

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

**Committee:** Area Planning Subcommittee West   **Date:** 2 December 2009

**Place:** Council Chamber, Civic Offices, High Street, Epping   **Time:** 7.30 - 8.50 pm

**Members Present:** J Wyatt (Chairman), Mrs P Brooks (Vice-Chairman), A Clark, J Collier, Mrs A Cooper, Mrs J Lea, W Pryor, Mrs M Sartin, Mrs P Smith and Ms S Stavrou

**Other Councillors:**

**Apologies:** R Bassett, Mrs R Gadsby, A Watts and Mrs E Webster

**Officers Present:** J Godden (Planning Officer), M Jenkins (Democratic Services Assistant) and R Perrin (Democratic Services Assistant)

### **55. 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.

### **56. WELCOME AND INTRODUCTION**

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

### **57. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting of the Sub-Committee held on 11 November 2009 be taken as read and signed by the Chairman as a correct record.

### **58. DECLARATIONS OF INTEREST**

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

- EPF/1414/09 Hosanna Lodge, Sedge Green, Roydon
- EPF/1622/09 Nazeing Glass Works Ltd, Nazeing New Road, Nazeing

(b) Pursuant to the Council's Code of Member Conduct, Councillors Ms S Stavrou and Mrs M Sartin declared a personal interest in the following item of the agenda by virtue of being Council Representatives of Lee Valley Regional Park Authority. The Councillors had determined that their interest was not prejudicial and they would stay in the meeting for the consideration of the application and voting thereon:

- EPF/1414/09 Hosanna Lodge, Sedge Green, Roydon

(c) Pursuant to the Council's Code of Member Conduct, Councillors B Pryor, J Collier, Mrs P Brookes and A Clark declared a personal interest in the following item of the agenda by virtue of being a member of the Waltham Abbey Town Council. The Councillors had determined that their interest was not prejudicial and they would stay in the meeting for the consideration of the application and voting thereon:

- EPF/1710/09 Nyumba Nzuri, Sewardstone Road

(d) Pursuant to the Council's Code of Member Conduct, Councillors Ms S Stavrou and A Clarke declared a personal interest in the following item of the agenda by virtue of being a Ward Member. The Councillors had determined that their interest was not prejudicial and they would stay in the meeting for the consideration of the application and voting thereon:

- EPF/1710/09 Nyumba Nzuri, Sewardstone Road

#### **59. CONFIRMATION OF TREE PRESERVATION ORDER EPF/31/09 LAND ADJACENT TO 176 HONEY LANE, WALTHAM ABBEY**

The Principal Planning Officer presented a report concerning the confirmation of a Tree Preservation Order on the field boundary of the land adjacent to 176 Honey Lane, Waltham Abbey. Tree Preservation Order EPF/31/09 had been made to protect four oak trees adjacent to Honey Lane which are mature trees of high visual public amenity value and protects a group of 3 oaks, which are on the field boundary that runs perpendicular to Honey Lane and provide an important group feature visible from the road.

An objection was received by the Arboriculture consultants acting on behalf of Scottish Widows who own the group of three oaks. The objections were answered as follows:

1. The reasons for making the Tree Preservation Order had not been explained. - The Government advice about the creation and serving of Tree Preservation Orders does not provide a rigid framework to assess trees for inclusion within an Order. It states that the amenity value of the trees should be taken into account in the form of their visibility, individual or group impact, and wider impact.

2. The suitability of the vegetation to be retained, in respect of T2 and 2 oaks within G1. - T2 is a Turkey oak which is adjacent to T3 and English oak. The objection in relation to this tree is that the Turkey oak is a non native introduced species and should not therefore be included within the Order. Government advice does not specify which species should or should not be included within an Order.

The strategic Order being made would ensure the long term protection of these trees. Whilst it has been acknowledged that the trees within Group 1 have defects, by making the Order it would ensure that should any tree felling be required. There

would be replacement planting and a robust tree boundary along the side of the field would be retained. Therefore it would be recommended that the Order was confirmed without modification.

**RESOLVED:**

That the Tree Preservation Order EPF/31/09 be confirmed without modification.

**60. ANY OTHER BUSINESS**

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

**61. DEVELOPMENT CONTROL**

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

**RESOLVED:**

That, Planning applications numbered 1 – 3 be determined as set out in the annex to these minutes.

**62. DELEGATED DECISIONS**

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

**63. PROBITY IN PLANNING - APPEAL DECISIONS, APRIL 2009 TO SEPTEMBER 2009**

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.

**CHAIRMAN**

## Report Item No: 1

<b>APPLICATION No:</b>	EPF/1414/09
<b>SITE ADDRESS:</b>	Hosanna Lodge Sedge Green Roydon Essex CM19 5JR
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of land for stationing of caravans to provide 1 no. gypsy pitch with ancillary hardstanding. (Retrospective application)
<b>DECISION:</b>	Grant Permission (With Conditions), subject to LVRPA agreement

The Committee agreed to grant permission subject to referral back to Lea Valley Regional Park Authority

## CONDITIONS

- 1 A flood risk assessment demonstrating compliance with the principles of Sustainable Drainage Systems (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out within 12 months of the date of this notice and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment..
- 2 Full details of the foul and surface water drainage onsite shall be submitted to and approved in writing by the Local Planning Authority within 12 months of the date of this notice.
- 3 Within 12 months of the date of this notice the applicant shall undertake a phased contaminated land investigation shall be 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.

- 4 This consent shall inure solely for the benefit of the applicant Mr E Jones and his family and for no other person or persons for a single static mobile home and touring caravan. This consent benefits no other structures or caravans whatsoever.
- 5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Prior Associates ref: 8501 dated November 2008 and following mitigation measures detailed within the FRA:
  1. Finished floor levels are set no lower than 27.4m above Ordnance Datum (AOD).

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1622/09
<b>SITE ADDRESS:</b>	Nazeing Glass Works Ltd Nazeing New Road Nazeing Waltham Abbey Essex EN10 6SU
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of part of main factory (B2) to Gymnasium (D2).
<b>DECISION:</b>	Refer to District Development Control Committee

The Committee agreed to refer the application to the District Development Control Committee with a recommendation to grant subject to conditions relating to hours of use and parking provision.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1710/09
<b>SITE ADDRESS:</b>	Nyumba Nzuri Sewardstone Road London E4 7SD
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey side and rear extension and single storey rear extension.
<b>DECISION:</b>	Refuse Permission (Householder)

**REASON FOR REFUSAL**

- 1 The site is located within the Metropolitan Green Belt. The proposed development is at odds with Government advice and policy GB2A of the Adopted Local Plan and Alterations, in that it does not constitute a limited extension to an existing dwelling. This proposal is unacceptable, because the proposed extension would represent disproportionate additions over and above the original dwelling and would harm the objectives of the Metropolitan Green Belt. Furthermore, no very special circumstances have been submitted that would outweigh the harm to the Metropolitan Green Belt.
- 2 The two storey side and rear extension would have an overbearing impact and lead to loss of outlook when viewed from the neighbouring property, 1 Albion Terrace. This would detract from the amenities that the residents of this property can reasonably expect to enjoy. The proposal is thus contrary to Policy DBE9 of the Adopted Local Plan and Alterations.