

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee West **Date:** 23 November 2011

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.50 pm

Members Present: J Wyatt (Chairman), R Bassett, J Collier, D C Johnson, Ms Y Knight, Mrs J Lea, A Mitchell MBE, Mrs M Sartin, Mrs P Smith and Ms S Stavrou

Other Councillors:

Apologies: Mrs E Webster, Mrs R Gadsby and A Watts

Officers Present: J Godden (Planning Officer), C Neilan (Landscape Officer & Arboriculturist), A Hendry (Democratic Services Officer) and R Perrin (Democratic Services Assistant)

25. 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.

26. 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.

27. ELECTION OF A VICE CHAIRMAN

In the absence of the Vice-Chairman, Councillor Mrs M Sartin was appointed Vice Chairman for the duration of the meeting.

28. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 31 August 2011 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, Councillors S Stavrou, J Lea and A Mitchell declared personal interest in agenda items 7 (1) (EPF/1578/11 - 8

Windsor Wood, Waltham Abbey); 7(2) (EPF/1886/11 – 9 Windsor Wood, Waltham Abbey); 7(3) (EPF/1778/11 – 35 Highland Road, Nazeing, Waltham Abbey); 7(4) (EPF/2106/11 – 10 Harrier Way, Waltham Abbey); and 7(6) (EPF/1668/11 – 78 Roundhills, Waltham Abbey) by virtue of being members of 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 and voting on the items.

(b) Pursuant to the Council's Code of Member Conduct, Councillor J Wyatt declared personal interest in agenda items 7 (1) (EPF/1578/11 - 8 Windsor Wood, Waltham Abbey); 7(2) (EPF/1886/11 – 9 Windsor Wood, Waltham Abbey); 7(4) (EPF/2106/11 – 10 Harrier Way, Waltham Abbey); and 7(6) (EPF/1668/11 – 78 Roundhills, Waltham Abbey) by virtue of being a member of Waltham Abbey Town Council. The Councillor declared that his interests were not prejudicial and indicated that he would remain in the meeting during the consideration and voting on the items.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Y Knight declared a personal interest in agenda items 7 (3) (EPF/1778/11 - 35 Highland Road, Nazeing, Waltham Abbey) by virtue of knowing the applicant. The Councillor declared that her interests was prejudicial and indicated that she would leave the meeting during the consideration and voting on the item.

(d) Pursuant to the Council's Code of Member Conduct, Councillor P Smith declared a personal interest in agenda items 7 (5) (EPF/1668/11 - The Old Granary, Copped hall, Epping) by virtue of being a member of the Parish Council. The Councillor declared that her interests were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item.

30. ANY OTHER BUSINESS

It was reported that there was no urgent business for consideration at the meeting.

31. DEVELOPMENT CONTROL

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

RESOLVED:

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

32. APPLICATION TO DISCHARGE A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990.

The Sub-committee noted that Planning Permission was granted in 2002 for the change of use of an outbuilding at Greenacres to a granny annexe. (EPF/1795/98) Permission for the use was granted subject to a condition restricting occupancy and also to a legal agreement under section 106 preventing the annexe being sold or otherwise separated from Greenacres. The Annexe was completed in accordance with the Planning Permission in 2002, but the annexe had not been occupied since completion.

The applicant applied last year for change of use of the annexe to a single dwelling house, and to discharge the legal agreement, but this application was refused at committee in accordance with Officer's recommendation, on the grounds that the

development was inappropriate in the Green Belt.

The applicant appealed this decision and the Inspector upheld the appeal and granted planning permission for use of the building as a separate dwelling subject to conditions. The Inspector was however unable to consider the removal of the legal agreement as he did not consider that a valid application for such removal had been made.

On the basis that Planning Permission had now been granted for the use of the building as a separate dwelling house, it would be perverse to try and enforce the associated legal agreement. The legal agreement therefore now served no useful purpose and on this basis in accordance with government advice, authorisation was sought for the agreement to be discharged.

RESOLVED:

That the Section 106 Agreement dated 4 April 2002, which prevents the building known as The Barn at Greenacres, Tatsfield Avenue being sold or let or otherwise separated from the adjacent house be discharged.

33. PROBITY IN PLANNING - APPEAL DECISIONS, APRIL 2011 TO SEPTEMBER 2011

The Sub-Committee received a report regarding Probity in Planning – Appeal Decisions, April 2011 to September 2011. In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful appeals, particularly those refused by committee contrary to officer recommendation.

The Council created a Local Performance Indicator (LPI 45) recording planning appeals only. In previous years, this target has been to not exceed 25% of allowed decisions. In recent years the Council performance has been 18% in 2003/04, 29% in 2004/05, 22% in 2005/06, 30% in 2006/07, 29% in 2007/08, 40.3% for 2008/09, 30.9% in 2009/10 and 36.6% in 2010/11.

For 2011/12, there are now two local indicators, one of which measures planning application appeals as a result of committee reversals of officer recommendations (KPI 55) and the other which measures the performance of officer recommendations and delegated decisions (KPI 54).

Over the six-month period between April 2011 and September 2011, the Council received 50 decisions on appeals (41 of which were planning related appeals – including 1 tree related appeal and 9 were enforcement related). Of these, 17 were allowed (34%).

For KPI 54 and KPI 55, which only considered appeals against the refusal of planning related permission (so does not include enforcement, tree-related appeals, nor appeals against conditions), the 6-month performance figure in total is 30% allowed (12 of 40 appeals).

However, Area Planning Sub-committee West only had one appeal allowed, making it one of the better sub-committees of the Council.

In conclusion it was noted that whilst performance in defending appeals had improved, particularly in respect of committee reversals, Members were reminded

that in refusing planning permission there needed to be justified reasons that in each case, must not only be relevant and necessary, but also sound and defensible.

RESOLVED:

That the Planning Appeal Decisions for April to September 2011 be noted.

34. 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.

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/1578/11
SITE ADDRESS:	8 Windsor Wood Waltham Abbey Essex EN9 1LY
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
DESCRIPTION OF PROPOSAL:	TPO/EPF/10/90 T2 - Silver Birch - Fell
DECISION:	Refuse Permission

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=530189

REASON FOR REFUSAL

- 1 The birch is a mature, healthy tree of importance in the local street scene. While retention of the tree causes difficulties in making full use of the parking space to the front of the property alternative parking is locally available, so felling is not justified. None of the other issues specified are sufficient to change that judgement. Replacement planting elsewhere would not adequately compensate within a reasonable timescale for the tree's loss. The proposed felling would therefore be contrary to policy LL9 of the Epping Forest District Local Plan and Alterations, 2008.

Report Item No: 2

APPLICATION No:	EPF/1886/11
SITE ADDRESS:	9 Windsor Wood Waltham Abbey Essex EN9 1LY
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
DESCRIPTION OF PROPOSAL:	TPO/EPF/10/90 T1 - Sycamore - Fell
DECISION:	Refuse Permission

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=531249

REASON FOR REFUSAL

- 1 Loss of this tree would be detrimental to public amenity, in its own right, and as part of the wider landscape feature. It is recognised that the tree is associated with problems related to its size and species. However it is considered that these may be minimised by adopting a different surface within the garden and pruning to control the tree's size and spread. While this would not be a complete solution it is considered that the amenity value of the tree is such that its retention is in the public interest.

Report Item No: 3

APPLICATION No:	EPF/1778/11
SITE ADDRESS:	35 Highland Road Nazeing Waltham Abbey Essex EN9 2PT
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	TPO/EPF/22/83 T1 (T5 on TPO) - Lime - Fell
DECISION:	Grant 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=530806

CONDITIONS

- 1 A replacement native Lime tree of a 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.
- 2 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.

Report Item No: 4

APPLICATION No:	EPF/2106/11
SITE ADDRESS:	10 Harrier Way Waltham Abbey Essex EN9 3JQ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
DESCRIPTION OF PROPOSAL:	TPO/EPF/05/92 T1 - Willow - Fell
DECISION:	Grant 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=532022

CONDITIONS

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.

Report Item No: 5

APPLICATION No:	EPF/1668/11
SITE ADDRESS:	The Old Granary Copped Hall High Road Epping Essex CM16 5HS
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Proposed single storey extension.
DECISION:	Grant 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=530397

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 No development shall have taken place until samples of the types and colours of the external finishes of both parts of the building have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The tiles used must be the same for both the main building and the proposed extension. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 3 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 - E shall be undertaken without the prior written permission of the Local Planning Authority.

Report Item No: 6

APPLICATION No:	EPF/2046/11
SITE ADDRESS:	78 Roundhills Waltham Abbey Essex EN9 1UU
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
DESCRIPTION OF PROPOSAL:	Change of use from A2 (betting shop) to A5 (Takeaway) and flue to rear elevation. (Revised application)
DECISION:	Refuse Permission

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=531805

REASONS FOR REFUSAL

- 1 The proposed A5 use would result in additional visitors to the parade in the evening and the resulting noise and disturbance from this use outside normal working hours would cause unacceptable disturbance to local residents, particularly those living in the flats above the shop units, contrary to policies RP5A and DBE9 of the adopted Local Plan and Alterations.
- 2 The proposed use of the unit would result in a disproportionate amount of non retail uses within the parade which would be contrary to policy TC6 of the adopted Local Plan and Alterations.
- 3 The proposed use would result in unacceptable disturbance to the residents living above the unit in the parade by reason of noise and odours from the unit, notwithstanding the installation and maintenance of an extraction unit, as no unit is 100% effective and will degrade over time, and the flue is directly below the residential units and a walkway where washing is put out to dry. This is contrary to policies DBE9 and RP5A of the adopted Local Plan and Alterations.