

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee West **Date:** 22 September 2010

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.10 pm

Members Present: J Wyatt (Chairman), D C Johnson, Ms Y Knight, Mrs J Lea, Mrs M Sartin, Mrs P Smith and A Watts

Other Councillors:

Apologies: Mrs R Gadsby, R Bassett, Mrs P Brooks, J Collier, W Pryor, Ms S Stavrou and Mrs E Webster

Officers Present: J Godden (Planning Officer), C Neilan (Conservation Officer), M Jenkins (Democratic Services Assistant) and A Hendry (Democratic Services Officer) and G Watts (Student)

23. 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.

24. 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.

25. ELECTION OF VICE-CHAIRMAN

In the absence of the Vice-Chairman, the Chairman of the Sub-Committee invited nominations from the Sub-Committee for the appointment of a Vice-Chairman for the duration of the meeting.

RESOLVED:

That Councillor Mrs M Sartin be appointed as Vice-Chairman for the duration of the meeting.

26. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 1 September 2010 be taken as read and signed by the Chairman as a correct record.

27. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs P Smith declared a personal interest in agenda items 7 Converted Barn at Shingle Hall, Epping Upland and 8 (3) EPF/1365/10 2 Currance Cottages, Upland Road, Epping by virtue of being a member of the Epping Upland Parish Council. The Councillor declared that her interests were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the items.

28. ANY OTHER BUSINESS

Under this agenda item, the Chairman of the Sub-Committee had allowed two Confirmation of Tree Preservation Order items to be discussed.

(a) Confirmation of Tree Preservation Order EPF/71/10 Grange Court, Waltham Abbey, Essex

This was a re-protection order, aimed at protecting trees previously covered by a County order dating from 1953. The new order was based on a consultant's survey, assessing (from a distance) those trees of most public visual amenity. Several of the trees were modestly sized, pollarded Horse Chestnuts, included for their collective addition to the character of the area. They were visible from the adjacent open space as a boundary feature. A poplar was included in the order, which was also a lapsed pollard, having grown unchecked for 30 years, and was now very large.

The Grounds of Objection/Observations Made

Following the service of this order, observations were received, in respect of four of the seven trees, from the owner of 25 Grange Court. Three of the trees were in his own garden, and one, the Poplar, was next door in No 27. The trees were as follows:

- T2 Black Poplar had grown to a great height through lack of maintenance. Every July the foot long seed floss dropped and covered the vicinity to a depth of a foot. Doors and windows could not be left open due to the airborne fibres. The year 2009 had been particularly bad and prompted an inspection from an Essex County Council Tree Officer who allowed permission for 65% of the crown to be removed. Currently, no work had been carried out, this presented a health and safety issue to persons and property.
- T5 and T6 Horse Chestnut had been pollards for more than 10 years and showed signs of foot decay and Bleeding Canker. They would need felling in the near future for safety reasons.
- T7 Horse Chestnut no longer existed having been felled in late 2009 after inspection by Essex County Council on the grounds that it was severely diseased and therefore exempt from the order.

The Director of Planning and Economic Development Comments:

The comments on the Poplar T2 were aimed at the difficulty in having the tree pruned, rather than objecting to the TPO. The owner of the tree had been granted a recent consent for a 50% reduction, which was hoped to be undertaken shortly. The

reduction would help with the nuisance of the seeds, and should resolve the genuine fears in respect of safety.

T7 Horse Chestnut had been confirmed as felled, due to infection by Honey Fungus and Bleeding Canker. It appeared that this was before the current TPO was made, the order therefore did not have any effect in respect of the tree. In respect of T5 and T6, also Horse Chestnut, an inspection had shown that they were indeed affected as described. The importance of the order was therefore only to secure replacement planting. The owner would wish to remove T5 shortly, and this could be done under an exemption, subject to Members' decision, officers would write to require replacement and suggest a species resistant to Honey Fungus.

It was recommended that the order was confirmed subject to the modification of removing T7 Horse Chestnut from the First Schedule and Plan of the Order, and on the understanding that officers would encourage the reduction of T2 and use the order in respect of T5 and T6 to secure replacement planting.

RESOLVED:

That TPO/EPF/71/10 be confirmed subject to the deletion of T7 Horse Chestnut from the Schedule 1 and the Plan of the Order.

(b) Confirmation of Tree Preservation Order EPF/74/10 Honeylands, Honey Lane, Waltham Abbey

This TPO was made on the 30 March 2010. It sought to protect 30 trees individually designated, mostly oaks, and several groups of trees, largely in open land at the rear of Honeylands, and the Leverton County Primary and Infants School, Honey Lane, Waltham Abbey. The order was made as part of the Essex County Council Tree Preservation Order re-protection programme. It was a selective order, protecting the best and largest trees found to be present, but together with trees that it was considered would be of importance in the future.

The Grounds of Objection

An objection had been received from the owner of 262 Roundhills, Waltham Abbey in respect of an oak, T1, on the schedule. The main reason for the objection was that the owner of 262 Roundhills was pursuing an insurance claim in respect of subsidence caused by this oak to his property. He stated that he wished to have the oak tree felled, his house having already been underpinned once before due to the impact of the tree, damage now having re-occurred. The tree had continued to grow, and had not been managed, to the extent that the branches now touched his property.

Following on from this an application under the TPO had recently been received to fell the tree, it had not yet been registered because it lacked necessary information. The prospective application alleged that the particular oak tree was causing substantial damage to the property. The application was made on behalf of the Highways Agency, as owner of the land.

The Director of Planning and Economic Comments as follows:

The Oak Tree was a fine specimen, in good health, with a potentially long life expectancy, forming an important visual back drop to properties, in Roundhills. Minor issues of overhanging branches etc could readily be resolved by pruning, if the

owners were willing to fund it. Alternatively the ends of the branches could be cut back by the property owner, subject to consent.

The objector gave no background to his claim that the tree was implicated in the damage. Therefore it was concluded that it would be premature to allow the tree to be removed, which would be likely to be the result of a failure to confirm the TPO in respect of this particular tree.

Members were made aware that applications under TPOs could give rise to the ability to claim compensation. On the other hand, compensation would only be payable were the Council to withhold consent, and were evidence be presented that the tree was indeed causing the problem, and that the refusal to give consent had led to a financial loss.

RESOLVED:

That TPO/EPF/74/10 be confirmed without modification.

29. VARIATION OF AN EXISTING SECTION 6 AGREEMENT - CONVERTED BARN AT SHINGLE HALL, EPPING UPLAND, ESSEX

The Sub-Committee received a report concerning variation of an Existing Section 106 Agreement – Converted Barn at Shingle Hall, Epping Upland, Essex.

The owner of Shingle Hall requested that the Council modified an existing Section 106 Agreement signed in 1992 as part of a planning permission for the residential conversion of a barn adjacent to Shingle Hall. Under the obligation the applicant covenanted with the planning authority that the barn conversion would be used solely in connection, and as ancillary to, the existing main house on the site. Secondly it should not be sold except as a whole together with the entirety of the application site.

This was a remote site in the countryside within the Metropolitan Green Belt, away from any other residential properties. The application site consisted of a house, converted barn, curtilage buildings, tables, yard as well as horse grazing land. When the planning application was granted in 1992 part of the justification put forward for the barn conversion was that the wife of the applicant, Mr Turner, had multiple sclerosis. She was coping with the support and care of her husband and daughter. It was her daughter and two grand daughters who lived in the converted barn pursuant to the 1992 planning permission. However, Mr Turner had fallen ill and was struggling to support himself and his wife.

The couple's daughter would inherit Shingle Hall when the couple passed away. However paying the resulting inheritance tax bill would require her to either sell the main house or the converted barn or both. She had lived in the converted barn for 18 years and raised her daughters there and had also established a horse stud at the site. The converted barn was closely linked to the stud, connected to the eastern end of the barn with the stable yard to the rear. Therefore, she did not wish to leave the site being very closely associated with the horse business adjacent to her home. The option of selling the whole site was remote, the other two options were expressively excluded by the planning obligation.

The original proposal of converting the barn to residential accommodation had been regarded by the Council as contrary to Green Belt policy, as it would create a new dwelling there. The obligation was considered necessary to protect the Green Belt by ensuring that an additional dwelling was not formed, but remained ancillary to the main Shingle Hall dwelling.

Over a period of 18 years the Turner family had adhered to the legal obligation. When first approached to remove the legal obligation, officers' opinion was that it served a useful purpose in protecting the Green Belt from harm. However, since that time, the equine business had begun and developed. Horse keeping was an appropriate Green Belt use which helped maintain its openness and fulfilled many of the objectives for the use of land. For the equestrian business to operate effectively, the daughter of Mr and Mrs Turner needed to be on hand for overseeing and managing the business. By living in the converted barn she had been able to fulfil these roles over the last 18 years.

Given the time period and the establishment of an equine business, officers considered that the protection of the Green belt would be maintained should the S106 agreement be varied as suggested. The permitted use of the converted barn for residential accommodation would not become an unrestricted dwelling house use, which is what the Council sought to avoid when imposing the original planning obligation. Instead, its occupancy would be solely in connection with an appropriate adjoining Green Belt activity and could not be sold off in the future, independent of stable buildings and yard, thereby creating pressure for further residential accommodation. As part of the revised legal agreement, the stable buildings and yard would need to be defined on a plan. The revised obligation also safeguarded against a future potential for a separate new built dwelling to supervise the horses, although this would of course need to be the subject of a planning application. It was therefore considered that variation of the legal agreement was acceptable.

RESOLVED:

That the obligation contained in the current Section 106 Agreement attaching to planning permission EPF/0946/91 be amended as set out below:

- (a) delete those obligations in the Agreement which require that:
 - (i) the development will be used solely in connection with, and as ancillary to, the use of application site as a single dwelling; and
 - (ii) the development shall not be sold except as a whole and as part of the whole application site;
- (b) substitute two new covenants requiring that:
 - (i) only persons employed in the adjacent equine enterprise, and/or their dependents, will occupy the converted barn; and
 - (ii) the converted barn will not be sold or otherwise alienated from the remainder of the property except as a single entity and with the adjoining stable buildings and yard.

30. 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.

31. 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.

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/1170/10
SITE ADDRESS:	Parklands Nursery Parkfields Roydon CM19 5JB
PARISH:	Roydon
WARD:	Roydon
DESCRIPTION OF PROPOSAL:	TPO/EPF/30/98 (T1) Oak - Fell and grind out stump (T2) Oak - Fell and grind out stump
DECISION:	Granted 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=518960

CONDITIONS

- 1 Replacement trees shall be planted. The number, species, size and position shall all be agreed in writing by the Local Planning Authority prior to the agreed felling. The agreed replacement tree or trees shall then 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.
- 2 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

Report Item No: 2

APPLICATION No:	EPF/1284/10
SITE ADDRESS:	The Scout Association Gilwell Park Bury Road Waltham Abbey E4 7QW
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
DESCRIPTION OF PROPOSAL:	New ablution block for main camp site and extension/improvement of the existing car park area at main entrance to the site.
DECISION:	Granted 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=519286

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 Prior to the commencement of development of the car park details of the timber fences, proposed signage and bollard lighting columns shall be submitted to and agreed in writing and prior to use of the car park hereby approved and maintained in the agreed positions.
- 3 Materials to be used for the external finishes and surfacing of the proposed development hereby approved shall match those specified within the submitted planning application, unless otherwise agreed in writing by the Local Planning Authority.
- 4 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.

- 5 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.

Report Item No: 3

APPLICATION No:	EPF/1365/10
SITE ADDRESS:	2 Currance Cottages Upland Road Epping Essex CM16 6NN
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Two storey side extension.
DECISION:	Granted 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=519529

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 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 shall be undertaken without the prior written permission of the Local Planning Authority.