Erection of 2 no. 6m high steel tubular columns for mounting CCTV monitoring equipment.
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 The field of vision of the cameras shall not overlook the neighbouring residential properties.
- 3 Details of the colour and finish of the columns hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be completed in accordance with the agreed details.

Report Item No: 6

APPLICATION No:	EPF/1903/09
SITE ADDRESS:	Holmwood Stapleford Road Stapleford Abbots Romford Essex RM4 1EJ
PARISH:	Stapleford Abbots
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Single storey rear extension with roof terrace. (Revised application)
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 the commencement of development details of side screens to the roof terrace shall be submitted to and agreed in writing by the Local Planning Authority, and the agreed screens shall be erected before the occupation of the extension hereby approved and maintained thereafter in the agreed positions.

Report Item No: 7

APPLICATION No:	EPF/1906/09
SITE ADDRESS:	31 Lindsey Street Epping Essex CM16 6RB
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Removal of condition 1 of EPF/0743/76 to allow garage to be used as a dentist's surgery ancillary to the main use of the dwelling house as such. (Revised application)
DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The site has inadequate parking and turning area to meet the needs of the proposed business and the removal of the condition is likely to result in increased turning movements into and out of the site and increased on street parking and congestion in an already congested location, causing harm to highway safety, the free flow of traffic, and the character and amenity of the area, contrary to policies ST4, ST6 and E12 of the adopted Local Plan and Alterations.

Report Item No: 8

APPLICATION No:	EPF/1934/09
SITE ADDRESS:	Wantz Service Station Fyfield Road Ongar Essex CM5 0AH
PARISH:	Ongar
WARD:	Shelley
DESCRIPTION OF PROPOSAL:	Alterations and extension to existing sales building.
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.

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