

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

**Committee:** Area Planning Subcommittee East    **Date:** 14 November 2007

**Place:** Council Chamber, Civic Offices,    **Time:** 7.30 pm - 9.00 pm  
High Street, Epping

**Members Present:** M Colling (Chairman), Mrs M McEwen (Vice-Chairman), Mrs D Collins, R Frankel, A Green, Mrs A Grigg, Mrs H Harding, Ms J Hedges, D Jacobs, D Kelly, R Morgan, G Pritchard, B Rolfe, Mrs P K Rush, D Stallan, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

**Other Councillors:**

**Apologies:**

**Officers Present:** A Sebinger (Principal Planning Officer), C Neilan (Landscape Officer and Arborculterist), M Jenkins (Democratic Services Assistant) and G J Woodhall (Democratic Services Officer)

### **45. 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.

### **46. 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.

### **47. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 17 October 2007 be taken as read and signed by the Chairman as a correct record.

### **48. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillors Mrs D Collins and C Whitbread declared a personal interest in the following item of the agenda. The Councillors had determined that their interest was prejudicial and they would leave the meeting for the consideration of the application and voting thereon:

- EPF/0610/07 – Coopersale Hall School, Flux's Lane, Epping
- (b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J Hedges declared a personal interest in the following item of the agenda by virtue of being a member of Epping Town Council. The Councillor had determined that her interest was not prejudicial and that she would remain in the meeting for the consideration of the application and voting thereon:
- EPF/2152/07 – 33 St. Albans Road, Coopersale, Epping
  - EPF/0610/07 – Coopersale Hall School, Flux's Lane, Epping
  - EPF/1716/07 – 1-7a Station Road, Epping
  - EPF/2123/07 – 17 Lynceley Grange, Epping
- (c) Pursuant to the Council's Code of Member Conduct, Councillor B Rolfe declared a personal interest in the following item of the agenda. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/0610/07 – Coopersale Hall School, Flux's Lane, Epping

#### **49. ANY OTHER BUSINESS**

The Sub-Committee were informed that there was to be an extra meeting of the Plans East Sub-Committee on Wednesday 8 May 2008.

#### **50. PROBITY IN PLANNING - APPEAL DECISIONS APRIL - SEPTEMBER 2007**

The Planning Officer presented a report to the Sub-Committee regarding Probity in Planning - Appeal Decisions from April to September 2007. The report, which complied with the recommendation of the District Auditor, advised the decision making committees of the results of all successful appeals, in particular those that were refused contrary to officer recommendation.

During the six-month period between April and September 2007, the Council received 54 decisions on appeals of which 47 were planning and related appeals, and 7 were enforcement appeals. Of the 47 planning and related appeals, 11 were allowed (23%) with none of the 7 enforcement appeals, a combined total of 20.3% of the Council's decisions, being overturned.

For the Best Value Performance Indicator, which only considered appeals against the refusal of planning permission, the performance figure was 20.5%, which was within target and made the Council one of the top quarter performing authorities.

As with the previous 6-month period, the proportion of appeals that had arisen from decisions of the committees to refuse, contrary to the recommendation of officers, was at a relatively high level of around 23%. Of the 47 appeal decisions, 11 had arisen in such circumstances. The Council only lost 3 of these cases which was much lower than previously. Of the 11 appeals allowed, 7 were in the face of officer's decisions to refuse under delegated powers and 1 was where the officer recommendation to refuse was agreed by committee.

The Council's performance during this 6 month period had been highly satisfactory.

**RESOLVED:**

That the Planning Appeal Decisions from April to September 2007 be noted.

**51. DIVERSION OF PUBLIC FOOTPATH 76 NORTH WEALD BASSETT**

The Principal Planning Officer presented a report to the Sub-Committee regarding diversion of Public Footpath 76 North Weald Bassett. This item had been heard at the previous meeting of Area Plans East Sub-Committee on 14 October 2007. The Sub-Committee had resolved, at that meeting, to agree the recommendation to authorise the Director of Corporate Support Services to make and seal a footpath diversion order in respect of 76 North Weald Bassett. However the plan that was appended in the previous agenda, and another subsequently displayed to members at the committee meeting, were incorrect, in that the position of one of the lines was shown as being outside of the site to which the applicant had ownership. A correct plan was shown to the Sub-Committee at the meeting. Procedurally, it was necessary to rescind the previous recommendation concerning the making and sealing of the footpath diversion order.

**Background Information**

Planning permission was granted on appeal, in 2004, for the creation of fishing lakes on land at Thornwood Camp, Carpenters Arms Lane. However one of the lakes obstructed the recognised “definitive” line of Public Footpath 76. A developer wished to implement the planning consent, but was unable to because of the impact on the definitive footpath.

The lake did not impact on the actual line of any current footpath. The definitive line, as defined by Essex County Council, did not appear to have ever been the actual position of any footpath. The line appeared to have passed through buildings when the site was a military camp. Essex County Council had been planning a review of their footpath map, but had advised the District Council that this was unlikely to have been completed for several more years.

The footpath, as it currently existed through this section of land, was close to the route which appeared to have existed in the 1920s and was established and enhanced by Epping Forest Countrycare in 1999. The path was well delineated and marked and provided a logical route.

The intention was that the line of the “definitive” footpath was diverted to follow the actual footpath. Therefore, there was to be no actual change to the path on the ground. This order related only to the area of land within the planning application site. Two short additional areas of footpath were also required to join up with the definitive line until such time as the County Council reviewed their maps.

The recommendation was that the diversion order be made.

**RESOLVED:**

- That the Sub-Committee rescinds the previous decision (made on 17 October 2007) since this was made with reference to plan reference LD/13/C/067/0a, which was incorrect.
- That the Sub Committee determines to authorise the Director of Corporate Support Services to make and seal a footpath diversion order under Section

257 of the Town and Country Planning Act 1990 (as amended) (“the Act”) in respect of Footpath 76 North Weald Bassett, as shown on the attached plan.

- That the Director of Corporate Support Services be authorised to confirm the order in accordance with the Act, subject to no objection being made within the statutory consultation period.
- That should the order be objected to during the statutory consultation period that it be referred to the Secretary of State for confirmation in accordance with the Act.
- That the developer be required to pay the Councils administrative and legal costs incurred in the preparation, making and confirmation of the order, the carrying out of the statutory processes required under the Act, including all costs incurred if the order is referred to the Secretary of State for confirmation and that a deposit be paid, in an amount to be determined by the Director of Corporate Support Services, before the order is made.

**52. DEVELOPMENT CONTROL**

**RESOLVED:**

That the planning applications numbered 1 - 6 be determined as set out in the schedule attached to these minutes.

**53. 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**

<b>APPLICATION No:</b>	EPF/2152/07
<b>SITE ADDRESS:</b>	33 St Alban's Road Coopersale Epping Essex CM16 7RD
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	TPO 6/83: Fell 1 Hornbeam; re-pollard 2 Hornbeams.
<b>DECISION:</b>	Granted Permission (With Conditions)

**CONDITIONS**

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days' notice of such works.
- 2 The crown reduction authorised by this consent shall be to immediately above previous pollard points.
- 3 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (1989) (or with any similar replacement Standard).
- 4 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2154/07
<b>SITE ADDRESS:</b>	1 Forest Drive Fyfield Ongar Essex CM5 0TP
<b>PARISH:</b>	Fyfield
<b>WARD:</b>	Moreton and Fyfield
<b>DESCRIPTION OF PROPOSAL:</b>	TPO 5/98; Fell: London Plane and Cedar.
<b>DECISION:</b>	Granted Permission (With Conditions)

## CONDITIONS

- 1 Two replacement tree or trees, of a species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree 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.

### **Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0610/07
<b>SITE ADDRESS:</b>	Coopersale Hall School Flux's Lane Epping Essex
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Extension of existing classrooms wing.
<b>DECISION:</b>	Granted Permission (Subject to S106)

## 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, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the Local Planning Authority.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

- 3 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 4 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 5 Details of all new windows at a scale of no less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved. The works shall be implemented in accordance with such approved details.
- 6 The extensions hereby approved shall not be occupied until new and improved pedestrian facilities along the access road from Flux's Lane to the school grounds have been provided in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.
- 7 The extensions hereby approved shall not be occupied until space has been provided within the proposal site to accommodate the parking, loading, unloading and turning of all vehicles visiting the site, clear of the highway and properly laid out and such space shall be maintained thereafter free of any impediment to its designated use.

**Also subject to** the prior completion of a satisfactory planning obligation under s106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

1. A school travel plan.
2. New and improved pedestrian facilities in Flux's Lane and at the Flux's Lane/Stewards Green Road and the Stewards Green Road/Brook Road/Bower Hill junctions (details to be agreed with the Highways Authority).

3. The bringing up to current Essex County Council standards of the bus stops located in the vicinity of the proposal site (details to be agreed with the Highways Authority).

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1716/07
<b>SITE ADDRESS:</b>	1-7a Station Road Epping Essex CM16 4HA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Alterations to planning approval EPF/1227/05, to include providing additional two apartments by splitting flats 5 and 6, moving refuse and cycle stores, relocating fire escape stairs and adding additional dormer window to top floor.
<b>DECISION:</b>	Granted Permission (With Conditions)

**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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 4 Notwithstanding the details submitted which are otherwise hereby approved all windows proposed on the development hereby approved, including dormers but excluding rooflights shall be of white painted timber, double hung vertically sliding sashes with 100mm reveals.
- 5 The rooflights hereby approved shall be fitted so that they do not project above the level of the proposed tiling.
- 6 Notwithstanding the details submitted which are otherwise hereby approved the proposed roof tiling shall be of natural slate and of blue/black colour.
- 7 The proposed A1 and A2 units hereby approved shall at no time result in more than 50% of these units being in non-retail use without the prior written approval of the Local Planning Authority.



- 8 The powered two wheeler/bicycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.
- 9 One of the car parking spaces hereby approved shall be designated as a disabled bay and shall be retained permanently for that purpose.
- 10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the storage and disposal of refuse to serve both the commercial and residential units. The use of the properties shall not be commenced until such time as the approved measures have been implemented and such measures shall be retained thereafter.
- 11 Construction work (which includes deliveries and other commercial vehicles to and from the site) shall only take place on site between the hours of 07.30am and 18.30pm Monday to Friday and 08.00am to 13.00pm on Saturdays and at no time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 12 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2123/07
<b>SITE ADDRESS:</b>	17 Lynceley Grange Epping Essex CM16 6RA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey extensions to side and rear and elevational changes.
<b>DECISION:</b>	Deferred

The Committee deferred this application to enable the applicants to revise the design and for a site visit to take place.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1967/07
<b>SITE ADDRESS:</b>	40 Landview Gardens Ongar Essex CM5 9EQ
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey side and rear extensions and single storey rear extension.
<b>DECISION:</b>	Refused Permission

The Committee's attention was drawn to an error on the Summary of Representations in that what was written as 38 Kettlebury Way should have read 39 Landview Gardens.

**REASONS FOR REFUSAL**

- 1 The proposed two storey side extension, by reason of its bulk, massing and proximity to No. 38 Landview Gardens, would result in excessive loss of light to that property, to the detriment of the amenities of the occupiers of that dwelling. This would be contrary to Policy DBE9 of the Adopted Local Plan and Alterations.