

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

**Committee:** Area Planning Subcommittee West   **Date:** 19 August 2009

**Place:** Council Chamber, Civic Offices, High Street, Epping   **Time:** 7.30 - 9.40 pm

**Members Present:** J Wyatt (Chairman), Mrs P Brooks (Vice-Chairman), A Clark, Mrs R Gadsby, Mrs J Lea, W Pryor, Mrs M Sartin, Mrs P Smith, Ms S Stavrou, A Watts and Mrs E Webster

**Other Councillors:**

**Apologies:** R Bassett, J Collier and Mrs A Cooper

**Officers Present:** J Shingler (Senior Planning Officer), C Neilan (Conservation Officer), M Jenkins (Democratic Services Assistant) and G J Woodhall (Democratic Services Officer)

### **16. 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.

### **17. WELCOME & 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.

### **18. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting of the Sub-Committee held on 8 July 2009 be taken as read and signed by the Chairman as a correct record.

### **19. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillors Mrs P Brooks, A Clark, Mrs R Gadsby, W Pryor and Ms S Stavrou declared a personal interest in the following items of the agenda by virtue of being members of Waltham Abbey Town Council. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/1065/09 10 Windsor Wood, Waltham Abbey; and

- EPF/0470/09 Love Apple Farm, 156 Crooked Mile, Waltham Abbey.
- (b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J Lea declared a personal interest in the following item of the agenda by virtue of previously living in the vicinity of the application. 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/0941/09 1 Barnfield Close, Nazeing.
- (c) Pursuant to the Council's Code of Member Conduct, Councillor W Pryor declared a further personal interest in the following item of the agenda by virtue of being acquainted with the applicant's agent. 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/0470/09 Love Apple Farm, 156 Crooked Mile, Waltham Abbey.
- (d) Pursuant to the Council's Code of Member Conduct, Councillor Ms S Stavrou declared further personal interests in the following item of the agenda by virtue of being both an owner of a livery yard and a trustee of a Riding for the Disabled organisation. The Councillor had determined that her interests were not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:
  - EPF/0470/09 Love Apple Farm, 156 Crooked Mile, Waltham Abbey.

## 20. ANY OTHER BUSINESS

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

## 21. EPF/1305/08 1 CARTERSFIELD ROAD, WALTHAM ABBEY - REVISED APPLICATION - VARIATION OF LEGAL AGREEMENT

The Principal Planning Officer presented a report concerning the proposed variation of a Section 106 legal agreement following the approval of planning permission for a new Lidl foodstore at 1 Cartersfield Road in Waltham Abbey.

The Sub-Committee were advised that a planning condition had been imposed that restricted the range of items which could be sold in order to protect the vitality of the High Street in Waltham Abbey, but these restrictions had been duplicated within the legal agreement. The applicant did not wish to accept such a legal restriction and had not yet signed the agreement, seeking the variation before the Sub-Committee. Officers felt that the duplication of the restrictions within the legal agreement was unnecessary, as the planning condition was considered valid and defensible at appeal, and was contrary to the advice contained within circular 11/95. Consequently, it was recommended that this element of the legal agreement could be removed.

### RESOLVED:

**That the required legal agreement in connection with planning application EPF/1305/08 (1 Cartersfield Road, Waltham Abbey) be varied to remove the following clause:**

***“That the Discount food store must not sell or advertise to sell any of the following products or services unless otherwise agreed by the Council in writing:***

- (a) Fresh meat counter;***
- (b) Fresh fish counter;***
- (c) Delicatessen/cheese counter;***
- (d) Hot food counter;***
- (e) Dry-cleaning service;***
- (f) Post Office services;***
- (g) Lottery sales including scratch cards;***
- (h) Photographic shop;***
- (i) Café/restaurant;***
- (j) Fresh bakery counter;***
- (k) Tobacco products;***
- (l) Loose confectionary;***
- (m) Newspapers or Magazines;***
- (n) Greeting Cards;***
- (o) Pharmacy;***
- (p) Post Office Services; and***
- (q) Cash Machines (ATM’s).”***

**22. DEVELOPMENT CONTROL**

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

**RESOLVED:**

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

**23. DELEGATED DECISIONS**

The Sub-Committee noted that details of planning applications determined by the Director of Planning & Economic Development under delegated authority since the last meeting had been circulated to all members and were available for inspection at the Civic Offices.

**CHAIRMAN**

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1065/09
<b>SITE ADDRESS:</b>	10 Windsor Wood Waltham Abbey Essex EN9 1LY
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey North East
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/10/90  A1 (G2) Sycamore - Fell
<b>DECISION:</b>	Refuse Permission (Householder)

**REASON FOR REFUSAL**

- 1 Insufficient justification has been provided to necessitate the felling of the tree on the site, contrary to policy LL9 of the Adopted Local Plan and Alterations.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0364/09
<b>SITE ADDRESS:</b>	Land to rear of 114 Old Nazeing Road Nazeing Essex EN10 6QY
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a four bedroom detached house with associated parking to the rear of No. 114 Old Nazeing Road.
<b>DECISION:</b>	Deferred

The Committee deferred this item to the next meeting to allow negotiation to reduce the size of the dwelling.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0941/09
<b>SITE ADDRESS:</b>	1 Barnfield Close Nazeing Waltham Abbey Essex EN9 2RE
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of land to rear to garden use.
<b>DECISION:</b>	Grant Permission

**CONDITIONS**

None

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0868/09
<b>SITE ADDRESS:</b>	1 Larsons Cottage Hamlet Hill Roydon Essex CM19 5JU
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Removal of agricultural occupancy condition.
<b>DECISION:</b>	Grant Permission

**CONDITIONS**

None



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1053/09
<b>SITE ADDRESS:</b>	Kingsmead Epping Road Roydon Harlow Essex CM19 5HU
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from offices to non-residential school - (D1 use)
<b>DECISION:</b>	Grant Permission (With Conditions)

The Committee's attention was drawn to a letter of support from Essex County Council Schools, Children and Families Directorate.

**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 Prior to the erection of any screen walls, fences, gates or such similar structures, details shall be submitted and agreed in writing by the Local Planning Authority and shall be erected and maintained to the agreed detailing and positions.
- 3 The premises shall be used solely for a non-residential school and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 4 The school hereby permitted shall be open to students only during the hours of 08:30 to 22:00 on Monday to Friday during school term time, and not at all at weekends and outside term times.
- 5 The development 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.

- 6 No more than 30 pupils shall be on the school role at any time.
- 7 Prior to commencement of development details of covered cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. The agreed facility shall be provided prior to the first use of the site as a school.
- 8 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended), no development generally permitted by virtue of Part 32 Class A shall be undertaken without the prior written permission of the Local Planning Authority.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0470/09
<b>SITE ADDRESS:</b>	Love Apple Farm 156 Crooked Mile Waltham Abbey Essex EN9 2ES
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey North East
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of the existing buildings and construction of a proposed riding school with disabled facilities and livery.
<b>DECISION:</b>	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 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 At least 50% of all riders utilising the riding school facilities shall be registered disabled. The operator shall keep a record of all clients, noting whether they are registered disabled, and the dates/times of attendance and the facilities used. These records shall be kept available for inspection upon request. No more than 12 stables shall be used for livery purposes at any one time.
- 4 Prior to commencement of work details of lighting, fencing and means of enclosure and finishes shall be submitted to and approved in writing by the Local Planning Authority. Lighting details shall include type and specification of the light and illumination, hours of use and a plan demonstrating the area to be illuminated.
- 5 The development, including site clearance, must not commence until a scheme of landscaping has 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 landscaping must be carried out in accordance with the agreed scheme , unless the Local Planning Authority has given its prior written consent to any variation.

- 6 No additional hardsurface shall be provided onsite beyond that approved on drawing number Drg 1479/02 rev A without prior written consent from the Local Planning Authority.
- 7 On or before the expiration of 28 days from the date of the first occupation of the new stables, all existing structures at present located on the site and any associated base, dwarf wall or ancillary works shall be removed..
- 8 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.

- 9 Details of surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the new stables. Details shall include the method for disposing of foul yard water.
- 10 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.
- 11 Burning of manure and other animal waste should not take place on the site.
- 12 All animal feed should be stored in vermin proof containers and any spillages or discarded food should be cleared away to minimise the attraction to vermin.
- 13 Should the primary use of the indoor riding facility cease to be related to the needs of those with disabilities, then the structure shall be removed in its entirety and the footprint returned to landscape within 3 months of this cessation. This is considered a sufficient time for the occupier to arrange full removal and reinstatement of the land.

The use shall be deemed to have ceased should the indoor riding facility be used for purposes not primarily relating to those with disabilities for a continuous period of more than 3 calendar months.

- 14 The staff accommodation area indicated on the approved plans shall not at any time be used for residential purposes.
- 15 Prior to the first use of the site for a disabled riding facility, a green travel plan and details of internal traffic management, parking, lesson timetables and maximum class sizes shall be submitted to and agreed by the Local Planning Authority. the facility shall operate thereafter in accordance with the agreed details.

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