

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

**Committee:** Area Planning Sub-Committee **Date:** 18 November 2015  
West

**Place:** Council Chamber, Civic Offices, **Time:** 7.30 - 9.23 pm  
High Street, Epping

**Members Present:** Y Knight (Chairman), A Mitchell (Vice-Chairman), D Dorrell, R Gadsby, L Hughes, H Kane, S Kane, J Lea, G Shiell and S Stavrou

**Other Councillors:**

**Apologies:** R Bassett, R Butler, M Sartin and E Webster

**Officers Present:** J Godden (Principal Planning Officer (Heritage, Enforcement & Landscaping)), R Perrin (Democratic Services Officer) and M Jenkins (Democratic Services Officer)

### **26. 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.

### **27. 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.

### **28. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting of the Sub-Committee held on 16 September 2015 be taken as read and signed by the Chairman as a correct record.

### **29. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor R Gadsby declared a non-pecuniary personal interest in the following item of the agenda. Councillor R Gadsby indicated that she would leave the meeting for the consideration and voting thereon:

- EPF/1820/15 New House Farm, Long Street, Waltham Abbey EN9 3TQ

(b) Pursuant to the Council's Code of Member Conduct, Councillor R Gadsby declared a non-pecuniary interest in the following item of the agenda by virtue of being an Essex County Council representative on the Lee Valley Regional Park. Councillor R Gadsby declared that her interest was not prejudicial and indicated that she would remain in the meeting during the consideration of the item and voting thereon:

- EPF/2474/15 Park Farm Nursery, Sewardstone Road, Waltham Abbey E4 7RG

(c) Pursuant to the Council's Code of Member Conduct, Councillor S Stavrou declared a non-pecuniary interest in the following item of the agenda by virtue of being the local ward member. Councillor S Stavrou declared that her interest was not prejudicial and indicated that she would remain in the meeting during the consideration of the item and voting thereon:

- EPF/1820/15 New House Farm, Long Street, Waltham Abbey EN9 3TQ

(d) Pursuant to the Council's Code of Member Conduct, Councillor S Stavrou declared a non-pecuniary interest in the following item of the item by virtue of being the District Council representative on the Lee Valley Regional Park Authority. Councillor S Stavrou declared that her interest was not prejudicial and indicated that she would remain in the meeting during the consideration of the item and voting thereon:

- EPF/2474/15 Park Farm Nursery, Sewardstone Road, Waltham Abbey E4 7RG

(e) Pursuant to the Council's Code of Member Conduct, Councillor Y Knight declared a non-pecuniary interest in the following item by virtue of being the local ward member and living in the vicinity of the application. Councillor Y Knight declared that her interest was not prejudicial and indicated that she would remain in the meeting during the consideration of the item and voting thereon:

- EPF/2009/15 Land off St Leonards Road, Nazeing EN9 2HN

### **30. ANY OTHER BUSINESS**

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

### **31. DEVELOPMENT CONTROL**

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

#### **RESOLVED:**

That, Planning applications numbered 1 – 6 be determined as set out in the annex to these minutes.

### **32. PROBITY IN PLANNING - APPEAL DECISIONS**

The Sub-Committee received a report regarding Probity in Planning – Appeal Decisions 1 April to 30 September 2015.

In compliance with the recommendation of the District Auditor, the report advised the decision making committees of the results of all successful allowed appeals. The

purpose was to inform the Sub-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 measured all planning application type appeals as a result of committee reversals of officer recommendations, the other measured the performance of officer recommendations and delegated decisions.

### **Performance**

Over the six month period between 1 March 2015 and 30 September 2015, the Council received 39 decisions on appeals (32 were planning related appeals, the other 7 were enforcement related). From the 32 planning related appeals, 12 were allowed (37.5%).

The appeal performance in regard to committee reversals was on target at 50%. Out of 7 enforcement notice appeals decided 5 were dismissed, 1 allowed with variation of conditions and the other quashed for invalidity.

### **Conclusions**

Whilst performance in defending appeals at 37.5% appeared high, there was no national comparison of authority performance. Members were reminded that in refusing planning permission there needed to be justified reasons in each case which must be relevant, necessary and sound in terms of constructing an effective defence at appeal to avoid paying costs. It was advised that this was more important currently, as a Planning Inspector or the Secretary of State, could award costs even if neither side had made an application for them.

It was noted that there were two appeals lodged in respect of decisions made by Area Plans West Sub-Committee, however they were both dismissed.

### **RESOLVED:**

That the probity in Planning – Appeal Decisions 1 April 2015 to 30 September 2015 report be noted.

**CHAIRMAN**

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**Report Item No:1**

<b>APPLICATION No:</b>	EPF/1690/15
<b>SITE ADDRESS:</b>	St Leonards Farm St Leonards Road Nazeing Waltham Abbey Essex EN9 2HG
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Re-siting of approved dwellings, removal of bay windows and single storey lean-to and change of window and door openings. (amended application to EPF/1908/13)
<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/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=577676](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577676)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved Location Plan and drawing no: 2909/1B
- 2 The types and colours of the external finishes and the extent of the residential curtilages of the properties shall be implemented in accordance with the details previously approved under application EPF/1488/13, unless otherwise agreed in writing by the Local Planning Authority.
- 3 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 and B shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of

development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

**Report Item No:2**

<b>APPLICATION No:</b>	EPF/1820/15
<b>SITE ADDRESS:</b>	New House Farm Long Street Waltham Abbey Essex EN9 3TQ
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>DESCRIPTION OF PROPOSAL:</b>	(i) Two storey side and rear extension and demolition of existing conservatory to southern elevation to form new re-modelled dwelling (ii) removal of pool building and garage bay (iii) closing of existing vehicle crossover and provision of new vehicle access (iv) extension to existing garage range (v) relinquish previous ancillary residential permission and link granted under EPF/1773/13 and permission for covered parking area under EPF/0467/15.
<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/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=577948](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577948)

**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: 1598 1-11.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A-E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
4. All buildings indicated to be removed on plan 1598.2 to be removed prior to the first occupation of the rebuilt house.
5. 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 07.30 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.

- 6 No previous unimplemented planning permissions to be implemented; for the avoidance of doubt these are EPF/1773/13 & EPF/0467/15.
- 7 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 by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 8 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.
- Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.
- Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 9 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.
- 10 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.

Committee granted permission overturning the officers recommendation. They did not regard the proposed extensions are disproportionate when the removal of other buildings and giving up of extant planning permissions where taken into account.



**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2009/15
<b>SITE ADDRESS:</b>	Land off St Leonards Road Nazeing Essex EN9 2HN
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of 7no. 2-bed, 26no. 3-bed, 9no. 4-bed and 3no. 5-bed houses (45 dwellings in total, including 18 affordable homes), with associated off street parking and amenity space; construction of multi-purpose hall with associated sports pitch and car parking; new access onto St Leonards Road; drop off/pick up car parking for Primary School; 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/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=578373](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578373)

**REASON FOR REFUSAL**

- 1 The proposal represents inappropriate development in the Metropolitan Green Belt which by definition is harmful to the objectives of including land in the Green Belt and is therefore at odds with Government advice contained in the NPPF and policy GB2A of the adopted Local Plan and Alterations for which no very special circumstances sufficient to outweigh the very significant harm to the openness of the area and any other harm have been demonstrated.
- 2 The proposal would result in an unsustainable form of development outside existing urban areas and is not well served by public transport or local services, and would therefore result in an increase in reliance on private motor vehicles contrary to the guidance contained within the National Planning Policy Framework and policies CP1, CP3, CP6 and CP9 of the adopted Local Plan and Alterations.
- 3 Insufficient information has been submitted in order to make an informed decision on the impact of the proposed development on the landscape at this location. The levels plans do not cover the whole site, no contour plans have been submitted (existing and proposed showing level changes and a ground Remodelling Proforma are necessary. It has not therefore been demonstrated that the proposed development would conserve, enhance or respect the character of the landscape contrary to policies LL1 and LL2 of the adopted Local Plan and Alterations and national guidance in the NPPF.
- 4 Notwithstanding the above reason to refuse consent and based on the submitted information it is considered that the proposed development would have a detrimental impact on the character and appearance of the countryside for which no special demonstration of need has been put forward. The proposed development is

therefore contrary to Local Plan and Alterations policies LL1, LL2 and LL10 and national guidance in the NPPF.

- 5 The proposed mix of housing would result in an unsatisfactory blend of affordable and market housing with the majority of smaller units affordable. The proposed development is therefore contrary to national guidance and Local Plan and Alterations policy H7A.

**Report Item No:4**

<b>APPLICATION No:</b>	EPF/2051/15
<b>SITE ADDRESS:</b>	Villa Nursery Reeves Lane Roydon Harlow Essex CM19 5LE
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	The development comprises the installation of a Green Energy Centre incorporating a 1.65 MWth biomass boiler burning Grade A recycled wood chip fuel to provide the baseload space heating requirements of the glasshouses at the Villa Nursery site, in addition to 118 kWe of renewable electricity for export to the National Grid.
<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/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=578461](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578461)

**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 in accordance with the approved drawings No's: 1522B015: - SL R00, SL R01, OA R02 and the submitted location and block plan
- 3 Any deliveries in connection with the use shall only take place between the hours of 08:00 - 18:00 Monday to Friday, and 08:00 to 12 noon Saturday, unless otherwise agreed by the Local Planning Authority.
- 4 The use for wood burning hereby granted in the building shall cease if the horticultural use ceases.
- 5 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.

- 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 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development.

**Report Item No:5**

<b>APPLICATION No:</b>	EPF/2121/15
<b>SITE ADDRESS:</b>	The White House Epping Green Epping Essex CM16 6PU
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of single dwelling, detached garage within the curtilage of the existing dwelling, including ancillary works.
<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/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=578594](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578594)

**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 Location Plan and drawing no: 2972/1
- 3 No development shall take place until details of 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.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant 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.

- 5 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) covering the entire site, including that outlined in blue on the approved Location Plan, 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.
- 6 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.
- 7 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.
- 8 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 9 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 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 07.30 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.
- 11 Prior to first occupation of proposed development, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the carriageway and provided with an appropriate dropped kerb crossing of the verge.
- 12 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.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 14 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

**Report Item No:6**

<b>APPLICATION No:</b>	EPF/2474/15
<b>SITE ADDRESS:</b>	Park Farm Nursery Sewardstone Road Waltham Abbey Essex E4 7RG
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of radio transmitter, comprising pole borne antenna, tuning equipment cabinet, steel cabin to house transmitter and associated equipment.
<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/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=579473](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=579473)

**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: PR1, PR2, PR4, PR5, PR7 Rev: A, the aerial photograph site plan, and the Root Protection Areas plan.
- 3 No excavations within the calculated root protection areas of the trees on site shall be cut or laid otherwise than in accordance with BS5837:2012 (Trees in relation to design, demolition and construction - Recommendations), except with the approval of the local planning authority.