

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee West **Date:** 20 June 2012

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.30 pm

Members Present: Mrs P Smith (Chairman), Ms Y Knight (Vice-Chairman), R Bassett, Mrs R Gadsby, Ms H Kane, Mrs J Lea, A Mitchell MBE, Mrs M Sartin, Ms G Shiell, Ms S Stavrou, A Watts, Mrs E Webster and J Wyatt

Other Councillors:

Apologies:

Officers Present: J Godden (Planning Officer), M Jenkins (Democratic Services Assistant) and R Perrin (Democratic Services Assistant)

9. 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.

10. 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.

11. MINUTES

RESOLVED:

That the minutes of the last meeting of the Sub-Committee held on 23 May 2012 be agreed.

12. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs E Webster declared a personal interest in the following item of the agenda by virtue of being a member of Waltham Abbey Town Council, although not a member of the Town Council Planning Committee. The Councillor added that the site in question was within her Essex County Council ward. The Councillor declared that her interest was not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item:

- EPF/0821/12 Woodview Cottage, Pynest Green Lane, Waltham Abbey EN9 3QL

(b) Pursuant to the Council's Code of Member Conduct, Councillor R Bassett declared a personal interest in the following item of the agenda by virtue of living reasonably close to the site concerned. The Councillor declared that his interest was not prejudicial and indicated that he would remain in the meeting during the consideration and voting on the item:

- EPF/0686/12 Land Rear of 66-70 Western Road, Nazeing EN9 2QQ

(c) Pursuant to the Member's Code of Conduct, Councillor Mrs S Stavrou declared a personal interest in the following item of the agenda. The Councillor had taken officer's advice and stated that her interest was under unusual circumstances in that both the applicant and several objectors had sought procedural advice from herself as ward member on how to pursue the application and the objections. Although she had never expressed any view about the planning merits of the application to any member of the public, such had been the weight of views expressed that she felt unable to participate in the debate. She added that the Code of Conduct required her to declare a prejudicial interest if a member of the public in possession of the facts would reasonably feel that her judgement of the public interest was influenced by past contacts regarding this application. She felt that any comments made or vote cast would almost certainly result in one side or the other criticising her actions and had therefore concluded that a prejudicial interest existed and would leave the meeting for this item and the voting thereon:

- EPF/0821/12 Woodview Cottage, Pynest Green Lane, Waltham Abbey EN9 3QL

13. ANY OTHER BUSINESS

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

14. DEVELOPMENT CONTROL

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

RESOLVED:

That, Planning applications numbered 1 – 3 be determined as set out in the annex to these minutes.

15. PROBITY IN PLANNING - APPEAL DECISIONS, OCTOBER 2011 TO MARCH 2012

The Sub-Committee received a report regarding Probity in Planning – Appeal Decisions, October 2011 to March 2012. In compliance with the recommendation of the District Auditor, the report advised the decision-making committees of the results of all successful appeals, particularly those refused by committee contrary to officer recommendation. The purpose was to inform the committee of the consequences of their decisions in this respect, and, in cases where the refusal was found unsupportable on planning grounds, an award of costs could be made against the Council.

Since 2011/12, there had been two local indicators, one which measured all planning application type appeals as a result of committee reversals of officer

recommendation (KPI55), and the other which measured the performance of officer recommendations and delegated decisions (KPI54). Over the six month period between October 2011 and March 2012, the Council received 51 decisions on appeal (44 of which were planning related appeals, the other 7 were enforcement related). Of this, 11 were allowed (25%). For the year end, both targets for KPI 54 and KPI 55 had been achieved. However, between October 2011 and March 2012, in respect of KPI 54, 6 out of 35 were allowed (17%) and for KPI55, 5 out of 9 were allowed (55%). Out of the 9 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, the Council was not successful in sustaining the committee's objection in 5 cases, 2 each in Area Plans South, Area Plans East and 1 in Area Plans West.

Therefore, the committees were urged to heed the advice that when considering setting aside the officer's recommendation it should only be in cases where members were certain they were acting in the wider public interest and where the committee officer could give indication of some success at defending the decision. Out of 7 enforcement notice appeals decided, 1 was allowed and one part allowed/part dismissed, although in the latter case the greater part of the appeal was dismissed. During this period, there was 1 successful finalised award of costs made against the council.

The Planning Inspectorate's quashing of an enforcement appeal resulted in an award of costs of £2,200.00 against the Council in respect of Plots 40-41 Roydon Lodge Chalet Estate, Roydon after failing to follow the appeal procedure. The enforcement notice was withdrawn after receipt and grant of an application for a certificate of lawful development because the alleged use was proven to be time immune. The Planning Inspector considered the appeal could have been avoided by more diligent investigation by the Council and awarded costs because the appellant had already incurred costs in preparing for the appeal.

Whilst performance in defending appeals had improved, particularly in respect of committee reversals, members were reminded that in refusing planning permission there needed to be justified reasons that in each case, must be relevant, necessary, but also sound and defensible.

The Planning Services Scrutiny Standing Panel at its meeting on 20 December 2011 had agreed that Probity in Planning reports should be submitted to the Panel in the first instance and then recommended to the Area Planning Sub-Committees annually. However it was advised at this meeting that the process would revert back to a six monthly report to the Area Planning Sub-Committees, these reports would be considered in greater detail at the Area Planning Sub-Committees.

RESOLVED:

That the Planning in Probity Appeal Decisions, October 2011 to March 2012 report be noted.

16. 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/0633/12
SITE ADDRESS:	Pear Tree Corner Tylers Cross Nursery Epping Road Roydon Harlow Essex EN9 2DH
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Retention of one single unit and 4 touring caravans.
DECISION:	Granted Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=536336

CONDITIONS

- 1 The additional caravans shall only be occupied for residential purposes by the following named persons and any resident dependants:

Ms Kathleen Breaker
Ms Jade Louise Breaker
MS Madeline Breaker
- 2 No more than two mobile homes and four touring caravans shall be stationed on the application site (6 structures in total), as identified in the submitted plans, at any given time.
- 3 The site shall be used for residential purposes only and no commercial, industrial or retail activity shall take place on the site, including the storage of goods, materials or other items not ancillary to the residential use. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.
- 4 Within 3 months from the date of this decision, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority, and any drainage works shall be implemented and retained thereafter in accordance with such agreed details.

Report Item No: 2

APPLICATION No:	EPF/0686/12
SITE ADDRESS:	Land Rear of 66 -70 Western Road Nazeing Essex EN9 2QQ
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Minor material amendment of planning permission EPF/2556/11 (Proposed 2 no. three bedroom detached two storey houses with integral garages and parking fronting Wheelers Close. Amendment to rectify inconsistencies of previously approved plan.
DECISION:	Granted Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=536560

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 development hereby permitted will be completed strictly in accordance with the approved drawing no: D 305 100, D 305 104, A 305 105
- 3 No construction works above ground level shall have taken place until documentary and photographic details 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.
- 4 No development shall take place until the hedge on the western boundary of the site and the trees shown on the approved plan No BF/6111.001 (received 15th December 2011) as being retained (and any trees whose canopies overhang the site) have been protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus material have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made without the prior written consent of the local planning authority.
- 5 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved

scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

- 6 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials used in constructing the development
 - d) wheel cleaning facilities
 - e) measures to control the emission of dust and dirt during construction
 - f) a scheme for recycling/disposing of waste resulting from site preparation and construction works
- 7 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor 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.
- 8 The garages and car parking spaces hereby permitted shall be provided before the occupation of the dwelling hereby permitted and shall be kept available for the parking of motor vehicles at all times. The garage/car spaces shall be used solely for the benefit of the occupants of the dwelling of which forms part and their visitors and for no other purpose and shall be permanently retained as such.
- 9 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 10 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 17.30 Monday to Friday and 09.00 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.

Report Item No: 3

APPLICATION No:	EPF/0821/12
SITE ADDRESS:	Woodview Cottage Pynest Green Lane Waltham Abbey Essex EN9 3QL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
DESCRIPTION OF PROPOSAL:	Replacement of existing dwelling (Revised application)
DECISION:	Granted Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537117

Members were advised that 3 further letters of representation had been received from The Rookery, Pynest Green Lane; Tresco, Wellington Hill and Two Chimneys, Wellington Hill

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 development hereby permitted will be completed strictly in accordance with the approved drawings nos: Promap Site Plan date stamped 27/04/12, COH/107/1, COH/107/10 Rev: A, COH/107/11 Rev: A, COH/107/12 Rev: A
- 3 No construction works above ground level 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.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor 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.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 If any tree, shrub or hedge shown to be retained (including the front hedge which is to be permanently retained) in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or

hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

- 7 No development, including works of demolition or 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.
- 8 No development shall take place until details of the proposed surface materials for the front 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.
- 9 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.
- 10 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.
- 11 All building materials in connection with the development hereby approved shall be stored wholly within the curtilage of the site.

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