

Committee Agenda



**Webcast
Meeting**



**Epping Forest
District Council**

Area Planning Subcommittee East Wednesday, 3rd March, 2010

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

Time: 7.30 pm

Democratic Services Officer Adrian Hendry - The Office of the Chief Executive
Email: ahendry@eppingforestdc.gov.uk Tel: 01992 564246

Members:

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

A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 6.30 P.M. IN COMMITTEE ROOM 1 ON THE DAY OF THE SUB-COMMITTEE.

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. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

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

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

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

2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUB-COMMITTEES (Pages 7 - 8)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 9 - 14)

To confirm the minutes of the Sub-Committee meeting of 10 February 2010.

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 (24) 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 15 - 68)

(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. CONFIRMATION OF TREE PRESERVATION ORDER - EPF/47/09 (Pages 69 - 70)**Land to the rear of 12,13 and 14 Shakletons, Ongar****RECOMMENDATION:****That Tree Preservation Order Epf/47/09 is not confirmed****Background:**

Tree Preservation Order EPF/47/09 was made to protect 3 individual trees within the rear gardens of 12,13 and 14 Shakletons, Ongar.

This area is currently protected by a 'blanket' Essex County Council Tree Preservation Order made in 1967. These Essex Orders are currently being reviewed and the purpose of this new Order is to protect those trees still worthy of preservation that were previously covered by the Essex Order. It also includes some additional trees now considered worthy of preservation.

Objection to the Tree Preservation Order :

Two objections to the Order have been received :

- A – 12 Shakletons in respect of T2 (sycamore) and T3 (ash)
- B – 14 Shakletons in respect of T1 (sycamore)

Both letters of objection are on the basis that the trees have been incorrectly plotted and that they in fact stand within the dry moated area of Ongar Castle to the south. The objectors states that this part of the Castle grounds is well treed and it is unclear why these trees have been selected for inclusion in this Order.

Specifically,

A The objection at 12 Shakletons is made on the grounds that :

- i) T2 and T3 have been incorrectly plotted and stand outside his property.
- ii) T3 is in poor health

B The objection at 14 Shakletons is made on the grounds that ;

- i) T1 is on the boundary of the rear garden and there is concern for safety.

Director of Planning and Economic Development Comments

These three trees were surveyed by external Consultants as part of the Essex Tree Preservation Order review. Whilst the general approach to undertaking this review has been to access rear gardens to clarify the locations and health of the trees, this has not always been possible. In this instance, no detailed inspection of the trees took place. They were viewed from the front of the properties and recommended for protection because they are visible from Shakletons. Their exact positions were not obtained and the Consultants assumed they were in the rear gardens of these properties. In fact, the objections are correct the trees are within the Castle.

Ongar Castle grounds (to the rear of these properties) fall within a Conservation Area, as such, all trees are afforded protection and notification of work to any trees within the area would need to be given to ourselves prior to any work being undertaken. At that time, we could make a new Tree Preservation Order, if it was felt necessary.

The concerns that the owners of the properties have with regard to these trees can be dealt with as notifications to work to trees within a Conservation Area.

Conclusions

The objection is accepted and it is therefore recommended that the Order is not confirmed.

9. DELEGATED DECISIONS

(Director of Planning and Economic Development) Schedules of planning applications determined by the Head of Planning and Economic Development under delegated powers since the last meeting of a Plans Subcommittee may be inspected in the Members Room or at the Planning and Economic Development Information Desk at the Civic Offices, Epping.

10. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Paragraph Number	Information
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.