

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee East **Date:** 10 June 2009

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.55 pm
High Street, Epping

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

Other Councillors:

Apologies: A Boyce, A Green, D Jacobs and Mrs J H Whitehouse

Officers Present: J Shingler (Senior Planning Officer), A Hendry (Democratic Services Officer), P Seager (Chairmans Secretary) and M Jenkins (Democratic Services Assistant)

1. 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.

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. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors Mrs D Collins, C Whitbread and D Stallan declared a personal interest in the following item of the agenda by virtue of being members of the cabinet. The Councillors had determined that their interest were not prejudicial and that they would remain in the meeting for the consideration of the application and voting thereon:

EPF/0786/09 – North Weald Airfield, Hurricane Way, North Weald Bassett.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Ms 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 she would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0599/09 – Oak Lodge, Maltings Drive, Epping.

(c) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following item of the agenda, by virtue of being the Cabinet Member responsible for Housing. The Councillor had determined that his interest was not prejudicial and he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1348/08 – Matthews Yard, Harlow Road, Moreton, Ongar.

4. MINUTES

RESOLVED:

That the minutes of the meeting held on 13 May 2009 be taken as read and signed by the Chairman as a correct record.

5. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Subcommittee.

6. DEVELOPMENT CONTROL

RESOLVED:

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

7. REMOVAL OF S106 OBLIGATION RE: ASHLING FARM

The Sub-committee considered a request to discharge an s106 obligation, at Ashling Farm, Blackmore Road, Stondon Massey. They noted that in 1985 planning permission was given for a second dwelling at this farm. The site was used for intensive pig-rearing and justified the provision of a second dwelling in addition to the original house. The permission was subject to a condition and a legal agreement under s52 of the then Town & Country Planning Act 1971 restricting its occupation to an agricultural worker and preventing the severance of the Cottage from the remainder of the holding.

In 1996, after the pig-rearing enterprise ceased, the farm was purchased jointly by a brother and sister fully intending to run an agricultural business and comply with the condition and obligation.

In 2005, the circumstances of the sister, the occupier of the Cottage, changed so that she wished to sell the Cottage and thus an application was made to delete the condition and discharge the obligation in respect of the Cottage, offering somewhat reluctantly to transfer the obligation onto the original Farmhouse which was unencumbered by any restrictions, since it was erected long before planning controls. Permission was granted on this basis, so that the Farmhouse was now restricted by obligations in a planning agreement under s106 of the Town & Country Planning Act 1990 (as amended). The owner has now requested that this agreement be discharged.

The sub-committee noted that this had been going on since 1985 and it was not unreasonable to now get rid of the s106 agreement.

RESOLVED:

That the s106 obligation on Ashling Farm, Blackmore Road, Stondon Massey be discharged.

8. PROBITY IN PLANNING - OCTOBER 2008 TO MARCH 2009

The Sub-committee considered the report on probity in planning on appeal decisions between October 2008 to March 2009. The report advised the decision making committees of the results of all successful appeals, particularly those refused by committee contrary to officer recommendation.

Over the six-month period between October 2008 and March 2009, the Council received 75 decisions on appeals – 71 planning and related appeals and 4 enforcement appeals. Of the 71 planning and related appeals, 35 were allowed (49.2%) but none of the 4 enforcement appeals – a combined total of 46.6% of the Council's decisions being overturned during this period.

The committees was urged to continue to heed the advice that if they were considering setting aside the officer's recommendation it should only be in cases where members are certain they are acting in the wider public interest and where the committee officer can give a good indication of some success at defending the decision.

The Council's performance for this 6-month period had been the worst for many years. There had been continuing support for Green Belt policies and the support for the Council's decisions to take enforcement action was particularly encouraging but overall the results had been poor.

The Sub-committee also noted the new appeals procedures that were introduced from 6 April 2009. These concerned two main issues:

- (a) for householder applications made after 6 April 2009, that is applications for extensions or alterations to single dwellings or works within the curtilage of a single dwelling, applicants will only have 12 weeks (instead of 6 months) from the decision in which to appeal. Once an appeal has been received, the Council has to provide the Inspectorate with the officer's report under delegated powers or to committee, minutes of the committee meeting, a copy of the reasons for refusal and notification of the relevant policies. The Council is not able to make any further statement. Objectors will also not be able to make further comment but copies of letters of objection received at the application stage will be passed on the Inspectorate as at present; and
- (b) appellants (and the Council) will in future be able to make an application for costs for appeals dealt with by written representations, which is, by far, the most common method of considering an appeal. Until now costs have only been possible to claim for Hearings and Inquiries. The Council had been protected from accusations that it had acted unreasonably in the majority of cases because the appeals had been dealt with by written representations. That will no longer be the case and so there was added responsibility upon all decision-makers, whether the committee or officers, to act responsibly and make decisions on planning merits alone.

The Sub-committee thought that members of all the planning sub-committees would need training on these new procedure.

RESOLVED:

- (1) That the Planning Appeal Decisions for October 2008 to March 2009 be noted; and
- (2) That training on the new appeals procedure should be arranged for members.

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 6

Report Item No: 1

APPLICATION No:	EPF/0599/09
SITE ADDRESS:	Oak Lodge Maltings Drive Epping Essex CM16 6SH
PARISH:	Epping
WARD:	
DESCRIPTION OF PROPOSAL:	TPO/EPF/01/81 G1 Cypress - Fell
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 A suitable 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.

Report Item No: 2

APPLICATION No:	EPF/1348/08
SITE ADDRESS:	Matthews Yard Harlow Road Moreton Ongar Essex CM5 0LH
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling and commercial buildings and erection of 8 dwellings including surface water sewer to existing watercourse. (Revised application)
DECISION:	Deferred

The Committee deferred this item to the next meeting to discuss provision of affordable housing

Report Item No: 3

APPLICATION No:	EPF/0596/09
SITE ADDRESS:	Gosling Hall Little Laver Ongar Essex CM5 0JH
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
DESCRIPTION OF PROPOSAL:	Replacement dwelling & replacement garage/outbuilding.
DECISION:	Grant 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 Within 3 months of the occupation of the house and garage hereby approved the existing house and garage as shown on the approved plans shall be demolished in entirety and all materials removed from site.
- 3 Details of the types and colours of the external finishes of both the house and garage 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.
- 4 Prior to occupation of the development hereby approved the existing northern access shall be removed and the verge reinstated for use as approved in writing by 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 by the Planning Authority.
- 6 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, Classes A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.

- 8 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing 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.

Report Item No: 4

APPLICATION No:	EPF/0786/09
SITE ADDRESS:	North Weald Airfield Hurricane Way North Weald Bassett Epping Essex
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
DESCRIPTION OF PROPOSAL:	Erection of a storage unit.
DECISION:	Grant 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 The external finishes for the proposed development shall be carried out in Goosewing Grey and shall thereafter be permanently maintained at such a colour.
- 3 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

- 4 The building hereby approved shall be used for the storage of aircraft and ancillary aircraft related equipment and for no other purpose.
- 5 There shall be no external storage in association with the approved use.

Report Item No: 5

APPLICATION No:	EPF/0713/09
SITE ADDRESS:	Millrite Engineering 151 - 153 London Road Stanford Rivers Ongar Essex CM5
PARISH:	Stanford Rivers
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Retaining store/forge to front and converting to two bedroom single storey unit, retaining spray and bending building and conversion to a two bedroom bungalow, retaining two, two storey workshops and office building and converting to a four bedroom house. (Resubmitted application)
DECISION:	Deferred

The Committee deferred this item to the next meeting for negotiations over affordable housing contribution.

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