

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee East **Date:** Wednesday, 12 August 2009

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.15 pm

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

Other Councillors:

Apologies: A Green, P Gode, Mrs H Harding and J Philip

Officers Present: J Shingler (Senior Planning Officer), G J Woodhall (Democratic Services Officer) and R Perrin (Democratic Services Assistant)

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.

27. 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.

28. MINUTES

RESOLVED:

That the minutes of the meeting held on 22 July 2009 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 Morgan declared a personal interest in the following item of the agenda by virtue of occasionally being a customer. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1020/09 – Caffè Nero, 271 High Street, 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 would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1020/09 – Caffè Nero, 271 High Street, Epping

(c) Pursuant to the Council's Code of Member Conduct, Councillor Mrs M McEwen declared a personal interest in the following item of the agenda. The Councillor had determined that her interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

- EPF/0979/09 - Dame Annys Farm, Norwood End, Fyfield

(d) Pursuant to the Council's Code of Member Conduct, Councillors G Pritchard and D Jacobs declared a personal interest in the following item of the agenda by virtue of occasionally being a customer. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0648/09 – Mulberry House, Chelmsford Road, High Ongar

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

- EPF/0994/09 – Stapleford Tawney Trout Farm, Epping Lane, Stapleford Tawney.

30. ANY OTHER BUSINESS

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

31. Development Control

RESOLVED:

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

32. TREE PRESERVATION ORDER TPO/EPF/0/09 - MAPLE TREE, 5 KENSINGTON GROVE, OAKHILL ROAD, STAPLEFORD ABBOTTS

The Principal Planning Officer presented a report regarding the confirmation of a Tree Preservation Order on a Field Maple tree at 5 Kensington Grove, Oakhill Road, Stapleford Abbots. The Sub-Committee were informed that the Tree Preservation Order had been made to protect trees retained on a development comprising of 7 properties. The tree was originally protected under Tree Preservation Order TPO/EPF/11/08, however as a result of a transcription error, had been incorrectly named as an Oak tree. The Tree Preservation Order EPF/01/09 had been made to avoid any doubt and ensure that the tree was protected. One objection had been received regarding the tree from No. 5 Kensington Grove. The Director of Planning & Economic Development had responded as follows:

i) In relation to potential damage to the dwelling, providing that the building had been built to modern NHBC standards it would be unlikely, the tree was relatively young and a reasonable distance from the front of the property . The objector had been advised that he could provide evidence as part of an application to justify felling the tree.

ii) In relation to the scarcity, it was not part of the rationale for the order .

iii) In relation to the trees public value. The tree provides an attractive, healthy, good form with a long life expectancy that would make a positive visual contribution to the immediate locality for the foreseeable future.

RESOLVED:

That the Tree Preservation Order EPF/01/09 be confirmed.

33. 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

APPLICATION No:	EPF/1020/09
SITE ADDRESS:	Caffe Nero 271 High Street Epping Essex CM16 4DA
PARISH:	Epping
WARD:	Epping Lindsey and Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Retention of ground floor A1/A3 use.
DECISION:	Refer to District Development Control Committee

The Committee were minded to approve this application but as it would be contrary to policy referred it to District Development Control Committee with a recommendation to grant subject to conditions regarding:

1. Creation and retention of window display
2. Mixed A1/A3 use only
3. Personal consent to Caffe Nero
4. Opening hours restricted to 7am-7pm Monday to Saturday, 9am-5pm Sunday

Report Item No: 2

APPLICATION No:	EPF/0979/09
SITE ADDRESS:	Dame Annys Farm Norwood End Fyfield Ongar Essex CM5 0RW
PARISH:	Fyfield
WARD:	Moreton and Fyfield
DESCRIPTION OF PROPOSAL:	Change of use of stables A and B from ancillary domestic stabling to private non-residing horse keeping and retention of manege with associated hard and soft landscaping, for use by landowner only.
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The stables shall not be occupied 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 submission of the details 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.

- 2 The stables and manege shall be for solely private use of the landowner only and not for any use relating to business or livery whatsoever.
- 3 No external lighting shall be installed at the stables or manege without the prior written approval of the Local Planning Authority.
- 4 No more than 5 horses are to be kept on site at any one time.

Report Item No: 3

APPLICATION No:	EPF/0648/09
SITE ADDRESS:	Mulberry House Chelmsford Road High Ongar Essex CM5 9NL
PARISH:	High Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash High Ongar, Willingale and the Rodings
DESCRIPTION OF PROPOSAL:	Variance of condition 7 of EPF/2131/00 allowed on appeal 30 May 2002. Application for restaurant use to be permitted in dining room and garden room (conservatory) from 7am until 11.30pm - seven days per week.
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 extension in hours hereby approved shall take place only in the dining room and conservatory, as shown by cross hatching on drawing 405.01 (accompanying Inquiry document 24 for the appeal decision relating to EPF/2131/00). [Previously Appeal Decision condition 6 on EPF/2131/00]
- 3 The restaurant use hereby permitted shall not operate other than between the hours of 07:00 to 23:30 Monday to Sunday inclusive. Other than on New Year's Eve. the use of the function rooms by guests shall cease at 23.30 on any day. The function rooms are, for the purposes of this permission, the dining room, conservatory, conference rooms 1, 2 and 3 and the chapel conference room at the first floor of Mulberry Cottages as identified on drawings nos. 405.01 and 02. [Previously Appeal Decision condition 7 on EPF/2131/00]
- 4 No amplified live music shall be played externally, nor other amplified noise source deployed externally nor shall fireworks be set off within the land edged red and blue on the site plan submitted as part of the original application - EPF/2131/00 and subsequent appeal decision.

- 5 Any internally generated noise source shall be limited to 85dB(A)Lamax. This shall be secured through the automatic noise limiting device as specified in a letter to the Local Planning Authority, from Smart Planning Ltd, ref JRF/EJM/02.522 dated 14th July 2003, and the accompanying Leisuretec Minim Plus specification sheet. All equipment and fittings installed in accordance with this condition shall thereafter be retained as approved in a functioning condition and maintained in accordance with their manufacturers' instructions, unless the Local Planning Authority has given its prior written consent to any variation.

Report Item No: 4

APPLICATION No:	EPF/0894/09
SITE ADDRESS:	4 Nine Ashes Farm Cottages Rookery Road Blackmore Ingatestone Essex CM4 0LG
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
DESCRIPTION OF PROPOSAL:	First floor side extension and ground floor rear extension.
DECISION:	Refer to District Development Control Committee

The Committee were minded to approve this application but as it would be contrary to policy referred it to District Development Control Committee with a recommendation to grant subject to conditions regarding:

1. 3 years (SC01)
2. Materials to match (SC35)
3. No further single storey extensions without the prior written approval of the LPA.

Report Item No: 5

APPLICATION No:	EPF/0950/09
SITE ADDRESS:	Land to the rear of Branscombe & Rozel Loughton Lane Theydon Bois Epping Essex CM16 7JY
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Erection of detached house and garage.
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 Application for the approval of details reserved by this permission must be made not later than the expiration of three years from the date of this notice. The development hereby permitted must be begun not later than the expiration of two years from the date of the final approval of the details reserved by this permission or, in the case of approval on different dates, the final approval of the last matter approved.
- 2 Details of the design, external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 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 the dwelling hereby approved and maintained in the agreed positions.
- 4 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.

Report Item No: 6

APPLICATION No:	EPF/0994/09
SITE ADDRESS:	Stapleford Tawney Trout Farm Epping Lane Stapleford Tawney Essex RM4 1ST
PARISH:	Theydon Mount
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Temporary permission for a demountable prefabricated agricultural worker's dwelling. (Revised application)
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 This consent shall inure for a limited period to enable the applicant to demonstrate that the enterprise has long term viability expiring three years from the date of this Notice, at which time the chalet shall be removed and the site reinstated.
- 2 The occupation of the dwelling hereby approved shall be limited to the applicants only.
- 3 Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority before any work commences and the development shall be implemented in accordance with such agreed details.