

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control Committee **Date:** 4 August 2009

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.32 pm

Members Present: B Sandler (Chairman), Mrs P Brooks, K Chana, Mrs D Collins, R Frankel, A Green, J Hart, J Markham, G Mohindra, R Morgan, Mrs C Pond, P Turpin, J Wyatt and Mrs L Wagland

Other Councillors: K Angold-Stephens, R Bassett, A Clark, D Jacobs, J Knapman, G Pritchard, B Rolfe, D Stallan, A Watts and C Whitbread

Apologies: M Colling and Mrs A Haigh

Officers Present: N Richardson (Assistant Director (Development Control)), S G Hill (Senior Democratic Services Officer) and R Perrin (Democratic Services Assistant)

14. MINUTES

Resolved:

That the minutes of the meetings of the Committee held on 9 June 2009 and 6 July 2009 be taken as read and signed by the Chairman as a correct record.

15. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted that Councillor P Brooks was substituting for Councillor A Haigh and Councillor D Collins was substituting for Councillor M Colling at the meeting.

16. DECLARATIONS OF INTEREST

Pursuant to the Councillors Code of Conduct, Councillors B Sandler, K Chana, G Mohindra and L Wagland declared personal interests in item 11 (40a Hainault Road, Chigwell) by virtue of being members of Chigwell Parish Council. The members remained in the meeting for the duration of the discussion and voting on that item.

Pursuant to the Councillors Code of Conduct, Councillor P Brooks declared a personal interest in item 7 (O2 Mast, Honey Lane, Waltham Abbey) by being a member of the Waltham Abbey Town Council Planning Committee. The member remained in the meeting for the duration of the discussion and voting on that item.

17. ANY OTHER BUSINESS

There was no further business for consideration at the meeting.

18. O2 MAST, HONEY LANE, WALTHAM ABBEY

The Committee considered a report on the circumstances of the installation of a telecommunications mast in Honey Lane, Waltham Abbey. The Council had failed to issue a decision on whether the application for the mast required prior approval which had led to the mast gaining deemed consent. The Council had submitted its decision letter one day outside the statutory period and would have refused to have granted approval based upon harm to the locality.

The Committee noted advice received from Counsel and possible discontinuation action under the Town and Country Planning Act 1990 and the consequences of that action. Further they noted the likely outcome of this action and advice that there was a clear demonstrable need for a mast in the locality.

The Committee noted recommendations for compensating local residents who had originally submitted representation against the mast and that the level of compensations was a matter for the Cabinet.

The Committee received representation from an objector to the mast.

The Committee were of the view that the Council should not proceed with the discontinuation action based upon the likelihood of success of such action and that the Cabinet should be asked to consider the levels of further compensation to be paid to residents.

Resolved:

(1) That the Council not proceed with a Discontinuance Order under S102 of the Town and Country Planning Act 1990 requiring the removal of the mobile phone mast at Honey Lane, Waltham Abbey; and

(2) That the Cabinet consider compensation to be paid to residents for the Council's failure to make a timely decision on an application for a determination as to whether prior approval for the mobile phone mast was required.

19. PLANNING APPLICATION EPF/0508/09 - GREENLEAVER MOBILE HOME PARK, HOE LANE, ROYDON - CHANGE OF USE TO INCLUDE THE STATIONING IF CARAVANS FOR 5 FAMILY GYPSY PITCHES WITH UTILITY/DAY ROOM BUILDINGS AND HARD STANDING

The Committee considered a report brought before the Committee on the basis that the proposal was of major importance and was affected by the current consultation process for the Gypsy and Traveller DPD.

The application sought use of land at Greanleaver Mobile Home Park, Hoe Lane, Roydon for the stationing of five additional gypsy family pitches bringing the total on the site to 15.

Members were concerned at the sites location within the green belt and whether the proposal met the test of very special circumstances envisaged by the local plan. Members were of the view that no special circumstances had been put forward by the applicant that were sufficient to outweigh harm to the green belt. Additionally, members considered that the narrow one track access road was inadequate for the

proposed development. The Committee considered and voted upon a proposal to refuse permission on the basis of their concerns.

Resolved:

That planning application EPF/0508/09 be refused for the following reasons:

(1) The site is within the Metropolitan Green Belt. The proposed works represent inappropriate development and are therefore at odds with Government advice, as expressed in PPG2, policies GB2A and H10A of the adopted Local Plan and Alterations and the East of England Plan 2008. They state that within the Green Belt permission will not be given, except in very special circumstances for the construction of new buildings or for the change of use or extension to existing buildings except for the purposes of agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, cemeteries, or similar uses which are open in character. In the view of the Local Planning Authority the application does not comply with these policies and there are no very special circumstances sufficient to justify the grant of permission; and

(2) There is inadequate and sub-standard access to the site and the addition of 5 additional gypsy pitches to the 10 already granted for the site would result in an over-intensification of the use of the site and this access, and is therefore contrary to policy ST2 of the Adopted Local Plan and Alterations 2006.

20. ERECTION OF A DWELLINGHOUSE WITHOUT PLANNING PERMISSION AT RED COTTAGE, NEW FARM DRIVE, ABRIDGE

The Committee considered a report referred by Area Planning Committee East.

The report outlined that an eight bedroom detached dwelling with basement had been constructed on land at New Farm Drive, within the Metropolitan Green Belt, without planning permission. A further large conservatory was also now part constructed on the site again without the benefit of planning permission. The house had received building regulation approval.

The Committee noted that a permission had been issued on the site in 2005 but that the erected dwelling was significantly larger and in design. The house was within the Metropolitan Green Belt and, by policy definition, harmful to its openness.

The Committee considered that the applicants should be given a four week period in which to submit a full planning application for the site which the District Development Control Committee would consider.

Resolved:

That the owner of Red Cottage, New Farm drive be given a period of four weeks from the date of the meeting to submit a full planning application for the dwelling, the application to be considered by the District Development Control Committee.

21. DIRECT ENFORCEMENT ACTION - CAR WASH AT 1 - 3 COOPERS HILL, ONGAR

The Committee received a report on the continuing use of land at 103 Coopers Hill, Ongar as a car wash. This was despite an Enforcement Notice being issued in December 2007 requiring the cessation of such a use and subsequent dismissal of an appeal against the Notice and the refusal of a planning application and dismissal of an appeal against that refusal.

The Committee were asked to consider direct action under the Town and Country Planning Act 1990 to secure compliance with the Enforcement Notice including the removal from the site of equipment, a canopy and moveable structures.

The Committee noted that the funding of any action would be subject to Cabinet approval.

Resolved:

(1) That the Director of Planning and Economic Development be authorised to take direct action under Section 178 of the Town & Country Planning Act 1990 on one or more occasions to secure compliance with the requirements of the Enforcement Notice on the Car Wash at 1-3 Coopers Hill, Ongar issued 11 December 2007, subject to Cabinet approval to incur associated expenditure; and

(2) That a report be made to the Cabinet accordingly.

22. PLANNING APPLICATION EPF/1064/09 - 40A HAINAULT ROAD, CHIGWELL - CHANGE OF USE FROM VACANT (FORMERLY AGRICULTURAL) TO CAR PARKING FOR USE IN ASSOCIATION WITH VICTORY HALL

The Committee noted that at their meeting on 9 June 2009 it had been resolved to grant planning permission for the erection of a new dwelling on a site adjacent Victory Hall, Hainault Road, Chigwell subject to the completion of a Section 106 legal agreement securing the creation of additional car parking for use in association with Victory Hall and the transfer of the land to Epping Forest District Council. An application seeking the planning permission required to enable that change of use had now been received and the Committee were asked how they wished the application to be considered to avoid delay in its determination.

Resolved:

That the planning application for the change of use of the land for car parking in association with Victory Hall, Hainault Road, Chigwell and the submitted layout of 17 car parking spaces be referred to the meeting of Area Plans-South on 26 August 2009 for determination.

CHAIRMAN