

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Area Planning Subcommittee East    **Date:** 4 December 2013

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 - 9.12 pm

**Members Present:** Mrs S Jones (Chairman), P Keska (Vice-Chairman), W Breare-Hall, Mrs H Brady, P Gode, D Jacobs, Mrs M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, G Waller, C Whitbread and J M Whitehouse

**Other Councillors:**

**Apologies:** K Avey, A Boyce, T Church, Mrs A Grigg and Mrs J H Whitehouse

**Officers Present:** J Shingler (Principal Planning Officer), M Jenkins (Democratic Services Assistant) and G J Woodhall (Democratic Services Officer)

### **67. 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.

### **68. WELCOME AND INTRODUCTION**

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

### **69. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 6 November 2013 be taken as read and signed by the Chairman as a correct record.

### **70. DECLARATIONS OF INTEREST**

- (a) Pursuant to the Council's Code of Member Conduct, Councillors J Philip and Mrs S Jones declared a non pecuniary interest in the following item of the agenda by virtue of having attended the opening event at the restaurant. The Councillors had determined that they would remain in the meeting for the duration of the discussion and voting thereon:

- EPF/1613/13 19B Forest Drive, Theydon Bois, Epping CM16 7EX

**71. ANY OTHER BUSINESS**

The Chairman agreed for the submission of a late report regarding Confirmation of Tree Preservation Order EPF/17/13, Ongar Bridge, High Street, Ongar.

TPO/EPF/17/13 was made on 16 July 2013 to protect a line of four mature Sycamore trees (T1 – T4), standing on the river bank along the northern site boundary of this former allotment open space. The four trees were of significant landscape importance, prominently positioned on the riverbank, close to the main bridge into Ongar. It was advised that at the time the order was served, two of the trees, T3 and T4, had been destroyed and T1 had been damaged but not seriously. No objections had been received. The modification to the order was to control requirements for replacement should a later application to remove trees be deemed acceptable.

The Sub-Committee agreed that, in the interests of public amenity, the order be confirmed with modifications by the omission of T3 and T4.

**RESOLVED:**

That Tree Preservation Order EPF/17/13 be confirmed with modifications.

**72. DEVELOPMENT CONTROL****RESOLVED:**

That the planning applications numbered 1 – 5 be determined as set out in the schedule attached to these minutes.

**73. PROBITY IN PLANNING - APPEAL DECISIONS, 1 APRIL 2013 TO 30 SEPTEMBER 2013**

The Sub-Committee received the Probity in Planning Appeal Decisions 1 April 2013 to 30 September 2013 report.

The report advised the decision making committees of the results of all successfully allowed appeals. The purpose was to inform the sub-committees of the consequences of their decisions in this respect and particularly where an award of costs may have been made against the Council.

In recent years, the Council's performance had been 30.9% in 2009/10, 36.6% in 2010/11, 28.8% in 2011/12 and 27.7% in 2012/13. Since 2011/12 there had been two local indicators, one which measured all planning application type appeals resulting from committee reversals of officer recommendations (KPI55) and the other which measured the performance of officer recommendations and delegated decisions (KPI54).

Over the period 1 April 2013 to 30 September 2013, the Council received 37 decisions on appeal, 14 were allowed (40%) with 4 out of 20 allowed (20%) under KPI54 and 10 out of 15 (66.67%) under KPI 55. Out of the 15 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 10 cases of which 5 were connected to Area plans East Sub-Committee.

### **Costs**

During this period, there was one successful finalised award of costs made against the Council. It involved London Lodge West, Copped Hall Estate, Epping. The appeal for cost was successful against the Council's withdrawal of an enforcement notice and listed building enforcement notice after taking legal advice regarding the wording of the requirements for compliance with the notices, several months after the appeal was made. New, differently worded notices, were re-issued, but the Planning Inspector considered that it was not expedient to serve the first notices in the form they were in. This amounted to unreasonable behaviour and caused the appellant to incur unnecessary expense in appealing. The cost amounted to £1,376.00.

Members attention was brought to the recent appeal changes allowing planning inspectors to award costs against a party that had behaved unreasonably even in neither the Council or the appellant had applied for costs. Whilst performance in defending appeals had improved during the last couple of years, members were reminded that in refusing planning permission justified reasons sound and defensible were needed.

### **RESOLVED:**

That the report regarding Probity in Planning – Appeal Decisions, 1 April 2013 to 30 September 2013 be noted.

### **74. 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**

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1549/13
<b>SITE ADDRESS:</b>	Former Allotments Coopers Hill Chipping Ongar Essex CM5 9EE
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use to car wash and valeting facility (Sui Generis). Provision of car wash building and office building, new surfacing and waiting area. New gates, upgraded access and retention of existing access and landscaping.
<b>DECISION:</b>	Refused 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=552013](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552013)

**REASON FOR REFUSAL**

- 1 The proposed development is within the Green Belt where development is inappropriate and by definition harmful, the proposed car wash facility and structures are contrary to the aims and objectives of policy GB2A of the Adopted Local Plan and Alterations and the objectives of the NPPF.
- 2 The proposed development is located within the functional flood plain in flood zone 3. The proposed development would be at high risk of flooding and would increase flood risk elsewhere due to a reduction in on site drainage and flood water storage, therefore the proposals are contrary to policy U2A of the Adopted Local Plan and Alterations and the objectives of the NPPF.
- 3 The proposal would create a substandard access on a stretch of highway where the main purpose is carrying of traffic between centres (it is a main distributor highway). Vehicles using the access would introduce a further point of traffic conflict to the detriment of highway safety contrary to policies ST2 and ST4 of the Adopted Local Plan and Alterations and the objectives of the NPPF.
- 4 The access proposed is too close to the adjacent access, which serves an existing car wash and café. The proposed access would appear as a singular wide access, resulting in confusion and conflict between vehicles . Furthermore the access does not allow sufficient room for a vehicle to approach the carriageway at right angles, leading to oblique manoeuvres which will cause confusion and delay on Coopers Hill, creating a hazard to the detriment of highway safety and contrary to policies ST2 and ST4 of the Adopted Local Plan and Alterations and the objectives of the NPPF.

- 5 The proposals fail to demonstrate that the development proposed can take place without harm to protected trees onsite. Therefore the proposals are unacceptable in principle and contrary to policy LL10 of the Adopted Local Plan and Alterations and the objectives of the NPPF.
- 6 The proposed development would result in a use and structures that would appear incongruous and visually intrusive in the street scene to the detriment of the character of the area and contrary to policies CP2, DBE1 and DBE4 of the Adopted Local Plan and Alterations and the objectives of the NPPF.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1613/13
<b>SITE ADDRESS:</b>	19B Forest Drive Theydon Bois Epping Essex CM16 7EX
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	(i) Retention of new shopfront and entrance doors. (ii) Retention of raised external paving for disabled access and outside customer seating area.
<b>DECISION:</b>	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=552330](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552330)

**CONDITIONS**

- 1 Details of the types and colours of the external finishes for the low level wall and railings shall be submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the works for the wall and railings. The wall and railings shall be implemented in accordance with such approved details.
- 2 The folding doors of the shopfront hereby approved shall not be open outside of the hours of 08.00 and 21.00 hours.
- 3 Outside the hours of 08.00 and 23.00 no food and drink shall be served and no tables and chairs shall be placed within the raised paving area hereby approved.
- 4 No amplified music shall be played at the site when the folding doors hereby approved are open.

**Report Item No:3**

<b>APPLICATION No:</b>	EPF/1949/13
<b>SITE ADDRESS:</b>	MSK Stores Ltd The White House Market Place Abridge Essex RM4 1UA
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for retention of new side entrance to shop, including steps and ramped access.
<b>DECISION:</b>	Granted 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=554113](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=554113)

**CONDITIONS**

NONE



**Report Item No:4**

<b>APPLICATION No:</b>	EPF/1953/13
<b>SITE ADDRESS:</b>	1 Tuttleby Cottages Manor Road Lambourne End Romford Essex RM4 1NA
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed single storey side extension and conservatory to rear.
<b>DECISION:</b>	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=554152](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=554152)

**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 render and roof tile to be used for the external finishes of the proposed extension and conservatory, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The existing hedge on the east boundary, positioned alongside the proposed side extension, shall be retained (or treated and replanted as necessary after works are completed), and shall be subsequently retained on a permanent basis.

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2099/13
<b>SITE ADDRESS:</b>	Brook Cottage Mutton Row Stanford Rivers Ongar Essex
<b>PARISH:</b>	Stanford Rivers
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Part one and part two storey rear extension, and provision of an enlarged porch at the side. (Revised application to EPF/0223/13)
<b>DECISION:</b>	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=554854](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=554854)

**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 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
- 4 Access to the site shall only be via the existing bridge to the south of the site. Details of any additional access point for any vehicles, whether temporary or permanent, shall be submitted to and approved by the Local Planning Authority prior to being installed or used.