

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee East **Date:** 28 November 2012

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.30 pm

Members Present: A Boyce (Chairman), Mrs S Jones (Vice-Chairman), K Avey, Mrs H Brady, T Church, Mrs A Grigg, D Jacobs, P Keska, Mrs M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, G Waller, Mrs J H Whitehouse and J M Whitehouse

Other Councillors:

Apologies: W Breare-Hall, P Gode and C Whitbread

Officers Present: J Shingler (Principal Planning Officer), C Neilan (Landscape Officer & Arboriculturist), S G Hill (Senior Democratic Services Officer) and J Leither (Democratic Services Assistant)

47. 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.

48. MINUTES

RESOLVED:

That the minutes of the meeting held on 24 October 2012 be taken as read and signed by the Chairman as a correct record.

49. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor M McEwen declared a non pecuniary interest in the following item of the agenda by virtue of living in the vicinity of the application site and knowledge of the people concerned.

EPF/1714/12 – Orchard Villa, Norton Heath, High Ongar.

50. ANY OTHER BUSINESS

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

51. TPO/EPF/04/12 - REAR OF 51 HORNBEAM ROAD, THEYDON BOIS

The Subcommittee considered the confirmation of a Tree Preservation Order (TPO) at 51 Hornbeam Road, Theydon Bois. The emergency TPO had been made to protect an important oak tree, at the request of the Parish Council, at risk of imminent felling. The subcommittee noted that subsequent to the serving of the TPO on the same day, the tree had been 'ring-barked' by the tree surgeon concerned and this matter was now to be subject to legal action by way of summons to the magistrates court.

The Subcommittee noted that an objection had been made to confirmation of the order and officer advice on these objections, the advice about the likelihood of the tree surviving its deliberate damaging and the position for replacement should the tree eventually die. The Subcommittee concurred with the view of the officers that the TPO should be confirmed.

Resolved:

That Tree Preservation Order TPO/EPF/04/12 be confirmed without modification.

52. DEVELOPMENT CONTROL**RESOLVED:**

That the planning applications numbered 1 – 9 be determined as set out in the schedule attached to these minutes.

53. PROBITY IN PLANNING

The Subcommittee received a report on the results of planning appeals made during the period 1 April 2012 to 30 September 2012. Members commented that where the application had been refused contrary to officer recommendation that it was appropriate that members be involved in the formulation of the case at any subsequent appeal and that they were made aware of any deadline for the submission of written representations.

Councillor Philip also commended officers for enforcement action taken at the Old Foresters site in Theydon Bois.

Resolved:

That the Planning Appeal Decisions be noted.

54. DELEGATED DECISIONS

The Sub-Committee noted that schedules of planning applications determined by the Head of Planning and Economic Development under delegated authority since the last meeting had been circulated and could be inspected at the Civic Offices.

CHAIRMAN

Report Item No: 1

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| APPLICATION No: | EPF/0834/12 |
| SITE ADDRESS: | New House Farm Vicarage Lane North Weald Essex CM16 6AP |
| PARISH: | North Weald Bassett |
| WARD: | North Weald Bassett |
| DESCRIPTION OF PROPOSAL: | Erection of 50kW microgeneration wind turbine with a tower height of 25m and blade diameter of 19m. |
| DECISION: | To Agree that had an appeal against the Council's failure to determine the application not been lodged the council would have refused the application for the following reasons. |

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=537159

Members determined that had an appeal against the Council's failure to determine the application not been lodged, the Council would have refused the application for the following reason:-

REASON FOR REFUSAL

- 1 The proposed wind turbine constitutes inappropriate development in the Green Belt, by definition harmful and in addition, the structure will have an adverse impact on the character and amenity of the area. It is not accepted that there are very special circumstances sufficient to outweigh this harm and the proposal is therefore contrary to the National Planning Policy Framework and policies GB2A, GB7A, LL1 and LL2 of the adopted Local Plan.

Members were mindful that this site was subject to an appeal and asked that should an inspector grant the application at appeal it should be a condition that the wind turbine be externally finished in a dark colour.

Report Item No: 2

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| APPLICATION No: | EPF/0827/12 |
| SITE ADDRESS: | Land to rear of Harness Cottage Lower Bury Lane Epping Essex CM16 5HA |
| PARISH: | Epping |
| WARD: | Epping Lindsey and Thornwood Common |
| DESCRIPTION OF PROPOSAL: | Erection of new detached house on land to rear of Harness Cottage, including existing house to be used as ancillary accommodation. |
| 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=537123

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 construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 3 Prior to first occupation of the development hereby approved, the proposed window opening at first floor within both flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 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, Classes A and B shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 6 No development shall take place until details of the proposed surface materials for the driveway have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained

thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.

- 7 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 8 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 9 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 10 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the

intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

- 11 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 12 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 13 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 14 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.
- 15 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 16 In accordance with the submitted application, on completion of the new dwelling the dwelling known as Harness Cottage, shall only be occupied as ancillary to the new house and shall not be occupied as a separate independent dwelling.
- 17 Notwithstanding the details submitted with the application no development shall take place until details of the landscaping of the site, including retention of trees and other natural features and including the proposed times of proposed planting (linked to the development schedule), have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at those times.

- 18 Notwithstanding the details submitted with the application no development, including site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 19 The development hereby permitted will be completed in accordance with the approved drawings nos:EJQ_1000, EJQ_1020 RevC (Plans and Elevations) and the siting and layout shall be in accordance with that shown on EJQ_1011Rev.A. Please note that the tree protection and tree removal shown on EJQ_1011 Rev A is not agreed and further details are required by condition.

Report Item No: 3

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| APPLICATION No: | EPF/1711/12 |
| SITE ADDRESS: | 9 Marconi Bungalows High Road North Weald Bassett Epping Essex CM16 6EQ |
| PARISH: | North Weald Bassett |
| WARD: | North Weald Bassett |
| DESCRIPTION OF PROPOSAL: | Change of use of land to garden area. |
| 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=541035

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 871.DWG
- 2 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 E and F shall be undertaken without the prior written permission of the Local Planning Authority.

Report Item No: 4

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| APPLICATION No: | EPF/1629/12 |
| SITE ADDRESS: | 8 Marconi Bungalows Epping Road North Weald Essex CM16 6EQ |
| PARISH: | North Weald Bassett |
| WARD: | North Weald Bassett |
| DESCRIPTION OF PROPOSAL: | Change of use of land to garden area. |
| 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=540547

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Ordnance Survey location plan Title Number EX706066
- 2 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 E and F shall be undertaken without the prior written permission of the Local Planning Authority.

Report Item No: 5

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| APPLICATION No: | EPF/1630/12 |
| SITE ADDRESS: | 7 Marconi Bungalows Epping Road North Weald Essex CM16 6EQ |
| PARISH: | North Weald Bassett |
| WARD: | North Weald Bassett |
| DESCRIPTION OF PROPOSAL: | Change of use of land to garden area. |
| 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=540548

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Ordnance Survey location plan Title Number EX703481
- 2 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 E and F shall be undertaken without the prior written permission of the Local Planning Authority.

Report Item No: 6

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| APPLICATION No: | EPF/1637/12 |
| SITE ADDRESS: | 6 Red Oaks Mead Theydon Bois Epping Essex CM16 7LA |
| PARISH: | Theydon Bois |
| WARD: | Theydon Bois |
| DESCRIPTION OF PROPOSAL: | Single storey front side and rear extension and replacement of ground floor lounge window. |
| 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=540604

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 development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The existing hedge along the part of the front boundary, and along the front part of the side boundary with Red Oaks Mead, together with the hedge dividing the front gardens of numbers 6 and 5 Red Oaks Mead, shall be retained on a permanent basis, or replaced with a similar hedge if part or all of these hedges require replacement.

Report Item No: 7

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| APPLICATION No: | EPF/1674/12 |
| SITE ADDRESS: | 8 Vicarage Road Coopersale Epping Essex CM16 7RB |
| PARISH: | Epping |
| WARD: | Epping Hemnall |
| DESCRIPTION OF PROPOSAL: | Proposed two storey side extension and part two storey rear extension, single storey side extension and front porch and garage extension. |
| 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=540823

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 development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to first occupation of the development hereby approved, the proposed window opening in the first floor flank elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

Report Item No: 8

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| APPLICATION No: | EPF/1714/12 |
| SITE ADDRESS: | Orchard Villa Norton Heath High Ongar Ingatestone Essex CM4 0LQ |
| PARISH: | High Ongar |
| WARD: | High Ongar, Willingale and the Rodings |
| DESCRIPTION OF PROPOSAL: | Single storey summer house and deck (revised application to incorporate pitched roof and alterations to elevations). |
| DECISION: | Deferred |

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=541069

Members determined to defer this item to allow a site visit to take place.

Report Item No: 9

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| APPLICATION No: | EPF/1861/12 |
| SITE ADDRESS: | 45 Hampden Close North Weald Epping Essex CM16 6JX |
| PARISH: | North Weald Bassett |
| WARD: | North Weald Bassett |
| DESCRIPTION OF PROPOSAL: | Convert existing carport to garage and extend by 1.0m. |
| 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=541891

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 development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.