

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee West **Date:** 6 February 2013

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.45 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 and J Wyatt

Other Councillors:

Apologies: Ms S Stavrou, A Watts and Mrs E Webster

Officers Present: J Godden (Planning Officer), M Jenkins (Democratic Services Assistant) and P Seager (Chairman's Secretary)

63. 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.

64. 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.

65. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 9 January 2013 be taken as read and signed by the Chairman as a correct record.

66. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs M Sartin declared a non pecuniary interest in the following item of the agenda, by virtue of the application being in the Lee Valley Regional Park area, the Councillor had been appointed to the Lee Valley Regional Park by the Council. The Councillor had determined that she would stay in the meeting for the consideration of the application and voting thereon:

- EPF/2282/12 Sedgigate Nursery, Sedge Green, Nazeing, Waltham Abbey EN9

67. ANY OTHER BUSINESS

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

68. CONFIRMATION OF TREE PRESERVATION ORDER EPF/16/12 12 DOWNLANDS, WALTHAM ABBEY

Background

TPO/EPF/16/12 was made on 9 September 2012 and protected a single large ash tree. The order was served to prevent the tree's intended removal, having been inspected to confirm the tree as an important landscape feature.

It stood in a large front garden of 12 Downlands and close to the boundary with 11 Downlands. It was approximately 15 metres from the above houses and a similar distance from the front of 286 Roundhills, where the objector lived.

12 Downlands was managed by Estuary Housing, who made the initial enquiry.

286 Roundhills was located to the south, separated by a public footpath and had a reasonably sized private rear garden to the south east, which was unaffected by the tree.

Grounds of Objection:

An objection to the Order had been received from a neighbour at 286 Roundhills. The objection was made on the grounds that:

1) The justification report advised that the tree in question stood approximately 15 metres from the rear of the property at 12 Downlands. It stood at the front of the property, at approximately 14 metres from 286 Roundhills.

2) This unmanaged tree was a health and safety issue. Dead branches threatened pedestrians and damaged the street light. TPO guidance advised the pruning of deadwood, which contradicted the statement that this deadwood filled tree was healthy.

3) The justification stated that the tree was much enjoyed by those walking past it but provided no evidence of how the council had arrived at this belief. A number of people living close to this tree did not enjoy this very large and overgrown tree.

4) The tree ruined the grass lawns, the drains became blocked and the footpath cleared regularly.

5) The council stated that the tree had high intrinsic value within the housing estate. It was agreed that the tree would have high landscape value in a field or forest but not in a built up area, where it caused problems. It should not have been planted in the front garden of a residential house.

6) It was the objector's belief that the tree was much higher than 14 metres because a root broke through the pavement 1 metre from his house. The surrounding footpaths were broken up severely due to this tree's roots and were quite dangerous underfoot.

- 7) Service lines would be affected by the roots in time, if they haven't been already.
- 8) It had been asserted that the roots would affect the foundations of the objector's house in the near future, for which the council would be held responsible.
- 9) The height and spread of the tree, with a mass of foliage and branches, removed any intrinsic value to the objector, who then claimed that if a council member were to live near to this tree there would undoubtedly be a different outcome.

Director of Planning and Economic Development Comments

Description of the tree and its condition.

The tree, subject of the order, was a cut leafed ash, about 14 metres in height and in excess of 16 metres in spread. It was a healthy, broad crowned tree, with a future lifespan of at least 40 years. Located adjacent to public footpaths from the estate to the local school and to fields to the east, it was a major landscape feature, visible by those walking to and from both Downlands and Roundhills. It was a healthy and attractive broad crowned tree.

The issues raised by the objection were as follows:

- 1) The purpose of the description was to establish the land on which the tree stood and its relationship to other properties. The plan, which was definitive, showed this clearly.
- 2) There was no obvious safety issue. If any arose it could be addressed by specific pruning. The small amount of deadwood present was natural and did not suggest that the tree was dangerous. It could, in any case, be removed by agreement.
- 3) The TPO safeguarded the tree, but allowed the council the opportunity to fully consider any threats posed by it and make a decision that balanced the benefits against any potential harm to neighbours.
- 4) Leaf fall occurred over a relatively short period and it was reasonable to expect that lawns, drains and footpaths should be maintained periodically.
- 5) Careful consideration of the tree's suitability was given at the time of inspection and it was considered satisfactory, particularly since the immediately affected spaces were front gardens. All the nearby properties had separate private rear gardens.
- 6) The tree's height had been accurately measured. It was understood that the concern expressed here was the potential danger of root damage to foundations. At around 15 metres from the building, the likelihood of root induced foundation damage was low. However, in the unlikely event of damage occurring, an application could be made to remove the tree or other solutions, such as a root barrier, explored. The presence of a surface root in the pavement could not directly indicate their presence below foundations. The cracks in the pavement were noted but were minor and could be easily repaired.
- 7) No evidence of damage to underground services had been provided and therefore no weight could be attributed to this assertion at this time.
- 8) No evidence of damage to 286 Roundhills have been provided and therefore no weight could be attributed to this assertion at this time.

9) Before making the TPO a structured procedure was followed to ensure that its justification was objectively based. Members may be confident that the making of the TPO was entirely objective and that the result would have been the same no matter who lived in adjacent properties.

Conclusion

It was recommended that, in the interests of public amenity, the Order should be confirmed. The new Order would protect this valuable specimen by allowing the council to ensure that any future pruning will not be harmful to its health or amenity in accordance with Council local landscape planning policy LL7.

RESOLVED:

That Tree Preservation Order 16/12 be confirmed without modifications.

69. 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.

70. 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/2193/12
SITE ADDRESS:	Pinch Timber Farm Upland Road Epping Upland Epping Essex CM16 6PG
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Conversion of barn to residential dwelling and related works.
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=543288

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: 05:027:2Ei, 05:027:3Ki, 05:027:4Ci, 050:27:5xiiJB, 050:27:6xJB, 05:027:IMi
- 3 No development shall take 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.
- 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, Class A, B, C, D and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 6 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.

- 7 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]
- 8 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]
- 9 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]
- 10 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.

- 11 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.
- 12 If any tree, shrub or hedge shown to be 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.
- 13 No development shall take place, including site clearance or other preparatory work, until details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These shall include: details of existing features to be retained; means of enclosure (hard or soft); areas of additional hardstanding; and car parking details and layout. These works shall be carried out as approved, unless the Local Planning Authority gives its written consent to any variation.
- 14 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

Report Item No: 2

APPLICATION No:	EPF/2194/12
SITE ADDRESS:	Pinch Timber Farm Upland Road Epping Upland Epping Essex CM16 6PG
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Grade II listed building application for the conversion of barn to residential dwelling and related works.
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=543289

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 05:027:2Ei, 05:027:3Ki, 05:027:4Ci, 050:27:5xiiJB, 050:27:6xJB, 05:027:IMi
- 3 Samples of the types and details of colours of all proposed materials and finishes shall be submitted for approval in writing by the Local Planning Authority prior to the commencement of the development, and the development shall be implemented in accordance with such approved detail.
- 4 Additional drawings that show details of proposed new windows, doors, eaves, verges, cills, and any changes to the walls, floor and roof, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- 5 Prior to the repair of the timber frame, and notwithstanding the details submitted, the repairs to the timber frame shall be agreed in writing by the Local Planning Authority following careful removal of the concrete surrounding the timber frame. The repairs shall thereafter be carried out in accordance with the agreed details.
- 6 Any existing boarded doors shall be retained and repaired, unless otherwise agreed in writing with the Local Planning Authority.

- 7 Prior to the subdivision of the site or erection of any boundary treatment, details of all new boundaries and any new hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and retained in accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.

Report Item No: 3

APPLICATION No:	EPF/2282/12
SITE ADDRESS:	Sedgegate Nursery Sedge Green Nazeing Waltham Abbey Essex EN9
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Retrospective change of use of premises for the restoration and renovation of motor vehicles for hobby purposes
DECISION:	Refused Permission

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=543701

REASONS FOR REFUSAL

- 1` The retention of the buildings subject of this application is inappropriate development in the Green Belt and no very special circumstances exist that clearly outweigh the harm from this development. This is therefore contrary to policy GB2A of the adopted Local Plans and Alterations.
- 2 The retention of the use of the buildings subject of this application is unacceptable as the structures are not of a permanent and substantial construction, and are thus unsuitable for the ongoing use, contrary to policy GB8A(i) of the adopted Local Plans and Alterations.
- 3 The retention of the use of the buildings subject of this application for the use of motor repairs and restoration is contrary to the aims of the Lee Valley Regional Park Authority and would cause harm to the character and function of the Lee Valley Regional Park, contrary to policy RST24 of the adopted Local Plan and Alterations.
- 4 The retention of the use of the buildings subject of this application is contrary to the use of the area for horticultural and agricultural purposes within the designated glasshouse area. Therefore the proposal is contrary to policy E13B of the adopted Local Plan and Alterations.
- 5 The retention of the use of the buildings subject of this application is unacceptable as the structures are not of a permanent and substantial construction, and thus unsuitable for the ongoing use of restoration and renovation of motor vehicles, due to the disturbance caused to neighbouring properties, by way of noise, fumes, dust and odours, contrary to policies RP5A and DBE9 of the adopted Local Plans and Alterations.

POSITIVE AND PROACTIVE STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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