

## **EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Area Planning Subcommittee East    **Date:** 2 June 2010

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 - 10.20 pm

**Members Present:** A Boyce (Chairman), W Breare-Hall, Mrs D Collins, Ms C Edwards, Mrs A Grigg, Ms J Hedges, D Jacobs, Mrs S Jones, Mrs M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

**Other Councillors:**

**Apologies:**

**Officers Present:** J Shingler (Principal Planning Officer), M Jenkins (Democratic Services Assistant) and P Seager (Chairman's Secretary)

### **1. 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.

### **2. WELCOME AND INTRODUCTION**

The Chairman welcomed members of the public to the meeting and the new members of the Sub-Committee, namely Councillors W Breare-Hall and Ms S Jones. The Chairman 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.

### **3. CHAIRMAN OF SUB-COMMITTEE**

It was noted that in accordance with the decision taken at the Annual Council meeting on 25 May 2010, Councillor A Boyce was elected Chairman of the Area Plans East Sub-Committee.

### **4. ELECTION OF VICE CHAIRMAN**

In the absence of a Vice Chairman, the Chairman requested nominations for the role of Vice Chairman.

**RESOLVED:**

That Councillor R Morgan be elected Vice Chairman for the duration of the meeting.

**5. MINUTES**

**RESOLVED:**

That the minutes of the meeting held on 12 May 2010 be taken as read and signed by the Chairman as a correct record.

**6. DECLARATIONS OF INTEREST**

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

- EPF/0418/10 Mitchells Farm, Stapleford Road, Stapleford Abbots, Romford

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

- EPF/0398/10 Essex Motocross, Weald Hall, Weald Hall Lane, Thornwood

(c) Pursuant to the Council's Code of Member Conduct, Councillors Mrs A Grigg and D Stallan declared a personal interest in the following items of the agenda, by virtue of being members of North Weald Parish Council. Councillor D Stallan also declared that in respect of application EPF/0705/10 North Weald Airfield, Merlin Way, North Weald Bassett, he knew one of the objectors who was a fellow school governor. The Councillors had determined that their interests were not prejudicial and that they would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/0398/10 Essex Motocross, Weald Hall, Weald Hall Lane, Thornwood; and
- EPF/0705/10 North Weald Airfield, Merlin Way, North Weald Bassett, Epping

(d) Pursuant to the Council's Code of Member Conduct, Councillors Mrs A Grigg and D Stallan declared personal interests in the following item of the agenda, by virtue of being members of North Weald Bassett and District Rural Preservation Society. The Councillors had determined that their interests were not prejudicial and that they would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0398/10 Essex Motocross, Weald Hall, Weald Hall Lane, Thornwood

(e) 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 knowing one of the objectors who was a fellow school governor. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0705/10 North Weald Airfield, Merlin Way, North Weald Bassett, Epping

(f) Pursuant to the Council's Code of Member Conduct, Councillor J Philip declared a personal interest in the following items of the agenda, by virtue of being a member of Theydon Bois Parish Council. The Councillor added that in respect of application EPF/0380/10 3A The Weind, Theydon Bois, he knew some of the objectors. The Councillor had determined that his interests were not prejudicial and that he would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/67/09 Chestnuts, The Green, Theydon Bois;
- EPF/0333/10 Greenview, Adj 2 Blackacre Road, Theydon Bois; and
- EPF/0380/10 3A The Weind, Theydon Bois

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

- EPF/0333/10 Greenview adj 2 Blackacre Road, Theydon Bois

(h) Pursuant to the Council's Code of Member Conduct, Councillor Ms S Jones declared a personal interest in the following items of the agenda, by virtue of having been a member of Theydon Bois Parish Council Planning Committee where the applications were discussed. She stated that she would keep an open mind and base her decision on all evidence and information presented at the meeting. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/67/09 Chestnuts, The Green, Theydon Bois;
- EPF/0333/10 Greenview, adj 2 Blackacre Road, Theydon Bois; and
- EPF/0380/10 3A The Weind, Theydon Bois

(i) Pursuant to the Council's Code of Member Conduct, Councillor A Boyce declared a personal interest in the following item of the agenda by virtue of living in the village of Moreton. 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/0504/10 Matthews Yard, Harlow Road, Moreton, Ongar

## **7. ANY OTHER BUSINESS**

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

## **8. CONFIRMATION OF TREE PRESERVATION ORDER EPF/39/10 BISHOPS HALL, NEW ROAD, LAMBOURNE END, ESSEX**

The Sub-Committee received a report requesting Confirmation of Tree Preservation Order EPF/39/10 Bishops Hall, New Road, Lambourne End, Essex.

After having served this order it had been brought to officer's attention that the trees included within it were not all in the ownership of Bishops Hall. Historically the area was part of the estate of Bishops Hall, but the land was now split into separate ownerships. Some of the trees protected by this order were now on land owned by Dews Hall and Poultry Farm.

For the sake of clarity it was considered best practice to reflect the current ownership of the trees.

**RESOLVED:**

That Tree Preservation Order EPF/39/10 is confirmed subject to amendment of the title to read "Bishops Hall, Dews Hall and Poultry Farm, New Road, Lambourne End, Essex."

**9. CONFIRMATION OF TREE PRESERVATION ORDER EPF/67/10 CHESTNUTS, THE GREEN, THEYDON BOIS**

The Sub-Committee received a report requesting Confirmation of Tree Preservation Order EPF/67/09 Chestnuts, The Green, Theydon Bois.

Tree Preservation Order EPF/67/09 was made to protect a Horse Chestnut Tree within the front garden of Chestnuts, Theydon Bois. The property was at the junction of The Green with Loughton Lane and overlooked the green. The tree was mature and estimated to be 70 years old. It was 10 metres tall with a crown spread of 9.2 metres.

Members were informed that two objections had been received. A report had been commissioned by the tree owner objecting to the Tree Preservation Order for the following reasons:

- There was no justification in terms of expediency for the serving of the Tree Preservation Order.
- The assessment of the public amenity value was not consistent with best practice guidance, it appeared that no consideration was given to the existing form and condition of the tree or that there were more prominent and publicly recognised important trees nearby.
- The likelihood of the tree to decline suggested its retention was unsuitable and that its contribution as a public amenity would be limited to the short term only.

The owner had also submitted a separate letter which objected to the Tree Preservation Order for the following reasons:

- Damage was being caused by the tree to the paving slabs on the front drive and entrance porch of the property.
- The tree was dying and dangerous because it had bleeding canker.

The information received from the Parish Council, Theydon Bois Rural Preservation Society and the local Tree Wardens, was that the property had recently changed hands and concern was raised that without a Tree Preservation Order the tree could be felled prior to an application being submitted for the re-development of the site.

The tree was deemed by the Parish Council to be an important part of the street scene, and, to ensure that proper consideration was given its future it was considered expedient to make the order.

Although it was acknowledged that the tree had bleeding canker there was nothing to suggest that the tree was in such decline that it needed to be felled imminently. The confirmation of the order allowed the Council guidance in the on-going management/maintenance of the tree. It would also ensure that a suitable replacement was planted in due course.

**RESOLVED:**

That Tree Preservation Order EPF/67/09 Chestnuts, The Green, Theydon Bois is confirmed without modification.

**10. DEVELOPMENT CONTROL**

**RESOLVED:**

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

**11. PROBITY IN PLANNING - APPEAL DECISIONS OCTOBER 2009 TO MARCH 2010**

The Sub-Committee considered a report regarding Probity in Planning – Appeal Decisions, October 2009 to March 2010. The report advised the decision making committees of the results of all successful appeals, particularly those refused by committee contrary to officer recommendation.

Over the six month period between October 2009 and March 2010, the Council received 60 decisions on appeal, of which 56 were planning and related appeals and 4 were enforcement related. Of these, 19 were allowed (31.7%).

The proportion of the 56 appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6 month period was 23%, and of the 13 decisions that this percentage represented, the Council was not successful in sustaining the committee's objection in 7 of 13 (53.8%). Two of the seven cases allowed directly involved re-development and a higher density of housing and it was understood that the Inspectorate had been charged to allow appeals for new dwellings whenever possible to assist in meeting housing needs. Therefore refusals based upon density factors or overdevelopment were unlikely to succeed in roads of mixed residential uses that already included flats, unless real harm to the surroundings or adjacent properties could be shown, or poor design could be identified.

During this period, there were no awards of costs made for or against the Council.

The Council's performance for this 6 month period and the previous 6 months, was an improvement on 2008/09, despite there being fewer appeals submitted.

**RESOLVED:**

That the Probity in Planning Appeal Decisions October 2009 to March 2010 be noted.

**12. 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**

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0783/10
<b>SITE ADDRESS:</b>	9 Forest Drive Fyfield Ongar Essex CM5 0TP
<b>PARISH:</b>	Fyfield
<b>WARD:</b>	Moreton and Fyfield
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/05/98 T43 Sycamore - Fell T44 Lime - Reduce crown to previous cuts (approx 20%) and remove lvy
<b>DECISION:</b>	Granted Permission (With Conditions)

## CONDITIONS

- 1 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.
- 2 The crown reduction authorised by this consent shall consist of pruning approximately 20% of the crown to previous pruning points.
- 3 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (1989) (or with any similar replacement Standard).
- 4 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.
- 5 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.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0333/10
<b>SITE ADDRESS:</b>	Greenview adj 2 Blackacre Road Theydon Bois Epping Essex CM16 7LU
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Retention of dwelling built not in accordance with approved plans. (hip to gable extension above garage). Revised application
<b>DECISION:</b>	Refused Permission

**REASON FOR REFUSAL**

- 1 The size, bulk and massing of the dwelling is inappropriate for the size of the plot and is harmful to the character and visual amenity of the street scene, contrary to policies CP2, DBE1 and DBE3 of the Adopted Local Plan and Alterations.



**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0380/10
<b>SITE ADDRESS:</b>	3A The Weind Theydon Bois Epping Essex CM16 7HP
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Side and rear two storey extension to replace existing detached garage and store and two storey front extension. (Revised application)
<b>DECISION:</b>	Refused Permission

**REASON FOR REFUSAL**

- 1 The proposed extensions, due to their size, design, bulk and massing fail to complement or enhance the existing building or the streetscene and area harmful to the visual amenity of the area contrary to policies CP2 and DBE10 of the Adopted Local Plan and Alterations.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0398/10
<b>SITE ADDRESS:</b>	Essex Motocross Weald Hall Weald Hall Lane Thornwood Essex
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Epping Lindsey and Thornwood Common  Hastingwood, Matching and Sheering Village
<b>DESCRIPTION OF PROPOSAL:</b>	Use of land for riding motorcycles for recreational and practice purposes including practising for motocross (Revised application)
<b>DECISION:</b>	Refused Permission

Officer read out a letter from Robert Halfon MP regarding residents' concerns.

**REASONS FOR REFUSAL**

- 1 The proposed development including bunding, car parking, portacabin and track, will have an adverse impact on the open character and visual amenity of the rural Green Belt Area contrary to policies CB7A, CP2 and LL2 of the adopted Local Plan and Alterations.
- 2 The proposed use will result in unacceptable noise nuisance to surrounding residential properties to the detriment of visual amenity. The proposal is therefore contrary to policy RP5A of the adopted Local Plan and Alterations.

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0418/10
<b>SITE ADDRESS:</b>	Mitchells Farm Stapleford Road Stapleford Abbots Romford Essex RM4 1EJ
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for change of use of three farm buildings to commercial storage use.
<b>DECISION:</b>	Granted Permission (With Conditions)

**CONDITIONS**

- 1 No operations at the premises, including vehicles arriving at and departing from the premises, shall take place outside the hours of 0700 hours and 1900 hours on Mondays to Saturdays, and not at all on Sundays or Bank/Public Holidays.
- 2 There shall be no external storage in connection with the use hereby approved at any time.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0504/10
<b>SITE ADDRESS:</b>	Matthews Yard Harlow Road Moreton Ongar Essex CM5 0LH
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing dwelling and commercial buildings and erection of 7 dwellings including surface water sewer to existing watercourse. (Revised application)
<b>DECISION:</b>	Deferred to District Development Control Committee

Officer read out letter from Parish Council – No objection.

Deferred to District Development Control Committee with recommendation to Grant (subject to Legal Agreement).

Members requested officers talk to the applicants to see if a contribution towards the provision of affordable housing was possible.

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0600/10
<b>SITE ADDRESS:</b>	Norton Field Farm Norton Lane High Ongar Ongar Essex CM4 0LN
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>DESCRIPTION OF PROPOSAL:</b>	New barn with workshop and new poultry rearing unit.
<b>DECISION:</b>	Deferred

Officer read out further letter from High Ongar Parish Council raising additional concerns.

Deferred to next Planning Sub Committee to enable additional information regarding the agricultural need for the development to be provided.

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/0705/10
<b>SITE ADDRESS:</b>	North Weald Airfield Merlin Way North Weald Bassett Epping Essex
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of one seasonal marquee events structure and a connected service structure for no more than 34 weeks per calendar year.
<b>DECISION:</b>	Refused Permission

**REASON FOR REFUSAL**

- 1 Due to the excessive number of days proposed and the hours of operation, and the nature of the use, the development will result in unacceptable noise and disturbance to surrounding residents causing harm to residential amenity contrary to policy RP5A of the adopted Local Plan and Alterations.