

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

**Committee:** Area Planning Subcommittee West   **Date:** 13 October 2010

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

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

**Other Councillors:**

**Apologies:** D C Johnson and W Pryor

**Officers Present:** J Godden (Planning Officer), M Jenkins (Democratic Services Assistant) and A Hendry (Democratic Services Officer)

### **32. 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.

### **33. WELCOME AND 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.

### **34. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting of the Sub-Committee held on 22 September 2010 be taken as read and signed by the Chairman as a correct record.

### **35. DECLARATIONS OF INTEREST**

(a) Pursuant to the Members Code of Conduct, Councillors J Wyatt and R Bassett declared a personal interest in the following item of the agenda by virtue of being Deputy Members of the Lea Valley Regional Park Authority. The Councillors declared that their interests were not prejudicial and indicated that they would remain in the meeting for the duration of the discussion on the item and voting thereon:

- EPF/0849/10 Holmsfield Nursery, Meadgate Road, Nazeing

(b) Pursuant to the Members Code of Conduct, Councillors Mrs M Sartin, Ms S Stavrou and Mrs E Webster declared personal interests in the following item of the agenda by virtue of being members of the Lea Valley Regional Park Authority. The Councillors declared that they had taken no part in any discussions on the proposed application, and that therefore their interests were non-prejudicial. They would remain in the meeting for the consideration of the item and voting thereon:

- EPF/0849/10 Holmsfield Nursery, Meadgate Road, Nazeing

(c) Pursuant to the Members Code of Conduct, Councillor Mrs R Gadsby declared a personal interest in the following item of the agenda by virtue of being the ward member – Waltham Abbey South West. The Councillor declared that her interest was not prejudicial and indicated that she would remain in the meeting during the consideration of the item and voting thereon:

- EPF/1555/10 1 Cartersfield Road, Waltham Abbey

(d) Pursuant to the Members Code of Conduct, Councillors Mrs P Brooks, J Collier, Ms S Stavrou and A Watts declared a personal interest in the following item of the agenda by virtue of being members of Waltham Abbey Town Council. In the case of Councillor Ms S Stavrou the Councillor advised that she had on occasion substituted on the Waltham Abbey Town Council Planning Committee. The Councillors declared that their interests were not prejudicial and indicated that they would remain in the meeting during the consideration of the item and voting thereon:

- EPF/1555/10 1 Cartersfield Road, Waltham Abbey

(e) Pursuant to the Members Code of Conduct, Councillor Ms Y Knight, declared a personal interest in the following item of the agenda. The Councillor indicated that her interest was likely to be prejudicial and said that she would leave the meeting for the consideration of the item and voting thereon:

- EPF/0849/10 Holmsfield Nursery, Meadgate Road, Nazeing

(f) Pursuant to the Members Code of Conduct, Councillor Mrs J Lea declared a personal interest in the following item of the agenda by virtue of working for Tesco which was situated opposite the site application in question. The Councillor indicated that her interest was not prejudicial but indicated that she would not be voting on the application:

- EPF/1555/10 1 Cartersfield Road, Waltham Abbey

### **36. ANY OTHER BUSINESS**

The Principal Planning Officer informed the Sub-Committee that the Planning Services Scrutiny Standing Panel was requesting, from members of Area Planning Sub-Committees, planning applications from the recent past which could be considered controversial. Members suggested a small number of historical planning applications for discussion at a future Planning Scrutiny meeting.

### **37. DEVELOPMENT CONTROL**

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

**RESOLVED:**

That, Planning applications numbered 1 - 3 be determined as set out in the annex to these minutes.

**38. CONFIRMATION OF TREE PRESERVATION ORDER EPF/82/10 THE THATCHED HOUSE, HARLOW ROAD, ROYDON, ESSEX**

The Sub-Committee received a report regarding Confirmation of Tree Preservation Order EPF/82/10, The Thatched House, Harlow Road, Roydon.

The Tree Preservation Order had been served to protect the most important trees in the garden of The Thatched House, Harlow Road, Roydon, following a notification to remove T3 Maple and T4 Ash due to alleged implication in a minor episode of subsidence. It also included two further trees considered worthy of protection that were not implicated in the damage claim.

**Objection to the Tree Preservation Order**

An objection to the order had been received from arboricultural consultants acting on behalf of engineers representing the owner's claim. The objection was made on the grounds that:

1. No information detailing tree amenity assessment in making the Tree Preservation Order had been provided.
2. The value of T3 Maple was less than the compensation amount potentially payable due to the additional repair works required with T3 retained.
3. The negative environmental impact of increased concrete use in T3's retention.
4. That the retention of additional trees within influencing distances, T4 in particular, left a high risk of future damage occurring, which could require an additional engineering solution.

**Head of Planning Services Comments**

The justification for making the order was based on the assessment that the landscape character of this part of Roydon was strongly influenced by the presence of mature trees, of which the selected four were the most notable on this property. Other trees within the garden had been deliberately disregarded because they did not fulfil the criteria, thus a process of assessment and selection sought to preserve only the most valuable trees. The order enabled detailed assessment of engineering investigations in relation to the alleged implication of the trees in the damage to the house. In making this order, the Council was acting in accordance with Policy LL7 of the Adopted Local Plan and Alterations. It was considered that this justification followed the Government guidance.

Until a full body of evidence was produced the issue of a Section 203 compensation was irrelevant. It was considered necessary, in the public interest, to maintain planning control over these valuable trees until such time as sufficient information was submitted to justify their felling.

The environmental impact of increased concrete use relied on the assumption that the tree, T3, in particular was retained despite evidence to show its influence in the damage to the house. This consideration was, therefore, not relevant to the serving

of the Order, which was designed to facilitate a full assessment of the case and the most effective remedy thereof.

That other trees might be involved in the damage to the house required proof in the form of live roots, at the very least. A dangerous precedent would be set if the felling of good important trees were allowed on the basis of a theoretical influencing distance of tree roots alone.

**RESOLVED:**

That Tree Preservation Order EPF/82/10 The Thatched House, Harlow Road, Roydon, be confirmed.

**39. EXTENSION OF TIME TO ENTER S106 OBLIGATION FORMER HAY LOFT, HOME FARM, LITTLE COPPED HALL, EPPING, ESSEX**

The Sub-Committee received a report regarding extension of time to enter S106 obligation for the Former Hay Loft, Home Farm, Little Copped Hall, Epping.

The Area Plans West Sub-Committee considered planning application EPF/0513/09 for the conversion of the Former Hay Loft building at Home Farm, Little Copped Hall, Epping, to a single three bed dwelling in May 2009. Members had resolved to grant consent subject to the conditions stated and subject to the completion, within 12 months, of a legal agreement to secure the removal of part of an adjacent architectural building and all resultant materials from the land prior to the first occasion of the converted stables. The legal agreement was necessary as the removal of the building could not be conditioned as the building was not within the ownership or control of the applicant. Without the removal of the building the conversion of the hayloft to residential use would be unacceptable.

More than 12 months had elapsed since that decision and the legal agreement required had not yet been completed. The owner recently submitted an engrossed agreement and requested that it can be completed. The original timescale for completion of the legal agreement had passed a new resolution was required from members for the application to be granted.

**The Director of Planning and Economic Development Comments**

In Planning terms there had been no material change in circumstances, or in relevant policies, since the previous resolution in May 2009. Therefore it was considered appropriate to extend the period for completion of the S106 Agreement for a further 6 months to enable the planning permission to be granted.

**Conclusions**

There had been no material change in circumstances since the resolution in May 2009 granting consent, subject to the legal agreement and conditions, officers considered that the proposal was still acceptable and in accordance with adopted policies. As the owner now wished to progress the legal agreement, officers were of the view that an extension of the time period for the completion of the agreement, to 13 April 2011, was appropriate in this instance.

**RESOLVED:**

That a further period of 6 months from this date be allowed for the completion of the legal agreement under Section 106 in connection with planning

application EPF/0513/09 for the conversion of the Former Hay Loft to a single three bed dwelling.

**40. DELEGATED DECISIONS**

The Sub-Committee noted that details of planning applications determined by the Head 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.

Members thanked officers for sending notices of delegated decisions to Members via email.

**CHAIRMAN**

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0849/10
<b>SITE ADDRESS:</b>	Holmsfield Nursery Meadgate Road Nazeing Essex
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Retention of use of site for eight private gypsy plots to replace previous temporary consent.
<b>DECISION:</b>	Granted Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=517690](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=517690)

Members resolved to Grant Permission (with conditions) subject to the withdrawal of objections from Lea Valley Regional Park Authority

**CONDITIONS**

- 1 The site shall only be occupied for residential purposes by the following named persons and their resident dependants:

Margaret Brien  
Margaret Brien  
Helen Brien  
Bridget Brien  
Kathleen Connors  
Ann-Marie Connors

Joseph Connors  
Julie Connors  
Margaret Connors  
Edward Connors  
Patrick Brien  
Mary Brien

Patrick Brien  
Ann Brien  
Ann Brien  
Elizabeth Brien  
Miles Brien  
Elizabeth Brien

John Brien  
Kathleen Brien

Patrick Connors

Elizabeth Connors  
Johnny Connors  
Edward (Ned) Connors

Patrick Brien  
Ann-Marie Brien  
Helen Delaney

Tom Brien  
Margaret Brien  
Jim Brien  
Ann Brien  
Martin Brien  
Margaret Brien  
Jim Brien

John Connors  
Mary Connors  
Jim Connors  
Ann Connors  
Ann Brien

- 2 No more than the following number of caravans as defined in the Caravan Sites and Control of Development Act 1968 shall be stationed on the site at any time:  
  
Plot 1: 4, of which no more than 2 shall be static caravans and mobile homes  
Plot 2: 3, of which no more than 2 shall be static caravans and mobile homes  
Plot 3: 4, of which no more than 2 shall be static caravans and mobile homes  
Plot 4: 3, of which no more than 1 shall be static caravans and mobile homes  
Plot 5: 3, of which no more than 1 shall be static caravans and mobile homes  
Plot 6: 3, of which no more than 2 shall be static caravans and mobile homes  
Plot 7: 4, of which no more than 2 shall be static caravans and mobile homes  
Plot 8: 4, of which no more than 1 shall be static caravans and mobile homes
- 3 No caravans shall be stationed, no means of enclosure shall be erected, no hard surface shall be laid and no further vehicular access to Meadgate Road shall be formed on the land between Meadgate Road and the 8 plots as shown hatched on Plan A submitted with this application.
- 4 The site shall be used for residential purposes only and no commercial, industrial or retail activity shall take place on the site, including the storage of goods, materials or other items not ancillary to the residential use. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.
- 5 The hedge on the boundary of the site with Meadgate Road shall be retained in its entirety and shall not be reduced below a height of 2.5 metres above ground level.
- 6 Within 3 months from the date of the decision, or within a time scale otherwise agreed in writing with the Local Planning Authority, the disused building and water tanks within the northern section of the site and the disused building marked 'shed' on Plan Ref: JC:01 shall be demolished and all associated materials shall be removed from the site.



- 7 Within 3 months from the date of this decision, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority, and any drainage works shall be implemented and retained thereafter in accordance with such agreed details.
- 8 Within 3 months from the date of this decision, a contaminated land assessment shall be submitted to the Local Planning Authority to determine the risks from contaminants at the site in accordance with an agreed protocol. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted. Following any necessary remediation, a completion report and any required maintenance programme shall be submitted to and agreed in writing by the Local Planning Authority.
- 9 If any of the requirements of conditions 6, 7 and 8 of the decision are not met, the use of the site for the stationing of mobile homes shall cease within 28 days and the land returned to its condition prior to the commencement of the use, and all mobile homes, caravans, fencing other than that to the northern and eastern site boundaries, and hard surfacing laid in connection with the use shall be removed from the land.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1452/10
<b>SITE ADDRESS:</b>	Greenacres Tatsfield Avenue Nazeing Essex EN9 2HH
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Removal of S106 obligation to allow 'granny annexe' to be used as separate independent dwelling.
<b>DECISION:</b>	Deferred

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=519863](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=519863)

Members deferred this item in order that further information can be obtained, regarding the implementation of the original planning permission.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1555/10
<b>SITE ADDRESS:</b>	1 Cartersfield Road Waltham Abbey Essex EN9
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>APPLICANT:</b>	Mr James Ahearne
<b>DESCRIPTION OF PROPOSAL:</b>	Variation of condition 7 'Delivery times' on EPF/1305/08, to allow deliveries to be made between 7 am - 21:00 pm Monday to Saturdays and from 9 am to 18:00 pm on Sundays and Bank Holidays. (Demolition of existing buildings and erection of new 'Lidl' foodstore and construction of five start-up industrial units. - Revised application)
<b>RECOMMENDED DECISION:</b>	Granted Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=520176](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=520176)

**CONDITIONS**

- 1 Within 28 days from the date of this decision notice the 3m high acoustic fence shown on Plan Ref: 2024 01 A shall be erected, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the fence shall be retained and maintained in good order.
- 2 This variation of condition 7 'Delivery times' on EPF/1305/08 shall not take place until the erection of the acoustic fence, after which time, no deliveries shall be taken at or despatched from the site outside the hours of 07:00 to 21:00 on Monday to Saturday and 09:00 and 18:00 on Sundays and none at all on Public/Bank Holidays.
- 3 Delivery vehicle engines and refrigeration units/compressors shall be switched off whilst deliveries are taking place to or despatched from the site and shall only be switched on when entering or leaving the delivery area.

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