

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee East **Date:** 28 May 2008

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

Members Present: A Green (Chairman), G Pritchard (Vice-Chairman), M Colling, R Frankel, Mrs A Grigg, Ms J Hedges, D Jacobs, Mrs M McEwen, J Philip, B Rolfe, D Stallan, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

Other Councillors:

Apologies: A Boyce, Mrs D Collins, P Gode, Mrs H Harding and R Morgan

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

1. CONFIRMATION OF CHAIRMAN AND VICE CHAIRMAN

It was confirmed by the Sub-Committee that Councillors A Green and G Pritchard were Chairman and Vice Chairman respectively of the Sub-Committee.

2. 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.

3. 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.

4. MINUTES

RESOLVED:

That the minutes of the meeting held on 7 May 2008 be taken as read and signed by the Chairman as a correct record.

5. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor R Frankel declared a personal interest in the following item of the agenda by virtue of knowing the applicant. The Councillor had determined that his interest was not prejudicial and that he would stay in the meeting for the consideration of the application and voting thereon:

- EPF/0655/08 64 Morgan Crescent, Theydon Bois, Epping CM16 7DX

(b) Pursuant to the Council's Code of Member Conduct, Councillors Mrs A Grigg and D Stallan declared personal interests in the following item of the agenda by virtue of being members of North Weald Parish Council. The Councillors had determined that their interests were not prejudicial and that they would stay in the meeting for the consideration of the application and voting thereon:

- EPF/0622/08 Land West of Vicarage Lane (Behind Art Nursery), North Weald, Epping CM16 6AP

(c) Pursuant to the Council's Code of Member Conduct, Councillor J Philip declared a personal interest in the following item of the agenda by virtue of being a member of Theydon Bois Parish Council. The Councillor had determined that his interest was not prejudicial and that he would stay in the meeting for the consideration of the application and voting thereon:

- EPF/0655/08 64 Morgan Crescent, Theydon Bois, Epping CM16 7DX

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

- EPF/0655/08 64 Morgan Crescent, Theydon Bois, Epping CM16 7DX

(e) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J Whitehouse declared a personal interest in the following item of the agenda, by virtue of being a member of Theydon Bois Rural Preservation Society. 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/0655/08 64 Morgan Crescent, Theydon Bois, Epping CM16 7DX

6. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Sub-Committee.

7. PROBITY IN PLANNING - APPEAL DECISIONS OCTOBER 2007 TO MARCH 2008

The Principal Planning Officer presented a report to the Sub-Committee regarding Planning Appeal Decisions from October 2007 to March 2008. The report, which complied with the recommendation of the District Auditor, advised the Sub-Committee of the results of all successful appeals, in particular those that were refused contrary to officer recommendation. The report informed the Sub-Committee of the consequences of their decisions in this respect and, in cases where the refusal was found insupportable on planning grounds, awards of costs being made against the Council.

To set the context, a Best Value Performance Indicator was set for district councils to aim for having less than 40% of their decisions overturned on appeal. The latest figure for the national average for District Councils was 30.9%. That BVPI was scrapped but recently replaced by one which recorded planning appeals only (not advertisement, listed buildings, enforcements, telecommunications or tree related appeals) and where the Council set its own target, set in the current year to align with top quartile performance at 25%. In recent years the Council had been more successful than the national average with 18% in 2003/04, 29% in 2004/05, 22% in 2005/06 and 30% in 2006/07.

Over the six month period between October 2007 and March 2008, the Council received 78 decisions on appeal of which 73 were planning and related appeals and 5 were enforcement appeals. Of the 73 planning and related appeals, 25 were allowed, however none of the 5 enforcement appeals were allowed, a combined total of 32.1% of the Council's decisions, were overturned during this period.

For the year 2007-2008 as a whole, a total of 132 decisions were received, 120 were planning appeals and 12 were enforcement appeals. Of the 120 planning appeals, 36 were allowed but none of the enforcement appeals were allowed, a total of 27.3% of the Council's decisions were overturned. For the Best Value Performance Indicator, which only considered appeals against the refusal of planning permission, the performance figure was 29%.

The proportion of appeals that arose from decisions of the committees to refuse contrary to the recommendation of officers during the 6 month period was 19%, of the 14 decisions that this percentage represented, the Council was successful in sustaining its objection in only two of them. The Sub-Committee was therefore urged to heed the advice that if considering setting aside officer's recommendation, it should only be where members were certain that they were acting in the wider public interest and where the planning officer could give a good indication of success at defending the decision.

Seven of the twelve cases allowed involved the erection of new dwellings, and it was understood that the Inspectorate had been charged to allow appeals for new dwellings whenever possible to assist with housing needs. The sub-committee were advised that refusals based upon density factors or overdevelopment were unlikely to succeed unless real harm to the surroundings or adjacent properties were shown, or poor design identified. Of 13 appeals following refusals under delegated powers, 7 related to house extensions, 2 to business uses and 4 related to proposals for new dwellings. In the past, officers felt that fewer of those appeals would have been won, but the push to approve new dwellings had over-ridden previously robust arguments. Members felt that it was easier for planning sub-committee decisions to be overturned on appeal, because government pressure was requiring more houses to be built. They requested the Probity in Planning report to be conveyed to Parish and Town Councils for their information.

During this period, two awards of costs were made against the Council. The appellants involved had submitted a claim in excess of £56,000, though this had been challenged by the Council who were offering a sum of less than 50% of that claimed. Although the final figure was not currently known, this would be a substantial sum for which there was no budget provision.

The Council's performance for this 6 month period had been disappointing, though the full year figure was still above average and not far short of the top quartile target. There had been some satisfactory defence of the Council's retail, Green Belt and

conservation policies and support for the Council's decisions to take enforcement action were particularly encouraging.

RESOLVED:

That the Planning Appeal Decisions from October 2007 to March 2008 be noted.

8. DEVELOPMENT CONTROL

RESOLVED:

That the planning applications numbered 1 – 7 be determined as set out in the schedule attached to these minutes.

9. 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

Minute Item 8

Report Item No: 1

APPLICATION No:	EPF/0698/08
SITE ADDRESS:	25 Church Hill Epping Essex CM16 4RA
PARISH:	Epping
WARD:	Epping Lindsey and Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	TPO/EPF/12/07 T1 - Cherry: Fell
DECISION:	Granted Permission (With Conditions)

The Committee's attention was drawn to an objection from Epping Town Council.

CONDITIONS

- 1 A replacement tree or trees, of a number, 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.
- 2 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.

Report Item No: 2

APPLICATION No:	EPF/0657/08
SITE ADDRESS:	19 New Farm Drive Lambourne Romford Essex RM4 1BS
PARISH:	Lambourne
WARD:	Lambourne
DESCRIPTION OF PROPOSAL:	Demolition of existing building and erection of 4 no. 2 bed flats and seven car parking spaces.
DECISION:	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 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 Prior to first occupation of the building hereby approved, the proposed window openings on the south-east and south-west elevations at first floor level shall be fitted with obscured glass and have fixed frames up to a height of 1.7m as measured vertically from the finished floor level, and shall be permanently retained in that condition.
- 5 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.
- 6 The development, including site clearance, must not commence until a scheme of landscaping, including showing retention of existing trees where deemed necessary by the Local planning Authority, 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.

- 7 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 LPA.

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.

- 8 Prior to the commencement of the development details of the proposed surface materials for the parking spaces and forecourt shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.

- 9 The development shall not be occupied until the car parking area indicated on the approved plans, including any parking space for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any other purpose other than the parking of vehicles that are related to the use of the development.

- 10 Before the commencement of development, the details of the cycle and refuse store shall be submitted and approved in writing by the Local Planning Authority. The approved facility shall be provided before first occupation and retained thereafter at all times.

- 11 Prior to commencement of the access, a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary, shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.
- 12 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the 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.

Report Item No: 3

APPLICATION No:	EPF/0699/08
SITE ADDRESS:	Land to south of 62 Hoe Lane Abridge Romford Essex RM4 1AU
PARISH:	Lambourne
WARD:	Lambourne
DESCRIPTION OF PROPOSAL:	New access and gates.
DECISION:	Withdrawn by the Applicant

Report Item No: 4

APPLICATION No:	EPF/0700/08
SITE ADDRESS:	Land to south of 62 Hoe Lane Abridge Romford Essex RM4 1AU
PARISH:	Lambourne
WARD:	Lambourne
DESCRIPTION OF PROPOSAL:	Retrospective application for the installation of 2 no. existing accesses and gates and a 1.2m high boundary fence..
DECISION:	Withdrawn by the Applicant

Report Item No: 5

APPLICATION No:	EPF/0662/08
SITE ADDRESS:	Lascelles Matching Green Matching Harlow Essex CM17 0PT
PARISH:	Matching
WARD:	Moreton and Fyfield Hastingwood, Matching and Sheering Village
DESCRIPTION OF PROPOSAL:	Erection of single pavilion with new toilet, shower room and store cupboard with veranda.
DECISION:	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 Work on the development should not commence until proposals for adequate foul drainage are submitted to and approved by the Local Planning Authority. The development should not be occupied until the approved drainage has been installed. The approved drainage shall be retained while the site is in use.
- 4 The building hereby approved shall be used for purposes incidental to the main use of the dwelling house and not for any business or commercial use.

Report Item No: 6

APPLICATION No:	EPF/0622/08
SITE ADDRESS:	Land West of Vicarage Lane (behind Art Nursery) North Weald Epping Essex CM16 6AP
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
DESCRIPTION OF PROPOSAL:	Stationing of a mobile home for ancillary secure storage and overnight accommodation for use of staff to attend plant and glasshouse function emergencies.
DECISION:	Granted Permission (With Conditions)

CONDITIONS

- 1 This consent shall inure for a limited period expiring 5 years from the date of this Notice, at which time the development permitted by this Notice shall be discontinued.
- 2 The mobile home shall only be used for the purposes of storage and occasional overnight accommodation for emergency purposes in connection with the use of the land for horticulture and for no residential purposes.
- 3 Within three months of the date of this notice a plan indicating the existing hedge or hedges which are to be retained, the minimum heights at which they will be maintained and appropriate trees within the hedge or hedges which shall be retained and allowed to grow on shall be submitted to and approved in writing by the Local Planning Authority (LPA). The plan shall also show where the hedgerows are to be reinforced with further planting, details of which indicated in a timetable of implementation. The hedges shall thereafter be maintained in accordance with the approved details unless the LPA gives its written consent to any variation.

Report Item No: 7

APPLICATION No:	EPF/0655/08
SITE ADDRESS:	64 Morgan Crescent Theydon Bois Epping Essex CM16 7DX
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Two storey side extension and detached garage.
DECISION:	Refused Permission

REASON FOR REFUSAL

- 1 The proposed garage, by reason of its size, siting, bulk and prominence would represent an intrusive addition, out of keeping in the streetscene and detrimental to visual amenity. This is contrary to Policies DBE1, DBE2 and DBE9 of the Adopted Local Plan and Alterations.

This page is intentionally left blank