

**Committee Agenda
Webcast
Meeting**



**Epping Forest
District Council**

***Area Planning Subcommittee West
Wednesday, 23rd November, 2011***

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

Room: Council Chamber

Time: 7.30 pm

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

Members:

Councillors J Wyatt (Chairman), Mrs E Webster (Vice-Chairman), R Bassett, J Collier, Mrs R Gadsby, D C Johnson, Ms Y Knight, Mrs J Lea, W Pryor, A Mitchell MBE, Mrs M Sartin, Mrs P Smith, Ms S Stavrou and A Watts

A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 7.00 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 SUBCOMMITTEES (Pages 5 - 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 last meeting of the Sub-Committee held on 31 August 2011 as a correct record (attached).

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 25 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 - 40)

(Director of Planning and Economic Development) To consider the planning applications 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. APPLICATION TO DISCHARGE A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990. (Pages 41 - 42)

(Director of Planning and Economic Development) To consider the attached report.

9. PROBITY IN PLANNING - APPEAL DECISIONS, APRIL 2011 TO SEPTEMBER 2011 (Pages 43 - 52)

(Director of Planning and Economic Development) To consider the attached report.

10. 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.

11. 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 Information Paragraph Number
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.

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

Further Information?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

New!

Use your Smartphone/tablet to find contact details of the members using this QR code



Area Planning Subcommittee West 2011-12

Members of the Committee:



Cllr Wyatt

Cllr Webster

Cllr Bassett

Cllr Collier

Cllr Gadsby

Cllr Johnson



Cllr Knight

Cllr Lea

Cllr Pryor

Cllr Mitchell

Cllr Sartin

Cllr Smith



Cllr Stavrou

Cllr Watts

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee West **Date:** 31 August 2011

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.15 pm

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

Other Councillors:

Apologies: Mrs R Gadsby, W Pryor and Ms S Stavrou

Officers Present: J Cordell (Senior Planning Officer), A Hendry (Democratic Services Officer) and G J Woodhall (Democratic Services Officer)

17. 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.

18. 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.

19. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 6 July 2011 be taken as read and signed by the Chairman as a correct record.

20. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

21. ANY OTHER BUSINESS

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

22. DEVELOPMENT CONTROL

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

RESOLVED:

That, Planning applications numbered 1 – 2 be determined as set out in the annex to these minutes.

23. PICKS COTTAGE, SEWARDSTONE ROAD, LONDON E4 7RA

RESOLVED:

(1) To remove the S52 Agreement, which imposed the following conditions:

Clause 3(a) - That the occupation of the dwelling comprising the development shall be limited to a person employed or last employed locally in agriculture as defined in Section 290(1) of the 1971 Act or a dependant of such a person residing with him but including the widow or widower of such person.

Clause 3(b) – That the application site will not be sold or otherwise alienated except as a whole and that no part or parts of the application site will be sold or otherwise alienated except as a whole together with the entire area of the application site.

(2) That Clause 3(a) be enforced separately by condition and that Clause 3(b) was now considered unnecessary.

24. 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/1376/11
SITE ADDRESS:	Thatched House Harlow Road Roydon Harlow Essex CM19 5HH
PARISH:	Roydon
WARD:	Roydon
DESCRIPTION OF PROPOSAL:	TPO/EPF/82/10 T3 (T6 on plan) - Norway Maple - Fell
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=529449

The Committee's attention was drawn to email communication between the applicant and Roydon Parish Council.

CONDITIONS

- 1 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.
- 2 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.
- 3 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (2010) (or with any similar replacement Standard).

Report Item No: 2

APPLICATION No:	EPF/0532/11
SITE ADDRESS:	Roydon Pumping Station Harlow Road Roydon Essex CM19 5HF
PARISH:	Roydon
WARD:	Roydon
DESCRIPTION OF PROPOSAL:	Proposed process building.
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=526426

The Committee's attention was drawn to a further letter of representation from Briggens View, Harlow Road and a response to that letter from the applicant.

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 The process building hereby approved shall be clad in a dark green colour and retained as such thereafter. The colour shall be submitted for approval by the Local Planning Authority prior to commencement of development.
- 3 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08:00 to 18.30 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 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. 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 in writing.
- 5 The rating level of noise (as defined by BS4142:1997) emitted from the commercial units shall not exceed 5dBA above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:1997.

- 6 Low frequency noise (63Hz and 125Hz octave level) from the site shall not exceed 5dBA above the prevailing background noise level at these frequency bands, measured using C weighting. The measurement position and assessment shall be made according to BS4142:1997 with reference to measurement periods and positions.

- 7 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Site Plan 1:2500, Site Plan 1:1250, Site Plan 1:250, Elevations Overview Plan, 7660113/01/201/1211 Rev A, P017347-005 Rev P1 Site Elevations (A and B) including Planting received 2nd August 2011, P017347-005 Rev P1 Site Elevations (C and D) including Planting received 2nd August 2011, 100223/LSP/1b Landscaping Plan received 2nd August 2011, P017347-002 Rev P3 Proposed Site Compound inc Parking received 2nd August 2011 and the recommendations of the approved Acoustic Report.

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AREA PLANS SUB-COMMITTEE 'WEST'

23 November 2011

INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/1578/11	8 Windsor Wood Waltham Abbey	Refuse Permission	17
2.	EPF/1886/11	9 Windsor Wood Waltham Abbey	Refuse Permission	21
3.	EPF/1778/11	35 Highland Road Nazeing Waltham Abbey	Grant Permission (With Conditions)	25
4.	EPF/2106/11	10 Harrier Way Waltham Abbey	Grant Permission (With Conditions)	29
5.	EPF/1668/11	The Old Granary Copped Hall High Road Epping	Grant Permission (With Conditions)	33
6.	EPF/2046/11	78 Roundhills Waltham Abbey	Grant Permission (With Conditions)	37

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Report Item No: 1

APPLICATION No:	EPF/1578/11
SITE ADDRESS:	8 Windsor Wood Waltham Abbey Essex EN9 1LY
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
APPLICANT:	Mrs Ann Morris
DESCRIPTION OF PROPOSAL:	TPO/EPF/10/90 T2 - Silver Birch - Fell
RECOMMENDED DECISION:	Refuse 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=530189

REASON FOR REFUSAL

- 1 The birch is a mature, healthy tree of importance in the local street scene. While retention of the tree causes difficulties in making full use of the parking space to the front of the property alternative parking is locally available, so felling is not justified. None of the other issues specified are sufficient to change that judgement. Replacement planting elsewhere would not adequately compensate within a reasonable timescale for the tree's loss. The proposed felling would therefore be contrary to policy LL9 of the Epping Forest District Local Plan and Alterations, 2008.

This application is before committee since all applications to fell preserved trees are outside the scope of delegated powers.

Description of Proposal

Birch; fell to ground level.

N.B. in this instance the applicant asks that no replacement planting condition be applied.

Description of Site

The native Silver Birch is visually prominent, on the south side of Monkswood Avenue.

Relevant History

The birch was retained as part of the original planning for the Windsor Wood development.

EPF/1946/09; consent for selective crown reduction to shorten branches overhanging the drive, App/Con (Also, felling of Sycamore to the rear agreed.)

Relevant Policies

LL9 – Felling of preserved trees

'the council will not give consent to fell a tree...protected by a TPO unless it is satisfied that this is necessary and justified.....any such consent will be conditional upon the appropriate replacement of the tree'

Summary of Representations

WALTHAM ABBEY TOWN COUNCIL: Object. The birch has great amenity value, and there should be other ways of moving the birds on

Issues and Considerations

The application is on the basis that it is the only way to make the single parking space to the front of the property useable, and that there are no reasonably convenient alternative parking spaces available. The applicant is also concerned about the height of the tree, and of potential subsidence to her property.

The applicant reports that pigeons, kept by a neighbour, habitually perch in her tree, and that their droppings foul her car. She has supplied photos showing heavy soiling of the paintwork. There was one recent dropping on the car at the time of inspection, as well as evidence of plentiful fouling of the drive. The front garden is very narrow and short. The birch has a 3m overhang of the drive, and although some shortening of the side branches was permitted in 2009 this has made little difference. There is no opportunity to plant a replacement elsewhere in the front garden, and a tree to the rear would have little or no amenity value.

The applicant is elderly, and feels that the burden of repeatedly having to clean her car is unreasonable. There are dedicated car parking spaces in the Windsor Wood development, however she reports that the closer ones immediately adjacent are generally full. She finds the 50m walk from the other spaces too much and is concerned for her safety at night, because the area is not well lit, or level and is used as a "cut-through" from Broomstick Hall Rd.

Parking is allowed along adjacent sections of Monkswood Avenue, but the applicant reports that she feels that the narrowness of the road means that damage is likely to her car, and in any event spaces that are convenient are not always available. She has considered covering her car, but this would be inconvenient and laborious to have to do every time she wishes to use it.

Finally while the applicant cannot replace the tree on her own property she is willing to fund a replacement tree or trees nearby on council land, through the tree donation scheme. A piece of open land without trees on the opposite side of Monkswood Avenue appears to be suitable.

Discussion

The tree is visually important in the street scene, is healthy, well shaped, and with a reasonable life expectancy, estimated at 15-20 years. It is not likely to grow significantly taller than its current 15m, and given its recent construction her property should be in no danger of subsidence. No evidence has been provided to support this concern.

It is acknowledged that the difficulty of using her car parking space is real, however the availability of replacement parking does give a reasonable, albeit less convenient, alternative.

The precedents for such cases are that bird droppings have very occasionally been accepted by members as a good enough reason for felling healthy TPO trees, but generally only when affecting

essential amenity space and compounded with other problems, and not in respect of car parking alone.

The possibility of planting a replacement off-site cannot be conditioned, although it could be carried out through the tree donation scheme; the advantage of replacement, once established, would be that new tree/s would have equal amenity value, but a longer life expectancy.

Conclusion:

It is concluded that in this case the proposed felling has not been justified; the loss of this tree would be detrimental to public amenity, and alternative car parking arrangements could be made. The application is accordingly recommended for refusal, in accordance with policy LL9.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

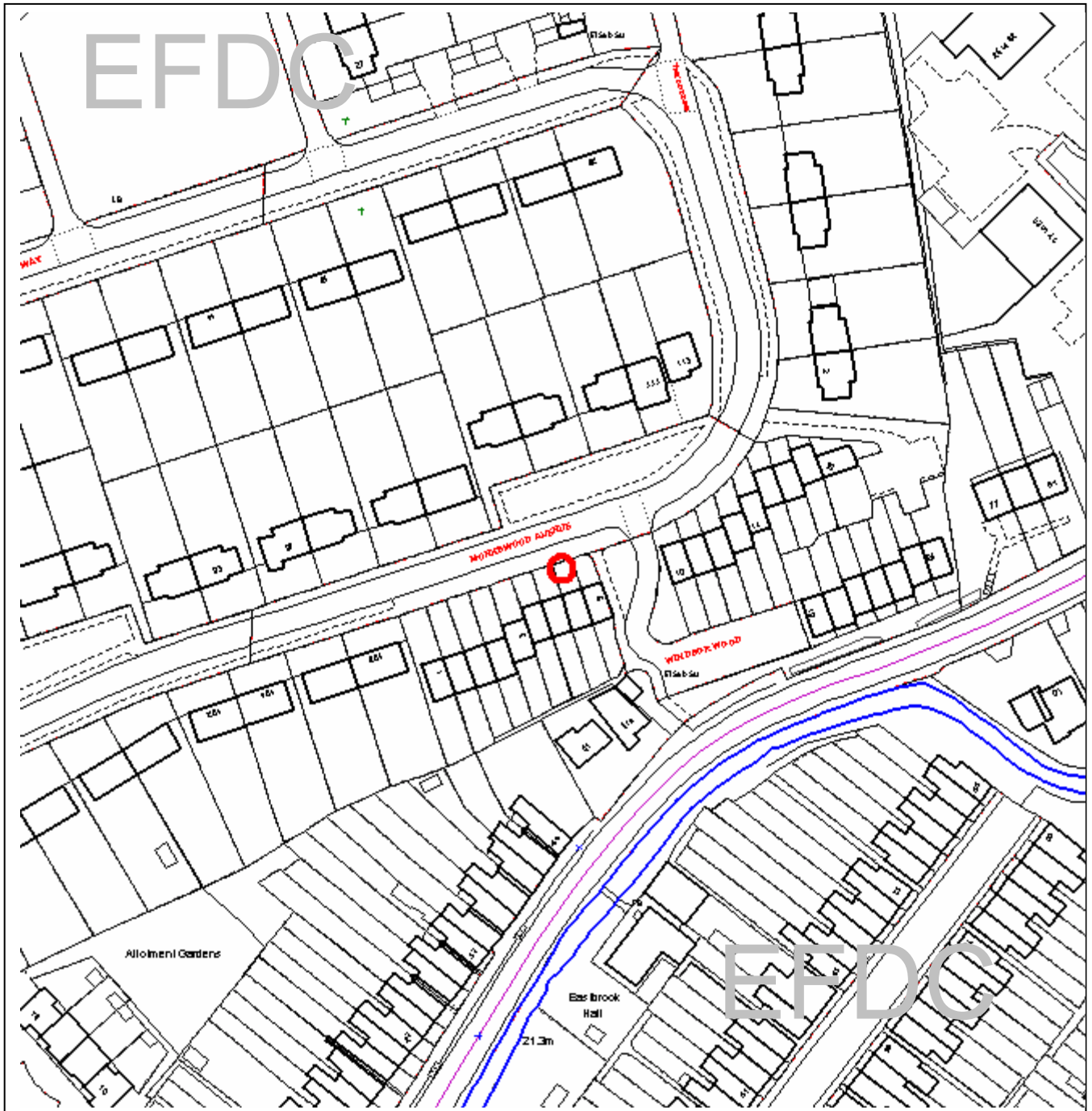
***Planning Application Case Officer: Christopher Neilan
Direct Line Telephone Number: 01992 564117***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	1
Application Number:	EPF/1578/11
Site Name:	8 Windsor Wood, Waltham Abbey EN9 1LY
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1886/11
SITE ADDRESS:	9 Windsor Wood Waltham Abbey Essex EN9 1LY
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
APPLICANT:	Mrs Persky
DESCRIPTION OF PROPOSAL:	TPO/EPF/10/90 T1 - Sycamore - Fell
RECOMMENDED DECISION:	Refuse 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=531249

REASON FOR REFUSAL

- 1 Loss of this tree would be detrimental to public amenity, in its own right, and as part of the wider landscape feature. It is recognised that the tree is associated with problems related to its size and species. However it is considered that these may be minimised by adopting a different surface within the garden and pruning to control the tree's size and spread. While this would not be a complete solution it is considered that the amenity value of the tree is such that its retention is in the public interest.

This application is before committee since all applications to fell preserved trees are outside the scope of delegated powers.

Description of Proposal

Sycamore; fell to ground level.

Description of Site

The sycamore is visually prominent as one of a line of trees along the low ridge above Broomstick Hall Rd, as well as from Monkswood Avenue and Windsor Wood itself.

Relevant History

The sycamore was retained as part of the original planning for the Windsor Wood development.

EPF/0331/04: selective crown reduction to shorten branches overhanging the garden by 15%, and reduce height by 35%. Approved with conditions.

EPF/1523/00: crown reduction in height, (2m) and spread (2m). Approved with conditions.

Relevant Policies

LL9 – Felling of preserved trees

'the council will not give consent to fell a tree...protected by a TPO unless it is satisfied that this is necessary and justified....any such consent will be conditional upon the appropriate replacement of the tree'

Summary of Representations

WALTHAM ABBEY TOWN COUNCIL: object.

Issues and Considerations

The application is on the basis that it is the only way to make the rear garden properly useable. The applicant is also concerned about loss of light to her lounge in particular. She has owned the property for just less than 1 year.

The tree is approx. 15m in height, with a side spread of approx. 3m. It is vigorous, with a long, safe, useful life expectancy, and has recovered well from previous pruning. The garden is modest, approx 12 m long, and 4m wide, aligned broadly north/ south, the tree being to the south of the property, so it casts shade on the garden and the house for much of the day. There is a gap between it and the next tree, to the west, in No. 8, but this is relatively narrow, and the presence of the additional tree compounds the issue of loss of light, particularly later in the day.

The garden has timber decking behind the house, and then two terraces 4m square, of concrete paving. The honey-dew drip from the tree has stained and darkened these slabs, and although they have been steam cleaned they remain unsightly. Management of the plentiful leaf and seed fall is an issue. The applicant has moved the rotary washing line away from the tree but it is still difficult to dry clothes, and on windy days the honey-dew drip can affect the clothes.

She wishes to entirely renovate the garden, but feels that the tree's presence makes this impossible, and its retention is therefore an unreasonable imposition. She does not accept that it is an attractive tree, and feels that it is disfigured by the "tar spots" on the leaves.

Discussion

The retention of the line of Sycamores was an issue from the layout stage of development, when it was recognised that their retention would be an issue for future owners of the properties to the north, for at least some of the reasons given. However it seemed then that the importance of the feature (that is the line of trees as a whole) was such that the balance was on their retention. To make this as palatable as possible the approach has been to agree proposals to limit their height and also their spread over the gardens. At the same time, if it appeared that particular trees could be sacrificed without significant loss of amenity, then this has been agreed.

Broadly this approach has allowed the line to be retained as a distinct feature, although the style and degree of pruning has unfortunately not been uniform in all cases.

The "honey-dew" drip, characteristic of sycamores, but other deciduous trees as well, is a by-product of aphids feeding on the leaves. It is difficult to remove from hard surfaces, and tends to be colonised by sooty moulds, and also atmospheric particulates. The black spots that develop on the leaves in late autumn are a fungal leaf disease, but not an issue for tree or human health.

In this case the issue of a completely hard-surfaced garden is unique, but that could be changed to a softer form of landscaping, with lawn, and groundcover/ herbaceous planting.

There will be inevitably, however, a significant loss of sunlight.

If members were minded to agree this application, say with a condition for a smaller replacement tree, such as a rowan or birch, they would clearly set a precedent for other properties, and future felling applications.

Conclusion:

It is concluded that in this case the proposed felling has not been justified; the loss of this tree would be detrimental to public amenity, in its own right, and as part of the wider landscape feature. It is recognised that the tree is associated with problems related to its size and species. However it is considered that these may be minimised by adopting a different surface within the garden and pruning to control the tree's size and spread. While this would not be a complete solution it is considered that the amenity value of the tree is such that its retention is in the public interest.

The application is accordingly recommended for refusal, in accordance with policy LL9.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Christopher Neilan
Direct Line Telephone Number: 01992 564117***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	2
Application Number:	EPF/1886/11
Site Name:	9 Windsor Wood, Waltham Abbey EN9 1LY
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/1778/11
SITE ADDRESS:	35 Highland Road Nazeing Waltham Abbey Essex EN9 2PT
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr G. Hill
DESCRIPTION OF PROPOSAL:	TPO/EPF/22/83 T1 (T5 on TPO) - Lime - Fell
RECOMMENDED 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=530806

CONDITIONS

- 1 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.
- 2 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.

This application is before committee since all applications to fell preserved trees are outside the scope of delegated powers.

Description of Proposal:

T1 . (TPO T5) Lime - Fell to ground level

Description of Site:

The tree is a pollarded mature specimen, standing around 4 metres tall at the front corner of the applicant's front driveway boundary. The property is located towards the northern end of this tree lined residential road and the subject tree is part of an outstanding symmetrical planting of 24 lime

trees forming one of the most important avenues in the district. Not all the trees shown on the original plan remain but the avenue structure is largely intact.

Relevant History:

TRE/EPF/1746/10 approved the pollarding of the tree to previous points at around 3 metres.

TRE/EPF/1557/05 approved a crown lift.

The tree has been massively reduced in a past management operation, possibly as a result of structural issues.

Relevant Policies:

LL9 Felling of preserved trees.

Summary of Representations:

4 neighbours were consulted and one response received which has been summarised as follows:

33 HIGHLAND ROAD: Object: The tree was said to be in good health last year when it was pollarded but is now regarded as being in poor condition, which appears biased in favour of the proposal and should be considered at the end of ten years; the life span estimated for the tree. The destruction of this tree would set a precedent, which may lead to future requests for tree removal for being 'in the way'. Concerns were voiced about the works involved in removing the tree and who will ensure no damage occur to neighbouring drive and drains.

NAZEING PARISH COUNCIL supported the letter of objection from resident. The removal of this tree would be detrimental to the street scene and is part of a row of lime trees. If the tree has to be removed due to deterioration it should be replaced.

Issues and Considerations:

Issues

The application is made on the basis that the tree is in very poor condition. It is stated in a supporting report that the tree is suffering from extensive hollowing out of the stem visible from a large cavity in the stem, which allegedly presents a potential hazard and should be removed.

Considerations

i) Tree condition and life expectancy.

From a ground level visual inspection, T1 appears to be in a poor structural condition, with a life expectancy of less than 20 years. In terms of vigour, however, the reformed compact crown shows good vigour, which is typical for an established pollard. It should be said, that managed as a pollard the crown is prevented from developing fully, which may protect the tree from being subjected to damaging wind loads to its flawed stem.

The report highlights the advanced extent of decay within the stem and that a species of decay fungus is visibly fruiting within the hollow stem. Wet liquid was seen oozing from the stem but this might be rainwater draining away rather than a sign of infection. There is no doubt that the stem is permanently compromised and likely to decline in structural integrity within the next 10 years to a point where it will become a hazard to property and passers by.

ii) Amenity value

T1 is a prominent landscape feature with a high landscape value within the street scene. Despite its truncated form it is a striking feature and its loss will be noticeable in further breaking up the continuity of tree lined street.

iii) Opportunity for replacement

The limited space available to the front of the applicant's property presents a problem in siting a tree in any other position other than the existing location. It is considered particularly important that the original design and symmetrical pattern is adhered to as much as possible. Therefore, in the event of permission being granted for the tree to be removed, a replacement must be planted in a pit of suitable size which has been fully cleared of old root material at the same location as the current tree.

iv) Response to objections

A summary seeks to address the points raised in the objection, as follows:

1. Poor condition – This takes two forms: structural and physiological. A tree can live and function vigorously with good physiological processes in tact while suffering from grave structural flaws. This tree has a good system to make new growth but a compromised means of structural support. The expert view is not strictly biased but professionally cautious. It is not expedient to review the case in a decade but must be assessed at the time of this decision.
2. Precedent – The loss of other trees has already occurred in the avenue and each case has been assessed on its own strengths or weaknesses and never justified for simply being 'in the way'. Any future proposal to fell any preserved tree in the road will be similarly closely scrutinized before any decision is made. This tree is unusual due to its short, hollow, decaying trunk and this carries weight in the argument of it presenting a potential hazard.
3. Responsibility for safe removal – This rests with the tree owner and the appointed contractor and special attention must be paid to underground services during the stump removal operation.

Conclusion

T1 has a stem in a state of advanced decline. The loss of amenity its removal will cause is high and therefore a good replacement is necessary. It is, therefore, recommended to grant permission to this application on the grounds that its poor structural condition justifies its removal. The proposal therefore accords with Local Plan Landscape Policy LL9.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	3
Application Number:	EPF/1778/11
Site Name:	35 Highland Road, Nazeing EN9 2PT
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/2106/11
SITE ADDRESS:	10 Harrier Way Waltham Abbey Essex EN9 3JQ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	Barry
DESCRIPTION OF PROPOSAL:	TPO/EPF/05/92 T1 - Willow - Fell
RECOMMENDED 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=532022

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.

This application is before committee since all applications to fell preserved trees are outside the scope of delegated powers.

Description of Proposal:

T1. Willow - Fell to ground level

Description of Site:

The Willow is an inclined mature specimen, standing around 13 metres tall. It is located to the front of the applicant's house in a remnant woodland group of 5 willows, which forms a glade between the facing properties in this 5 dwelling Close. The tree is a strong feature of this cluster of tall trees and contributes to the greening of this built up residential area.

Relevant History:

TRE/EPF/0155/00 allowed the pruning of two willows on this site.
TRE/EPF/2153/07 allowed repeat pruning to crown reduce the willows
TRE/EPF/1899/10 allowed repeat crown reduction to the trees.

Relevant Policies:

LL9 Felling of preserved trees.

Summary of Representations:

4 neighbours were consulted but no responses have been received.

WALTHAM ABBEY TOWN COUNCIL had no objection to the proposal.

Issues and Considerations:

Issues

The application is made on the basis that the Willow inclines strongly towards the applicant's house and previous pruning regimes have had few positive effects on the growth or appearance of the tree.

Considerations

i) Tree condition and life expectancy.

T1 appears to be in a normal condition, despite its inclination towards and over the applicant's house, with a long life expectancy of more than 10 years. Some pruning points have congested new branches growing vigorously from them and are likely to be poorly attached to parent limbs, which might present a risk in the future, if allowed to fully develop.

ii) Amenity value

The Willow stands at the edge of this willow group, providing important screening and greening of the densely developed locality. Therefore, its landscape value is moderately high. It was noted, however, that the four sibling trees will continue to provide strong landscape presence, even without T1.

iii) Suitability of location.

Originally, the design of the housing scheme appears to have given due consideration to the trees' proximity to new dwellings. However, in time and due to the fast growth of willows, the relationship between T1, in particular, and the applicant's house has become more strained. The repeated need to contain the tree's crown has been burdensome to the owner and detrimental to the form and long term health of the tree. It is now apparent that, despite the applicant's fondness for the tree, the relationship between the building and the tree has deteriorated; made worse by the tree's lean towards the front of the house. Therefore, the suitability of the tree in this location is now limited.

Conclusion

T1, Willow has suffered a reduction in its amenity value from the repeated heavy pruning works, when compared to its naturally grown siblings. Its position as an inclined outlier of this otherwise attractive sylvan group makes the loss of amenity from its removal more easily borne. It is, therefore, recommended to grant permission to fell the tree on the grounds that its position is unsustainably incompatible. The proposal therefore accords with Local Plan Landscape Policy LL9.

It is recommended that, in the event of members granting permission to fell this tree, due to the numbers of good trees in this well-treed part of the development, the requirement to plant a replacement be waived, in this instance.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

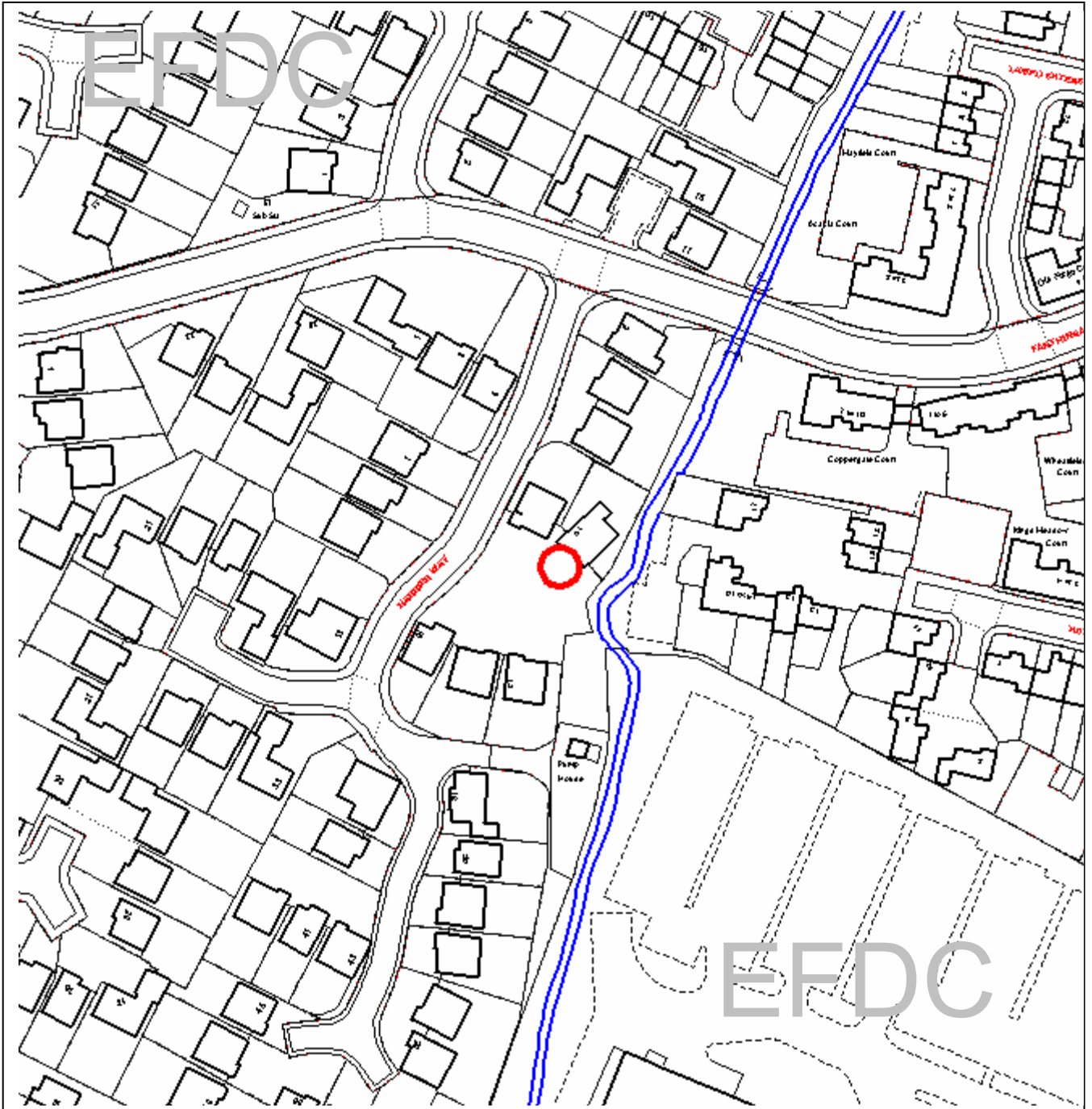
**Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546**

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	4
Application Number:	EPF/2106/11
Site Name:	10 Harrier Way, Waltham Abbey EN9 3JQ
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/1668/11
SITE ADDRESS:	The Old Granary Copped Hall High Road Epping Essex CM16 5HS
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr L Joiner
DESCRIPTION OF PROPOSAL:	Proposed single storey extension.
RECOMMENDED 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=530397

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 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

Erection of a linked extension to existing dwelling to provide a living room, enabling the existing space to be reconfigured to provide 2 additional bedrooms. The proposed square lounge addition has a pyramidal roof and is linked to the existing building by a small glazed flat roofed link that will also act as the entrance porch to the building. The proposals also include reroofing the existing building with red clay tiles and roofing the addition to match.

Description of Site:

The Old Granary is an old grain store building that was converted with planning permission to a dwelling in 1998. It lies within the Copped Hall Conservation Area but is not listed. It is unusual in that it stands about a metre off the ground supported on Staddle Stones. It is a single storey black

boarded building with a slate roof. The property lies to the north of the Copped Hall Mansion, within a group of a number of converted buildings and associated garages. The property is surrounded by trees within an irregularly shaped garden and is not readily visible from any public area.

Relevant History:

EPF/1242/97 Conversion of Granary to dwelling – Allowed on appeal
EPF/1689/98 Retention of raised terrace – Approved
EPF/1736/98 Domestic shed- Approved
EPF/0136/00 Detached outbuilding comprising two double garages (1 for the granary and 1 for Stableyard cottage- approved

Policies Applied:

GB2A Green Belt
HC6 Character appearance and setting of Conservation Areas
HC7 Development within Conservation Areas
HC14 Copped Hall
DBE9 Loss of Amenity
DBE10 Residential Extensions

Summary of Representations

PARISH COUNCIL –Object- Proposed new roof tiles are out of keeping with surrounding properties; overdevelopment of the site; harmful effect on conservation area.

4 neighbouring properties were consulted and a site notice was erected, the following representations have been received:

WILLOW COTTAGE COPPED HALL – Object. The existing building is built on staddle stones making extension impossible without spoiling the original features. The design is inappropriate and harmful to the conservation area and the building. The proposal will make the property a 3 bed unit which will cause more traffic past my house causing noise and disturbance. The development fails to maintain the building in a way that is sensitive to its original design.

1 HALL BARN, COPPED HALL – Object The building is of agricultural interest. The proposed extension will not incorporate stone staddle stones and includes a glass link that is out of character. The increased number of bedrooms will result in more noise and disturbance.

THE OLD KENNELS, COPPED HALL - Concerned that the design of the extension will detract from the building and the conservation area.

Issues and Considerations:

The main considerations are the impact on the Metropolitan Green Belt, the design and impact on the Conservation Area and any possible impact on neighbouring residential amenity.

Green Belt

The building is an existing dwelling and both national guidance and local policy allows for “limited” extensions to dwellings in the Green Belt. The proposed addition adds approximately 40% to the size of the dwelling, and it is considered that on this small and previously unextended property the scale of the addition is not excessive. The property is not isolated, it forms part of the plethora of

buildings within this part of the Conservation Area and the impact on openness of the green Belt is limited.

Design in the Conservation Area

Policies HC6 and HC7 of the adopted Local Plan require that new development is sympathetic to the character and appearance of the conservation area and is not detrimental to it.

The design of the addition has been carefully considered and is felt to be a suitable and appropriate solution to extending this unusual raised building. It leaves the original building virtually unchanged, retaining its character and adds a visually separate and subordinate element linked by an unobtrusive glazed structure. This is a method of extension that is often used on historic buildings. The Conservation officer has considered the proposal and advised that the development is acceptable in architectural terms. The use of clay tiles is appropriate to the location, it is a material generally used on buildings within the Conservation Area and the exact tile to be used can be controlled by condition to ensure that it is suitable.

The proposed addition is to be sited behind the existing building and will not be visually prominent within the Conservation Area, the detailing proposed is appropriate and the development will not adversely effect the character of the Conservation Area.

The development will not have any impact on the trees within the site, which are to be retained to maintain privacy and visual amenity.

Impact on Residential Amenity

Concern has been raised that the proposal changes what is currently a one bedroom dwelling to a 3 bed family dwelling, increasing the possible number of people occupying the property, thereby increasing traffic movements and leading to increased disturbance. The gravel access drive to the dwelling runs adjacent to the boundary of Willow Cottage. Whilst there is a possibility that there will be increased use of the site, the use remains residential and the potential increase in movements is not considered so great as to cause significant harm to residential amenity.

Overdevelopment

It has been suggested that the proposal amounts to overdevelopment of the site. The garden area of this property excluding the access drive is over 600 square metres. If extended, the dwelling will have just 5 habitable rooms, giving a requirement for about 100sq m of garden to meet our current amenity space standards. It is not considered that this can be regarded as overdevelopment.

Conclusion

In conclusion, the proposed addition is well designed and appropriate to the existing building and will not detract from the quality of the Conservation Area or cause excessive harm to neighbouring residential amenity; as such it is considered to comply with the policies of the Local Plan and Alterations and is recommended for approval.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

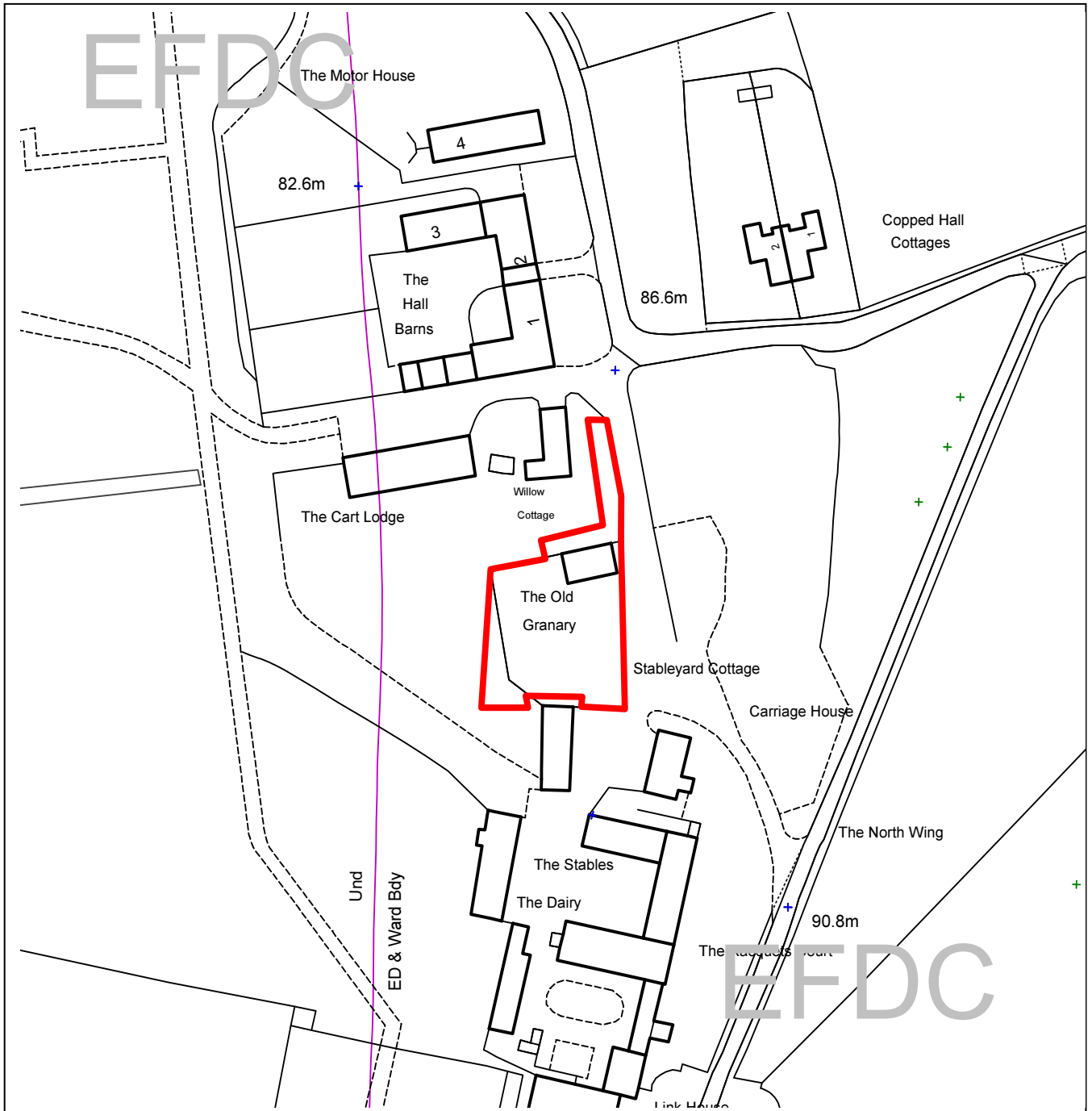
***Planning Application Case Officer: Jill Shingler
Direct Line Telephone Number: 01992 554106***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	5
Application Number:	EPF/1668/11
Site Name:	The Old Granary, Copped Hall, High Road, Epping, CM16 5HS
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/2046/11
SITE ADDRESS:	78 Roundhills Waltham Abbey Essex EN9 1UU
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	Mr Mohammed Mukim Uddin
DESCRIPTION OF PROPOSAL:	Change of use from A2 (betting shop) to A5 (Takeaway) and flue to rear elevation. (Revised application)
RECOMMENDED 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=531805

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 Details of the noise mitigation device(s) should be submitted to the Local Authority for comment and should be installed and be in full working order to the satisfaction of the Local Authority prior to the commencement of use.
- 3 The applicant shall fit the drains serving the kitchens in the development are fitted with a grease separator, as detailed in the Building Regulations 2000, Approved Document H (Drainage and waste disposal), to comply with prEN 1825-1 and designed in accordance with prEN 1825-2 (Installations for separation of grease) or other effective means of grease removal prior to the opening of the A5 takeaway.
- 4 No development shall take place until a maintenance contract for the extraction system has been submitted to and approved in writing by the Local Planning Authority. The extraction system shall be maintained in accordance with such agreed details.
- 5 The use hereby permitted shall not be open to customers outside the hours of 11.00 to 21.30.

This application is before this Committee since it for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

Description of Proposal:

Change of use from A2 (betting shop) to A5 (takeaway) and flue to rear elevation revised application with altered opening hours and altered position of flue with alternative flue specification to previously refused application.

Description of Site:

78 Roundhills is a shop unit within a parade of 5 shops with residential units above. It is located within the built up area of Waltham Abbey and is not within the Metropolitan Green Belt or a Conservation Area. The application site is located within a 'local centre' as defined on the proposals map. There is a communal parking area to the front of the shops.

Relevant History:

EPF/1234/11 – Change of use from A2 (betting shop) to A5 (takeaway) and flue to rear elevation - Refused

EPF/0609/11 - Change of use from A2 (betting shop) to A5 (takeaway) and flue to rear elevation - Refused

EPF/0205/04 – Change of use from A1 (retail) to A2 (betting shop) – App/Con

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

TC1 – Town Centre Hierarchy

TC6 – Local Centres and Corner and Village Shops

DBE9 - Impact on amenity

Summary of Representations:

WALTHAM ABBEY TOWN COUNCIL – No objection

NEIGHBOURS

18 neighbours were consulted

78A ROUNDHILLS – Objection due to Rats, the location and discharge from flue, opening hours, rubbish and litter and devaluation of property

74 ROUNDHILLS FISH BAR – Objection – too little trade for two takeaway operators, will encourage loitering, existing business difficulties will increase

Some 80+ identical letters received objecting to an additional takeaway which is not needed.

Issues and Considerations:

The application has previously been refused for amenity grounds in terms of the location of the flue and the length of the opening hours. With the most recent refusal the length of opening hours were amended to what were considered appropriate to the area however insufficient information was provided with regards to the flue.

The main issues that arise with this application are considered to be the following:

- Impact on the vitality and viability of the local centre
- Impact on Neighbouring Amenity

Vitality and Viability of Local Centre

The unit has been in use as a betting shop, class A2 for a number of years and as such is not classed as a retail unit, so change of use to A5 would not result in a loss of a retail unit. An A5 use is an appropriate use within local centres and as such it is not considered that the use would have a significant impact on the viability and vitality of the local centre. Generally it is considered beneficial to have a use of this kind rather than to allow the unit to remain vacant. The unit is a Council owned unit and the Estates Department supports this application due to the length of time the property has remained un-let with little interest.

Impact on Neighbour Amenity

Policy DBE9 states how new development should not result in loss of amenity in relation to such things as smell, noise or other disturbance.

There are residential units above this shop unit and they are accessed to the rear, along a communal balcony which is also used as a clothes drying area. The position of the flue has been altered and during post-decision discussions with Environmental Services with regards to the suitability of the flue, an alternative extract system has been submitted. The proposed extract ventilation system appears to comply with guidance produced by DEFRA on the minimum requirements for odour control and is supplied by a company called 'Purified Air'.

The Environmental Health Officer has no objection to the revised extraction system subject to conditions ensuring that details of the noise mitigation device are submitted to and approved prior to commencement of development, that a maintenance contract is imposed to ensure the ongoing effectiveness of the ventilation system and to avoid fat and grease being disposed into the foul water system a grease separator is fitted to the drains.

The opening hours have been reduced since the first submission to 11am – 9.30pm Monday – Sunday (including Bank Holidays) from the previously proposed 11am – Midnight, Monday – Saturday and 11am - 11pm Sundays and Bank Holidays. It is considered that these reduced hours are more in keeping with the residential nature of the surrounding area and it is considered these reduced hours overcome the second reason for refusal on the original refused application.

Conclusion:

Neighbour objections have been received regarding loss of amenity from odour, the length of opening hours and rejecting the principle of a take away in this location. It is not considered that with the improved ventilation system and the reduced opening hours the proposal will result in such a significant impact on neighbouring amenity in this case to justify a refusal. Therefore on balance this application is recommended for approval.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Report to Area Plans Sub-Committee

**Date of meeting: West – 23
November 2011**

Subject: Application to Discharge a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

Site: The Barn, Greenacres, Tatsfield Avenue, Nazeing EN9 2HH

Officer contact for further information: Jill Shingler (01992 564106).

Democratic Services Officer: Adrian Hendry (01992 564246)

Recommendation: To agree to the discharge the Section 106 Agreement dated 4th April 2002 which prevents the building known as The Barn at Greenacres Tatsfield Avenue being sold or let or otherwise separated from the adjacent house, Greenacres.

Report:

Planning Permission was granted in 2002 for the change of use of an outbuilding at Greenacres to a granny annexe. (EPF/1795/98) Permission for the use was granted subject to a condition restricting occupancy and also to a legal agreement under section 106 preventing the annexe being sold or otherwise separated from Greenacres. The reason for the condition and the legal agreement was that it was considered inappropriate in Green Belt terms to allow a separate dwelling in the Green Belt.

The Annexe was completed in accordance with the Planning Permission in 2002. It was intended to house the applicant's mother in law, but sadly she died before she could take up residence. The annexe has not been occupied since completion.

The applicant applied last year for change of use of the annexe to a single dwelling house, and to discharge the legal agreement, but this application was refused at committee in accordance with Officers recommendation, on the grounds that the development was inappropriate in the Green Belt.

The applicant appealed this decision and the Inspector upheld the appeal and granted planning permission for use of the building as a separate dwelling subject to conditions, including removal of permitted development rights and retention of the garage. The Inspector considered that the change of use was acceptable in Green Belt terms and that there would be no harm to neighbouring residential amenity or to any other matters, as a result of the development. The Inspector was however unable to consider the removal of the legal agreement as he did not consider that a valid application for such removal had been made.

On the basis that Planning Permission has now been granted for the use of the building as a separate dwelling house, it would be perverse to try and enforce the

associated legal agreement. The legal agreement therefore now serves no useful purpose and on this basis it is therefore recommended, in accordance with government advice, that authorisation be given for the agreement to be discharged.

Report to Area Plans Sub-Committee

Date of meeting: West – 23 November 2011



**Epping Forest
District Council**

Subject: Probity in Planning – Appeal Decisions, April 2011 to September 2011

Officer contact for further information: Nigel Richardson (01992 564110).

Democratic Services Officer: Adrian Hendry (01992 564246)

Recommendation:

That the Planning Appeal Decisions be noted.

Report:

1. (Director of Planning & Economic Development) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful appeals, particularly those refused by committee contrary to officer recommendation. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.

2. To set the context, a previous Best Value Performance Indicator (BVPI) for district councils was to aim to have less than 40% of their decisions overturned on appeal. The last available figure for the national average for District Councils was 30.9%. That BVPI was scrapped but replaced by one which records planning appeals only (not advertisement, listed buildings, enforcements, telecommunications or tree related appeals). That too was dropped as a National Indicator but the Council instead created a Local Performance Indicator (LPI 45). In previous years, this target has been to not exceed 25% of allowed decisions. In recent years the Council performance has been 18% in 2003/04, 29% in 2004/05, 22% in 2005/06, 30% in 2006/07, 29% in 2007/08, 40.3% for 2008/09, 30.9% in 2009/10 and 36.6% in 2010/11.

3. For 2011/12, there are now two local indicators, one of which measures planning application appeals as a result of committee reversals of officer recommendations (KPI 55) and the other which measures the performance of officer recommendations and delegated decisions (KPI 54).

Performance

4. Over the six-month period between April 2011 and September 2011, the Council received 50 decisions on appeals (41 of which were planning related appeals – including 1 tree related appeal and 9 were enforcement related). Of these, 17 were allowed (34%).

5. For KPI 54 and KPI 55, which only consider appeals against the refusal of planning related permission (so does not include enforcement, tree-related appeals, nor appeals against conditions), the 6-month performance figure in total is 30% allowed (12 of 40 appeals).

Planning Appeals

6. Out of the 13 planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period, 6 were allowed and 7 dismissed. 46.15% of appeals resulting from committee reversals were therefore not allowed on appeal. The Council was not successful in sustaining the committee's objection in the following 6 cases:

Area Cttee South (4 Allowed):

EPF/1689/10	Demolition of existing dwelling and erection of a replacement detached dwelling house.	Hedgeside 132 High Road Chigwell
EPF/1796/10	Replacement dwelling and relocation of garage. (Amended application from EPF/1832/07 including alterations comprising the inclusion of a balcony, replacement and rear dormers with rooflights and modifications to the garage roof - resubmitted application)	22 Albion Hill Loughton Essex IG10 4RD
EPF/2125/10	Change of use of land for a Golf Teaching Practice Facility. (D1/D2.) Revised application.	Land adjoining Clays Lane/ Junction of Englands Lane Loughton
EPF/0031/11	Erection of double storey rear extension from lower ground floor (basement), front car parking canopy and alteration of roof by removal of existing dormer and insertion of roof light windows.	Broom House Little Plucketts Way Buckhurst Hill

Area Cttee East (1 Allowed):

EPF/1097/10	Removal of agricultural occupancy condition.	Oaklee Farm Manor Road Lambourne End
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Area Cttee West (1 Allowed):

EPF/1452/10	Change of use of building to single dwellinghouse and release from S106. agreement	Greenacres Tatsfield Avenue Nazeing
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7. Therefore, the committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases where members are certain they are acting in the wider public interest and where the committee officer can give a good indication of some success at defending the decision. This is now highlighted as a separate performance target (KPI 55) and therefore comes under more scrutiny. However, at this 6 month point, the performance (46.15%) is being achieved in that the target of 50% is not being exceeded.

8. In respect of KPI 54, of the 27 planning application decisions made by the Director of Planning & Economic Development under delegated powers or recommended to the Committee for refusal, 6 were allowed (22.22%), slightly in excess of the target of 20%.

9. Out of 9 enforcement notice appeals decided, 4 were allowed and one part allowed/part dismissed as follows:

Allowed:

ENF/0652/08 – Mixed use as agriculture and residential by stationing of mobile homes and caravans – Rose Farm, Hamlet Hill, Roydon.

ENF/0010/10 – Two portacabins as ancillary use to Class B8 use of site – Gallmans End Farm, Manor Road, Lambourne.

ENF/0025/10 – Balcony at the rear second floor and rooflights on the rear roof – 22 Albion Hill, Loughton.

ENF/0677/10 – Caravan and Mobile Homes, fencing, hardstanding and use of land for residential purposes (5 year permission) – Auburnville, Carthegena Estate, Nazeing.

Part Allowed/ Part Dismissed:

ENF/0294/09 – L-shaped stable block (Dismissed), Log Store (Allowed) – Red Cottage, New Farm Drive, Abridge.

Costs

10. During this period, there were 3 successful finalised award of costs made against the council. Circular 03/2009 *Costs Awarded in Appeals and Other Planning Proceedings* advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

11. In the case of Hedgeside, 132 High Road, Chigwell (EPF/1689/10), the Planning Inspector awarded costs on the grounds of lack of realistic and specific evidence about the consequences of the proposed development in the Council's statement. This was a committee reversal case, where the committee had been quite specific over the harm, but this had not been as specific in the officer's written representation appeal statement. The lesson to be learned from this case is that officers are now confirming their statement with the committee presenting planning officer and watching the webcast

before sending off their appeal statement justifying the decision. The cost in this case amounted to £3,179.40.

12. In respect of Oaklee Farm, Manor Road, Lambourne End (EPF/1097/10), also a committee reversal, Members had included a particular reason that the agricultural dwelling had not been sufficiently marketed, (which would have justified the agricultural occupancy condition being removed), which relied on a disagreement about the asking price that should have been set. The Inspector after the hearing concluded that the appellant though had unnecessarily carried out a further period of marketing to support their appeal despite the appellants marketing already adhering to the requirements of the Local Plan. This was unnecessary and he therefore ordered the Council to pay a partial award of costs for this part of work in relation to the second reason for refusal. The costs came to £6,783.49.

13. The Planning Inspectorate's quashing of an enforcement appeal resulted in an award of costs of £1711.98 against the Council in respect of Land South of Canes Lane and North of Weald Hall Lane, North Weald, after failing to follow the appeal procedure. This coincided with a sudden absence from work of a staff member responsible for this procedure and deadlines were missed. The appellant had already prepared their appeal and Circular 03/2009 sets out a number of examples of unreasonable behaviour in regard to award of costs, one of which is the failure to provide relevant information within statutory time limits. It is the additional work carried out by the appellant as a result of the failure to comply in time that has incurred the cost of £1711.98.

Conclusions

14. Whilst performance in defending appeals has improved, particularly in respect of committee reversals, Members are reminded that in refusing planning permission there needs to be justified reasons that in each case, must be relevant, necessary, but also sound and defensible. If Members are to disagree with submitted evidence, as in the in Oaklee Farm case, it needs to be substantiated and clear before a decision on the planning application is made and additional reasons beyond a similar previous refusal, where circumstances have not changed, may be seen by the Inspector, as in this case, as being spurious.

15. A full list of decisions over this six month period appears below.

Appeal Decisions April 2011 to September 2011

Planning Appeals Allowed:

Buckhurst Hill

1	EPF/0031/11	Erection of double storey rear extension from lower ground floor (basement), front car parking canopy and alteration of roof by removal of existing dormer and insertion of roof light windows.	Broom House Little Plucketts Way Buckhurst Hill
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Chigwell

2	EPF/0326/11	Part single storey ground floor rear extension.	9 Lodge Close Chigwell
3	EPF/1027/11	Single storey front and rear extensions to	39 Bracken

4	EPF/1689/10	existing bungalow and roof alterations with front and rear dormers. Demolition of existing dwelling and erection of a replacement detached dwelling house.	Drive Chigwell Hedgeside 132 High Road Chigwell
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Lambourne

5	EPF/1097/10	Removal of agricultural occupancy condition.	Oaklee Farm Manor Road Lambourne End
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Loughton

6	EPF/0529/11	Ground and first floor rear extension. (Revised application to EPF/2090/10)	27 Algers Road Loughton
7	EPF/1796/10	Replacement dwelling and relocation of garage. (Amended application from EPF/1832/07 including alterations comprising the inclusion of a balcony, replacement and rear dormers with rooflights and modifications to the garage roof - resubmitted application)	22 Albion Hill Loughton Essex IG10 4RD
8	EPF/2125/10	Change of use of land for a Golf Teaching Practice Facility. (D1/D2.) Revised application.	Land adjoining Clays Lane/ Junction of Englands Lane Loughton

Nazeing

9	EPF/1452/10	Change of use of building to single dwellinghouse and release from S106 agreement.	Greenacres Tatsfield Avenue Nazeing
10	EPF/1510/10	Removal of 1.83 m brick wall and erection of 1.83 m boundary. (Retrospective application)	2 Rochford Avenue Waltham Abbey
11	EPF/2493/10	Variation of condition 2 'timescale' on planning permission EPF/1204/10 (Alteration and retention of existing unauthorised building with reduced floor level and change of pitched roof to flat roof) to allow 12 months for completion.	20 Godwin Close Sewardstone Road Waltham Abbey

Planning Appeals Part Allowed/Part Dismissed

Epping Upland

12	EPF/2152/10	Retention of three sets of gates and pillars and new roadway.	Griffins Wood House Copped Hall
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Estate
High Road
Epping

Planning Appeals Dismissed

Buckhurst Hill

- 13 EPF/1690/10 Demolition of existing garages and erection of a detached one bedroom residential dwelling. (Revised application) Land Rear of 11a Loughton Way
Buckhurst Hill

Chigwell

- 14 EPF/0206/11 Two storey side extension and front entrance porch. 45 Coolgardie Avenue
Chigwell
- 15 EPF/1406/10 Conversion of Grange Court, Chigwell School from a boarding house to a Pre-Prep School, including a new single storey extension, internal and external refurbishment and associated landscaping works. (Revised application) Grange Court
High Road
Chigwell
- 16 EPF/1408/10 Grade II* listed building application for the conversion of Grange Court, Chigwell School from a boarding house to a Pre-Prep School, including a new single storey extension, internal and external refurbishment and associated landscaping works. (Revised application) Grange Court
High Road
Chigwell

Epping

- 17 EPF/0001/11 Demolition of existing ambulance station and garage. Erection of new two storey station with ambulance shelter. Ambulance Station
The Plain
Epping
- 18 EPF/2310/10 Two storey rear extension to provide retail storage. 178 High Street
Epping
- 19 EPF/2667/10 First floor rear extension, loft conversion and elevation improvements. 10 Lower Bury Lane
Epping

High Ongar

- 20 EPF/0267/11 Single storey front extension. (Revised application) 4 Norton Mandeville
Norton Lane
High Ongar

Lambourne

- 21 EPF/1786/10 Retrospective application for placing of two portakabin buildings on land for staff facilities ancillary to the use of buildings G2, G3 and Gallmans End Farm
Manor Road

		G4 for class B8 use. (Revised application)	Lambourne
22	EPF/2647/10	Conversion of existing building at rear of site to residential house ancillary to Woodgrange, including erection of new first floor within mansard roof.	Woodgrange 52 Ongar Road Lambourne
Loughton			
23	EPF/0797/11	Single storey front detached garage. (Revised application)	37 Upper Park Loughton
24	EPF/1429/10	Erection of proposed 3 bed, two storey dwelling with walk out basement level to the rear. (Revised application)	12 -18 Pump Hill Loughton
25	EPF/1794/10	Change of use from A1 use class (Retail) to A2 use class (Professional and financial).	Hype Menswear 251 High Road Loughton
26	EPF/1814/10	Erection of single storey house on land to rear.	50 Hanson Drive Loughton
27	EPF/2330/10	TPO/EPF/15/06 T1 - Ginkgo biloba - Fell to ground level and treat stump with herbicide	Dryads Hall Woodbury Hill Loughton
Matching			
28	EPF/0220/11	Conversion of garage and sub-division of existing dwelling to form two, separate, dwellings. (Revised application)	Wyse's Barn Hobbs Cross Road Matching
29	EPF/1994/10	Proposed subdivision of site into 3 separate dwellings, including part demolition and conversion of Threshers House into two dwellings, extension and alterations together with further sub division of cottage. Part demolition of garage, erection of two replacement garages, realignment of drives and boundaries.	Threshers Threshers Bush Nr The Lavers
Moreton, Bobbingworth and the Lavers			
30	EPF/1700/10	Erection of a single dwelling.	Wood Farm Moreton Road Moreton
Nazeing			
31	EPF/1857/09	Change of use of land to a residential gypsy caravan site for 10 pitches and creation of new access, hardstanding and turning head.	Land at The Meadows Carters Mead Waltham Road Nazeing
32	EPF/2289/10	Proposed two storey side extension to provide granny annexe.	CWS Nursery Hoe Lane

			Nazeing
33	EPF/2644/10	Demolition of existing dwelling and erection of replacement 4 bed dwelling.	6 The Mead Nazeing New Road Nazeing

North Weald Bassett

34	EPF/0531/11	Erection of garage in the style of a cart lodge.	Popps Mead Harlow Common
35	EPF/1123/10	Retention of permanent residential mobile home site for gypsy and traveller use.	Carisbrook Farm Kiln Road North Weald
36	EPF/1428/10	First floor side extension.	33 Hampden Close North Weald
37	EPF/1428/10	Retrospective application for change of use of buildings to B1, B2, B8 and car repairers.	Chase Farm Vicarage Lane North Weald

Theydon Bois

38	EPF/1357/10	Demolition of existing dwelling and garage and erection of a detached chalet style dwelling with integral garage.	Auchinleck Theydon Park Theydon Bois
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Waltham Abbey

39	EPF/0084/11	Erection of a detached garage with a studio within the roof space	113 Monkswood Avenue, Waltham Abbey
40	EPF/0212/11	Proposed front and rear dormer windows. (Duplicate application)	Dahmoi Sewardstone Road Waltham Abbey

Enforcement Appeals Allowed

ENF/0652/08 – Mixed use as agriculture and residential by stationing of mobile homes and caravans – Rose Farm, Hamlet Hill, Roydon.

ENF/0010/10 – Two portacabins as ancillary use to Class B8 use of site – Gallmans End Farm, Manor Road, Lambourne.

ENF/0025/10 – Balcony at the rear second floor and rooflights on the rear roof – 22 Albion Hill, Loughton.

ENF/0677/10 – Caravan and Mobile Homes, fencing, hardstanding and use of land for residential purposes (5 year permission) – Auburnville, Carthegena Estate, Nazeing.

Enforcement Appeals Part Allowed/ Part Dismissed:

ENF/0294/09 – L-shaped stable block (Dismissed), Log Store (Allowed) – Red Cottage, New Farm Drive, Abridge.

Enforcement Appeals Dismissed

ENF/0042/08 – Roof alterations and additions, 2-storey and single storey extensions, conservatory and porch at Crumps Farm, Tawney Common, Theydon Mount.

ENF/0453/08 – Hard surface wet weather horse exercise area – Rose Farm, Hamlet Hill, Roydon.

ENF/0606/10 – Change of use from A1 retail shop to sui generis fish pedicure and spa – 169 High Road, Loughton.

ENF/0757/10 – Erection of fence adjacent highway – 210 Nine Ashes Road, High Ongar.

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