

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee East **Date:** 27 October 2010

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 10.10 pm

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

Other Councillors: -

Apologies: A Green, Ms J Hedges and Mrs S Jones

Officers Present: J Shingler (Principal Planning Officer), A Hall (Director of Housing), S Stranders (Principal Team Leader), B Meuli (Assistant Engineer), G J Woodhall (Democratic Services Officer) and R Martin (Website Assistant)

58. 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.

59. 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.

60. ELECTION OF VICE-CHAIRMAN

Following the receipt of apologies for absence from Councillor A Green, the Chairman requested nominations for the role of Vice-Chairman.

RESOLVED:

(1) That Councillor R Morgan be elected Vice-Chairman for the duration of the meeting.

61. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor P Gode declared a personal interest in the following item of the agenda by virtue of being a member of Ongar Town 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:

(i) EPF/0457/10 Land at Ongar Station, High Street, Chipping Ongar.

(b) Pursuant to the Council's Code of Member Conduct, Councillor B Judd declared a personal interest in the following item of the agenda. The Councillor had determined that his interest was prejudicial and, after exercising his right to speak as a member of the public, would leave the meeting for the consideration of the application and voting thereon:

(i) EPF/0457/10 Land at Ongar Station, High Street, Chipping Ongar.

(c) 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 for the consideration of the application and voting thereon:

(i) EPF/0457/10 Land at Ongar Station, High Street, Chipping Ongar.

(d) 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 acquainted with both the applicant and objectors. The Councillor had determined that his interest was prejudicial and, after exercising his right to speak as a member of the public, would leave the meeting for the consideration of the application and voting thereon:

(ii) EPF/1362/10 7 Green View, The Green, Theydon Bois.

(e) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J H Whitehouse declared a personal interest in the following item of the agenda by virtue of being a member of the 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:

(ii) EPF/1362/10 7 Green View, The Green, Theydon Bois.

(f) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in the following item of the agenda, by virtue of being acquainted with the applicant. The Councillor had determined that his interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

(iii) EPF/1613/10 2 Lower Bury Lane, Epping.

(g) 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 having served on the Parish Council in the past with the applicant. 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:

(v) EPF/1910/10 Ashlyns Organic Farm Shop, Epping Road, North Weald Bassett.

(h) Pursuant to the Council's Code of Member Conduct, Councillors Mrs D Collins and Mrs M McEwen declared a personal interest in the following item of the agenda. The Councillors had determined that their interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

(v) EPF/1910/10 Ashlyns Organic Farm Shop, Epping Road, North Weald Bassett.

(j) 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 owning the adjacent farm. 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:

(v) EPF/1910/10 Ashlyns Organic Farm Shop, Epping Road, North Weald Bassett.

62. MINUTES

RESOLVED:

(1) That the minutes of the meeting held on 6 October 2010 be taken as read and signed by the Chairman as a correct record.

63. ANY OTHER URGENT BUSINESS

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

64. DEVELOPMENT CONTROL

RESOLVED:

(1) That the planning applications numbered 1 – 6 be determined as set out in the schedule attached to these minutes.

65. CONFIRMATION OF TREE PRESERVATION ORDER - SUTTONS MANOR, LONDON ROAD, STAPLEFORD TAWNEY

The Principal Planning Officer presented a report concerning the confirmation of Tree Preservation Order 108/10 at Suttons Manor Clinic, London Road, Stapleford Tawney.

The Principal Planning Officer reported that a planning application had been received for an extension to the existing facilities and additional car parking at Suttons Manor Clinic, which would have necessitated the removal of a highly prominent mature Swamp Cypress tree. A Tree Preservation Order was made on the tree and the planning application was refused in part for not making adequate provision for its retention. The tree was a very prominent feature and dominated the grassed area in front of the clinic as an outstanding landmark feature. The tree was an excellent example of its species and was in good condition. Following the making of the Tree Preservation Order, the owners of the Clinic had objected to the Order on the grounds that the planning application had proposed planting eight new trees to compensate for the loss of this particular one, and as the tree was already mature its life expectancy was limited.

The Director of Planning & Economic Development had acknowledged that the application did intend to plant eight new trees, however as they would be planted to the rear of the buildings their visual amenity value would be reduced; the existing specimen was a dominant feature at the entrance to the property. There was no indication that the tree was in ill health and as such there was no reason to believe that the tree would not still be a significant feature for the next 20 years. Therefore, the proposed new trees were not considered adequate compensation and to allow its felling would be contrary to Local Plan Policies LL9 and LL10. The Sub-Committee was requested to confirm the Order without modification.

RESOLVED:

- (1) That Tree Preservation Order 108/10 be confirmed without modification.

66. 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.

67. EXCLUSION OF PUBLIC AND PRESS**RESOLVED:**

- (1) That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated and the exemption was considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
11	Planning Appeal – 40 Forest Drive, Theydon Bois	5

68. PLANNING APPEAL - 40 FOREST DRIVE, THEYDON BOIS

The Principal Planning Officer presented a report regarding the forthcoming Planning Appeal in respect of 40 Forest Drive in Theydon Bois.

The Principal Planning Officer reported that planning application EPF/0888/10 proposed the erection of a replacement bungalow at 40 Forest Drive in Theydon Bois. This Sub-Committee had refused to grant planning permission for the following reasons:

(i) *The proposed dwelling by reason of its size, bulk and inappropriate design is visually dominant and harmful to the character and visual amenity of the street scene and to the amenity of neighbours, contrary to policies DBE1 and DBE2 of the Adopted Local Plan and Alterations; and*

(ii) *The proposal results in the loss of a bungalow in an area where there is a strong demand for such small properties to meet the needs of the ageing population. The development is therefore contrary to policy H4A of the Adopted Local Plan and Alterations.*

The applicant had now appealed against the decision, which would be heard at the Civic Offices on 11 January 2011. The appeal was linked to an appeal against the earlier refusal of a planning application for a similar development by Officers under delegated powers - ref EPF/0250/10. That application was refused solely on design grounds. Officers had submitted the Council's statement of case in respect of both reasons for refusal of application EPF/0888/10. Prior to the appeals being linked by the Planning Inspectorate, Officers had submitted a separate statement of case in respect of the refusal of planning application EPF/0250/10.

The Principal Planning Officer advised the Sub-Committee that there was no evidence to support the second reason for refusal in respect of EPF/0888/10 and that Officers would not be able to defend that reason at the appeal hearing. Consequently, it was very likely that an award of costs would be made against the Council if the second reason for refusal was pursued. The Sub-Committee was requested to either agree that the second reason for refusal should not be pursued or that individual members of the Sub-Committee be nominated to support the second reason for refusal at the appeal hearing.

The local Member for Theydon Bois stated his willingness to attend the appeal with his fellow Ward Member and the Parish Council to defend the reason for refusal. It was highlighted that the retention of bungalows was contained within the Village Plan, and that there was a large demand for small bungalows within the village. However, the Sub-Committee felt that the Council should not defend the second reason for refusal on the grounds that the possible costs against the Council would be prohibitive and that the Theydon Bois Village Plan was only in draft form at the current time. The Sub-Committee duly resolved to defend the appeal on the first reason for refusal only.

RESOLVED:

(1) That the second reason for refusing planning application EPF/0888/10, which proposed the erection of a replacement bungalow at 40 Forest Drive in Theydon Bois, be not pursued by Officers at the planning appeal on 11 January 2011.

CHAIRMAN

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Report Item No: 1

APPLICATION No:	EPF/0457/10
SITE ADDRESS:	Land at Ongar Station High Street Chipping Ongar Essex CM5
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
DESCRIPTION OF PROPOSAL:	Development for 60 Assisted Living apartments for the frail elderly including communal facilities and associated parking and landscaping.
DECISION:	That Members agree that had an appeal against non determination not been lodged, the application would have been refused for the reason shown below.

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=516191

REASONS FOR REFUSAL

1. The applicants failure to provide an appropriate financial contribution in lieu of on-site affordable housing provision for a development of this size results in this proposal failing to comply with the aims of this Council's Adopted Local Plan Policies H5A, H6A, H7A and I1A.
2. The design of the development, including its density, site coverage, bulk, massing and detailing, is out of character with the surrounding area and harmful to the character and usual amenity of the locality and the High Street in particular, contrary to policies CP2, CP7, H3A and DBE1 of the adopted Local Plan and Alterations.
3. The proposed development due to its size, scale and design, and also due to the loss of the cartilage listed building (355 High Street) would have an adverse impact on the setting of the adjacent grade II station building contrary to policy HC12 of the adopted Local Plan and Alterations.
4. The proposal will introduce a significant number of frail elderly people into the locality in close proximity to Ongar High Street. A contribution should therefore be provided (via a legal agreement under Section 106) to secure the provision of a pedestrian crossing on the High Street in the vicinity of the development in the interests of accessibility and safety and in accordance with policies ST2, ST4 and I1A of the Adopted Local Plan and Alterations.

Report Item No: 2

APPLICATION No:	EPF/1362/10
SITE ADDRESS:	7 Green View The Green Theydon Bois Essex CM16 7JD
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Proposed Basement Extension (to be constructed alongside extensions to the property permitted under application ref. EPF/2198/07)
DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=519509

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. 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 08.00 to 17.00 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.
4. The proposed basement extension shall be carried out in accordance with the submitted plans and shall remain subterranean with the garden reinstated to the level shown on drawing No's 662255/207, 209 and 600 received amended on 20/08/10. The garden shall be reinstated within three months of the substantial completion of the basement and extensions.
5. All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
6. The basement area hereby approved shall be used for purposes incidental to the enjoyment of the dwelling house as such, and shall at no time be used for bedroom or living room accommodation.

Report Item No: 3

APPLICATION No:	EPF/1613/10
SITE ADDRESS:	2 Lower Bury Lane Epping Essex CM16 5HA
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Erection of detached workshop, first floor extension over existing garage and boundary wall and gates. (Revised application)
DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=520382

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. 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. The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

5. The proposed garage extension shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as 2 Lower Bury Lane.
6. The existing garage retained shall only be used for garaging of vehicles and domestic storage, and shall not be used for additional residential accommodation.
7. The use of the workshop/storage building hereby approved shall remain incidental to the existing dwellinghouse and used for no other purposes, including any commercial or business use.

Report Item No: 4

APPLICATION No:	EPF/1869/10
SITE ADDRESS:	37 Bury Road Epping Essex CM16 5ET
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Single storey side and rear extension. (Revised size and door/window location).
DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/Anitelm.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=521332

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. The window and door in the side elevation of the rear extension and the agreed rooflights shall be obscured glazed prior to the first use of the extension and permanently retained as such thereafter.

Report Item No: 5

APPLICATION No:	EPF/1910/10
SITE ADDRESS:	Ashlyns Organic Farm Shop Epping Road North Weald Bassett Epping Essex CM16 6RZ
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
DESCRIPTION OF PROPOSAL:	Retrospective application for erection of rear extension, patio and decking area and change of use from A1 to mixed A3/A1 use (revisions to application EPF/1292/10)
DECISION:	Grant Permission (Subject to Section 106 agreement).

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=521459

Members agreed to grant consent subject to the applicant first entering into a legal agreement under Section 106 of the Town and Country Planning Act, (within 12 months), to ensure that the agreed A1/A3 development shall remain part of the Ashlyns Organic Farm and can not be sold or let away from the large farm unit as a separate business and additionally that only organic goods shall be sold from the premises.

The reason for requiring this is that the development is considered acceptable only on the basis of the very special circumstances that have been put forward with regard to the community benefits provided by the farm and the use of the shop and restaurant to introduce people to the farm, and associated outdoor activities.

Report Item No: 6

APPLICATION No:	EPF/1980/10
SITE ADDRESS:	Epping Forest Burial Park Kiln Road North Weald Epping CM16 6AD
PARISH:	North Weald Bassett
WARD:	North Weald Bassett Passingford
DESCRIPTION OF PROPOSAL:	TPO/EPF/37/10 Carry out works according to submitted management plan for the Burial Park, including phased thinning of woodland
DECISION:	Grant Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=521670

CONDITIONS

None.

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