

## **EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Area Planning Sub-Committee **Date:** 20 August 2014  
East

**Place:** Council Chamber, Civic Offices, **Time:** 7.30 - 10.12 pm  
High Street, Epping

**Members Present:** Mrs S Jones (Chairman), P Keska (Vice-Chairman), A Boyce, Mrs H Brady, W Breare-Hall, T Church, Mrs A Grigg, Mrs M McEwen, R Morgan, B Rolfe, D Stallan, B Surtees, G Waller, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

**Other Councillors:**

**Apologies:** P Gode and J Philip

**Officers Present:** J Shingler (Principal Planning Officer), R Rose (Senior Lawyer), J Cordell (Senior Planning Officer), A Hendry (Democratic Services Officer) and J Leither (Democratic Services Assistant)

### **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. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

### **17. 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.

### **18. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 23 July 2014 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, Councillor C Whitbread declared a personal non pecuniary interest in the following items of the agenda. The Councillor had determined that his interest was prejudicial and that he would leave the meeting for the consideration of the applications:

- EPF/1093/14 – 134-136 High Street, Epping, Essex;
- EPF/1141/14 – 134 High Street, Ongar, Essex.

(b) Pursuant to the Council's Code of Member Conduct, Councillor B Surtees declared a personal non pecuniary interest in the following items of the agenda by virtue of being a Town Councillor. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the application:

- EPF/1141/14 – 134 High Street, Ongar, Essex;
- EPF/1379/14 – Harlow Garden Centre, Canes Lane, Hastingwood, Harlow.

(c) Pursuant to the Council's Code of Member Conduct, Councillor J H Whitehouse declared a personal non pecuniary interest in the following item of the agenda by virtue of being a supporter of "The Box". The Councillor had determined that her interest was not prejudicial and that she would remain in the meeting for the consideration of the application:

- EPF/1093/14 – 134-136 High Street, Epping, Essex.

**20. ANY OTHER BUSINESS**

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

**21. DEVELOPMENT CONTROL**

**RESOLVED:**

That the planning applications numbered 1 – 8 be determined as set out in the schedule attached to these minutes.

**22. DELEGATED DECISIONS**

The Sub-Committee noted that schedules of planning applications determined by the Director of Governance under delegated authority since the last meeting had been circulated and could be inspected at the Civic Offices.

**CHAIRMAN**

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0300/14
<b>SITE ADDRESS:</b>	Great Downs Farm London Road Abridge Romford Essex RM4 1XU
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr/Miss S S B K P S And SK Gill
<b>DESCRIPTION OF PROPOSAL:</b>	Revised Description: Retrospective application for replacement dwelling incorporating further revisions to roof and dormers and provision of landscaping. (Amended from EPF/2414/09 and EPF/1737/11)
<b>DECISION:</b>	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=559911](http://planpub.eppingforestdc.gov.uk/Anitelm.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=559911)

**REASON FOR REFUSAL**

- 1 The proposed dwelling due to its scale, and in particular height, will be excessively visually dominant and have significantly greater impact on the openness and rural character of the Green Belt than the original dwelling. The proposal is therefore contrary to policies GB2A, GB7A and GB15A of the adopted Local Plan and Alterations.

**WAY FORWARD**

Members discussed whether there was a way forward and considered that the dwelling which has been constructed without consent is also unacceptable but for design reasons rather than simply height.

They therefore considered that the dwelling should be altered to match as close as possible the planning approval, EPF/1337/11, with particular reference to changes to the roof slope and eaves height.

Members requested that enforcement action be taken to secure the alterations to the building necessary to improve the setting of the adjacent listed barns.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0760/14
<b>SITE ADDRESS:</b>	1 Lambourne Square Manor Road Lambourne Romford Essex RM4 1NJ
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr Eddie Aldorino
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed two storey side and rear extensions.
<b>DECISION:</b>	Refuse Permission (Householder)

**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=561950](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=561950)

**REASONS FOR REFUSAL**

- 1 By reason of its size and bulk the proposed extension would amount to a disproportionate enlargement of the original house and would be excessively harmful to the openness of the Green Belt. The proposal is therefore inappropriate development in the Green Belt. No material considerations that outweigh the harm the proposal would cause exist therefore no very special circumstances in favour of it can be demonstrated. Accordingly, the proposal is contrary to Local Plan and Alterations policies GB2A and GB7A, which are consistent with the policies of the National Planning Policy Framework.
- 2 By reason of its disproportionately large scale and bulk the proposal would significantly detract from the appearance of the house, the terrace it is part of and, as a consequence, would cause excessive harm to the character and appearance of the locality. The proposal is therefore contrary to Local Plan and Alteration policy DBE10, which is consistent with the policies of the National Planning Policy Framework.
- 3 Since no tree survey, implications statement or tree impact assessment has been provided with the application insufficient information has been submitted to allow a proper assessment of the likely impact of the proposed extension on trees / hedges on the boundary of the site that contribute to the visual amenities and rural character of the locality. Accordingly the proposed extension is contrary to Local Plan and Alterations policies LL2 and LL10, which are consistent with the National Planning Policy Framework.
- 4 By reason of its disproportionately large scale and bulk and since, due to its siting, the proposal is likely to result in a loss of trees at the site boundary with Harmes farmhouse, a Grade II listed building, the proposal would adversely affect the setting of that listed building. The proposal is therefore contrary to Local Plan and

Alterations policy HC12, which is consistent with the policies of the National Planning Policy Framework.

- 5 By reason of its depth on the site boundary with the attached neighbour, no 2 Lambourne Square, and its two-storey height, the proposal would appear highly overbearing from both within the house and the rear garden, causing significant harm to outlook. It would also cause significant harm to the outlook from the gardens of 3 and 4 Lambourne Square, which have been merged and enlarged to the rear wrapping around the rear garden boundary of no. 2. Notwithstanding the distance separating the rear gardens of 5 and 6 Lambourne Square from the site, the proposed rear extension would appear prominent and visually intrusive when seen from them. The degree of harm likely to be caused would be excessive and amount to excessive harm to the living conditions of neighbouring dwellinghouses, particularly those of 2 Lambourne Square. Accordingly, the proposal is contrary to Local Plan and Alterations policy DBE9, which is consistent with the policies of the National Planning Policy Framework.
  
- 6 As a consequence of the extent of garden area that would be covered by the proposed extension the enlarged house would be left with an inappropriately small area of private amenity space with an unfavourable aspect resulting in limited usability. The proposal would therefore result in excessively poor living conditions for the application site, 1 Lambourne Square. Accordingly, the proposal is contrary to Local Plan and Alterations policies DBE8 and DBE9, which are consistent with the policies of the National Planning Policy Framework.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1089/14
<b>SITE ADDRESS:</b>	9 The Orchards Epping Essex CM16 7BB
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr David Copp
<b>DESCRIPTION OF PROPOSAL:</b>	Dormer windows to front elevation.
<b>DECISION:</b>	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=563176](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=563176)

Members requested that any proposals to amend the size or design of the dormers should be referred back to Committee.

**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 Notwithstanding the details set out within the application, details of the materials to be used for the external finishes of the dormer cheeks shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development and the development shall be completed in accordance with the approved details.

Members wished it noted that any proposals to alter the scale of the proposed dormers should come to committee for consideration and not be delegated to officers.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1093/14
<b>SITE ADDRESS:</b>	134 - 136 High Street Epping Essex CM16 4AG
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Alan Poulton
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of existing unit to A2.
<b>DECISION:</b>	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=563193](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=563193)

**REASON FOR REFUSAL**

- 1 The proposed change of use results in the loss of an important community facility which is not provided elsewhere. It has not been proven that the use is no longer viable or needed in its current location. As such the proposal is contrary to policy CF12 of the adopted Local Plan. In addition, change of use to A2 is inappropriate within the key retail frontage where, should the community use cease, A1 retail use should be reinstated to maintain 70% retail use and the vitality and viability of the Town Centre, in accordance with policy TC4 of the adopted Local Plan and Alterations.

**WAY FORWARD**

Members considered that should the community use move to other premises within the town then the use should revert to A1 retail use as required by condition. Members did not consider that change of use to A2 was appropriate and could not therefore identify a way forward.

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1141/14
<b>SITE ADDRESS:</b>	134 High Street Ongar Essex CM5 9JH
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	P Hayes
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from retail (Use Class A1) to estate agency (Use Class A2)
<b>DECISION:</b>	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=563470](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=563470)

**REASON FOR REFUSAL**

- 1 The proposed change of use results in the loss of a retail unit within the key retail frontage where the percentage of non retail use is already in excess of 30%. The proposal is therefore harmful to the vitality and viability of the town centre, contrary to policies TC3 and TC4 of the Adopted Local Plan and Alterations.

**WAY FORWARD**

Members considered whether there was a way forward and suggested that the property should be actively marketed for A1 retail use at an appropriate rent price for a period sufficient to demonstrate that there is no demand for the unit. Full records of the marketing process should be kept and submitted with any future planning applications.



**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1297/14
<b>SITE ADDRESS:</b>	44 Hoe Lane Abridge Romford Essex RM4 1AU
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr Matthew Phillips
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed demolition of existing dwelling and erection of replacement dwelling (Revision to EPF/2322/13)
<b>DECISION:</b>	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=564091](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=564091)

**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 development hereby permitted will be completed strictly in accordance with the approved drawings nos: 14-001/01, 14-001/02 Rev A, 14-001/03 Rev A, 14-001/04 Rev A, 14-001/05 Rev A. The details shown in drawing 14-001/06 'Landscaping Plan' shall not be implemented.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development, including works of demolition or site clearance, shall take place until tree protection for the oak tree in the rear garden is in place. The protection shall consist of 'heras' style fencing situated 15m from the rear boundary of the property, and shall be across the entire width of the garden. This shall remain in place throughout development activities on site.  
Photographic evidence of the fencing installed shall be submitted to the Local Planning Authority within 14 days of the commencement of any works on site.
- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor

artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant 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.

- 6 Prior to first occupation of the development hereby approved, the proposed window opening(s) in the flank elevation(s) shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 7 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting that Order) no enclosure or balcony shall be formed at any time on the roof of that part of the ground floor which projects beyond the first floor rear and side elevations. That roof shall not be used for sitting out and no tables, chairs or other furniture shall be placed on that roof.
- 8 The railings and balustrades of the Juliette balconies indicated on drawing no. 14-001/03 rev A shall be fitted to the window openings they are shown to enclose within 6 months of the substantial completion of the development. Thereafter those window openings shall be permanently enclosed by the railings and balustrade hereby approved or alternative railings and balustrade of identical overall size in an identical position.
- 9 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 side extensions, rear extensions with a depth of more than 4 metres or any enlargement of the roof generally permitted by virtue of Classes A and B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 10 All construction/demolition works and ancillary operations, including vehicle movement on 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.

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/1379/14
<b>SITE ADDRESS:</b>	Harlow Garden Centre Canes Lane Hastingwood Harlow Essex CM17 9LD
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Mr Terrence Albone
<b>DESCRIPTION OF PROPOSAL:</b>	Application for a Lawful Development Certificate for use of the property as a single dwellinghouse in breach of condition 7 of EPF/0726/85 (agricultural tie)
<b>DECISION:</b>	Lawful

**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=564454](http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=564454)

Members as well as agreeing the Lawful Development Certificate, also agreed formally to the lifting of the related Section 52 agreement to enable the dwelling to be occupied by persons not employed in agriculture and to allow the dwelling to be sold away from the original application site.

**INFORMATION**

- 1 The applicant has proven on the balance of probability that the dwelling has been occupied in breach of the condition in excess of 10 years. As such the occupation of the dwelling by persons not employed in agriculture is deemed to be lawful.

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/1392/14
<b>SITE ADDRESS:</b>	The Yard 16 Sheering Lower Road Sawbridgeworth Hertfordshire CM21 9LF
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Lower Sheering
<b>APPLICANT:</b>	Mr T Jones
<b>DESCRIPTION OF PROPOSAL:</b>	Use of land for domestic horsekeeping, erection of stables building for 3 ponies and laying of associated access track. (Revised application to EPF/0622/14)
<b>DECISION:</b>	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=564511](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=564511)

**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 construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes, including the access track, have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 3 The building hereby approved shall be used solely in connection with the stabling of no more than 3 horses or ponies for private recreational use by the occupants of The Yard, 16 Sheering Lower Road, as identified on the submitted site plan and there shall be no commercial use of the site, including livery, at any time.
- 4 Details of the means of storing and disposing of manure shall be submitted to and approved by the Local Planning Authority and the development shall be completed in accordance with these details prior to first occupation of the stables.
- 5 No external lighting shall be installed without the prior written approval of the Local Planning Authority.
- 6 The stable building hereby approved shall only be used in connection with equine recreational activities at the site and for no other purpose.
- 7 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 8 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.

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