

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Plans Subcommittee D **Date:** 1 November 2006

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.03 pm
High Street, Epping

Members Present: P McMillan (Chairman), Councillor Mrs D Borton (Vice-Chairman),
Mrs P Brooks, Mrs A Cooper, R D'Souza, Mrs R Gadsby, Mrs J Lea,
Mrs M Sartin, Mrs P Smith, D Spinks, Ms S Stavrou and J Wyatt

Other Councillors: J Knapman

Apologies: J Demetriou

Officers Present: S Solon (Principal Planning Officer) and A Hendry (Democratic Services Officer)

36. 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. He also informed those present, that this meeting was to be webcast live and would be capable of repeat viewing.

37. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 4 October 2006 be taken as read and signed by the Chairman as a correct record subject to application EPF/1608/06 including the erection of a detached garage in the front of the house.

38. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs P Brooks declared a personal interests in agenda items 8 (Variation of Terms of Section 106 agreement in respect of the Cobbins Brook Flood Alleviation Scheme) and 9 (1) (EPF/1720/06 Field North of Cobbins Brook, between Brookmeadow Wood and Fernhall Wood, Upshire, Waltham Abbey). She declared that her interests were prejudicial and indicated that she would leave the meeting during the consideration and voting on the items.

(b) Pursuant to the Council's Code of Member Conduct, Councillor J Wyatt declared a personal interest in agenda item 9 (2) (EPF/1639/06 Former Garage Block, Homefield, Waltham Abbey) by virtue of being the local ward councillor. 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 item.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Ms S Stavrou declared a personal interest in agenda item 9 (4) (EPF/1350/06 Land Adj. To 21 Albion Terrace, Sewardstone Road, Waltham Abbey) by virtue of being the local ward councillor. 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.

(d) Pursuant to the Council's Code of Member Conduct, Councillor D Spinks declared a personal interest in agenda item 9 (1) (EPF/1720/06 Field North of Cobbins Brook, between Brookmeadows Wood and Fernhall Wood, Upshire) by virtue of this application backing on to his property. 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 item.

39. ANY OTHER BUSINESS

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

40. CONFIRMATION OF TREE PRESERVATION ORDER EPF/02/06 - BARN COTTAGE, EPPING ROAD, BROADLEY COMMON, NAZEING

An order was served to protect a Monterey Cypress at the above named premises.

RESOLVED:

That the Tree Preservation Order EPF/02/06 be confirmed.

41. VARIATION TO THE HEAD OF TERMS OF THE SECTION 106 AGREEMENT IN RESPECT OF THE COBINS BROOK FLOOD ALLEVIATION SCHEME

On 14th September 2005 the Sub-Committee (Area Plans D) agreed to grant planning permission for the construction of flood alleviation scheme (FAS) for Waltham Abbey comprising a new earth flood embankment and creation of flood storage area at Land between Brookmeadow Wood and Fernhall Road, Upshire, subject to the completion of a Section 106 Agreement.

The applicant had proposed that the Section 106 Agreement does not require the implementation of an approved landscape management plan. The justification put forward by the applicant was as follows:

- a) The requirement to implement the landscape management plan in the section 106 Agreement would duplicate a condition that would be imposed on the grant of planning permission in any event. Such a condition is capable of being enforced therefore it is not necessary to repeat its requirements in the Agreement.
- b) Since all landowners affected by it must sign the Section 106 Agreement, this would require landowners who have formally objected to the FAS to be a party to the agreement. Should they refuse, the scheme could be considerably delayed and this could threaten its implementation. Protracted negotiations regarding the scheme have taken place with the landowners but progress is very slow.
- c) The amount of land affected by the landscaping scheme that is owned by landowners who object to the FAS is a small proportion of the total land

covered by the landscaping scheme, i.e. 1.3 hectares of a total area of 8.7 hectares. The applicant and the Corporation of London own the remaining land and both have the resources to manage the landscaping.

- d) The landscaping scheme for the development has been designed to minimise maintenance requirements.

The applicant had also requested that the Sub-Committee agree to a minor variation of the overall proposal that involves the erection of a replacement footbridge over the Cobbins Brook that would be situated in the same place as the existing footbridge. The revised proposal would still include some softening of the adjacent banks of the watercourse.

RESOLVED:

1. That the Section 106 Agreement not require the implementation of an approved landscape management plan; and
2. That, details of a revised location of a replacement footbridge over the Cobbins Brook south of the proposed Flood Alleviation Scheme be agreed as a minor amendment to the overall scheme.

42. DEVELOPMENT CONTROL

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

RESOLVED:

That, Planning applications numbered 1 – 4 be determined as set out in the annex to these minutes.

43. 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

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Report Item No: 1

APPLICATION No:	EPF/1720/06
SITE ADDRESS:	Field North of Cobbins Brook between Brookmeadow Wood and Fernhall Wood Upshire Waltham Abbey
PARISH:	Waltham Abbey
DESCRIPTION OF PROPOSAL:	Temporary storage of soil in relation to the construction of the Cobbins Brook Flood Alleviation Scheme (EPF/0120/05).
DECISION:	GRANT

It was requested that details of the Section 106 agreement completed for application EPF/120/05 be reported to the sub-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 but not before the commencement of the development the subject of planning application EPF/120/05.
- 2 This consent shall inure for a limited period expiring on the first of the following two dates: 5 years from the date of this Notice or 2 years from the commencement of the development the subject of planning application EPF/120/05, at which time the development permitted by this Notice shall be discontinued and the land restored to its former condition in accordance with the method statement submitted under cover of the Halcrow Group Limited letter dated 6 September 2006.
- 3 The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site.

The Arboricultural Method Statement shall indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS.3998: 1989).

The Arboricultural Method Statement shall include a scheme for the inspection and supervision of the tree protection measures. The scheme shall be appropriate to the scale and duration of the works and may include details of personnel induction and awareness of arboricultural matters; identification of individual responsibilities and key personnel; a statement of delegated powers; frequency, dates and times of inspections and reporting, and procedures for dealing with variations and incidents. The scheme of inspection and supervision shall be administered by a suitable person, approved by the local planning authority but instructed by the applicant.

- 4 Notwithstanding the details submitted with the planning application, the development hereby approved shall not be commenced until there has been submitted to and approved by the Local Planning Authority the results of a survey of badgers, great crested newts, reptiles and breeding birds on the application site together with details of measures to mitigate the impact of the development on them. The development shall be carried out in accordance with the approved mitigation measures.

Report Item No: 2

APPLICATION No:	EPF/1639/06
SITE ADDRESS:	Former Garage Block Homefield Waltham Abbey Essex EN9 3LS
PARISH:	Waltham Abbey
DESCRIPTION OF PROPOSAL:	Erection of 3 no. four bedroom residential houses with parking. (Revised application)
DECISION:	REFUSED

REASONS FOR REFUSAL

- 1 By reason of its height, proximity to the northeast site boundary and distance behind the rear wall of 61 Homefield, House 3 as indicated on drawing no. 0549 (PL) 01 Rev. A would appear overbearing when seen from 61 Homefield and would cause unacceptable overshadowing of the rear elevation and adjacent garden area of 61 Homefield. This impact would be exacerbated by the difference in levels between the two houses. Accordingly, the development would cause excessive harm to the amenities enjoyed by the occupants of 61 Homefield, contrary to policies DBE2 and DBE9 of the Epping Forest District Local Plan.

- 2 The layout of the proposed development is unsatisfactory and, in particular, would result in an unacceptable under provision of private amenity space for Houses 1 and 2 as indicated on drawing no. 0549 (PL) 01 Rev A. Accordingly, the development fails to meet the requirements of policies DBE3 and DBE8 of the Epping Forest District Local Plan and the Essex Design Guide.

Report Item No: 3

APPLICATION No:	EPF/1418/06
SITE ADDRESS:	Land adj, 40 Orchard Gardens Waltham Abbey Essex EN9 1RS
PARISH:	Waltham Abbey
DESCRIPTION OF PROPOSAL:	Outline application for a new attached dwelling.
DECISION:	GRANT

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 Application for the approval of details reserved by this permission must be made not later than the expiration of three years from the date of this notice. The development hereby permitted must be begun not later than the expiration of two years from the date of the final approval of the details reserved by this permission or, in the case of approval on different dates, the final approval of the last matter approved.
- 3 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

Report Item No: 4

APPLICATION No:	EPF/1350/06
SITE ADDRESS:	Land adj. to 21 Albion Terrace Sewardstone Road Waltham Abbey Essex
PARISH:	Waltham Abbey
DESCRIPTION OF PROPOSAL:	Redevelopment of site to provide 13 x 2 bedroom flats and 5 x 1 bedroom flats with parking at rear.
DECISION:	REFUSE

REASONS FOR REFUSAL

- 1 The site is within the Metropolitan Green Belt. The proposal represents inappropriate development and is therefore at odds with Government advice, Policy GB2a of the adopted Local Plan Alterations and Policy C2 of the adopted replacement structure plan for Essex and Southend on Sea. The policies 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. This application for dwelling houses fails to comply with Policies GB2A and C2, resulting in a considerable harm to the Green Belt. No very special circumstances have been put forward to outweigh the harm to the Green Belt.
- 2 The site is within the Lee Valley Regional Park. The proposed development is at odds with Policy GB10 of the adopted Local Plan Alterations and Policy RST24 of the adopted Local Plan, in that the use of the site for residential would have an adverse affect on the character and appearance of the Regional Park.
- 3 The site is adjacent to the A112, a classified highway. The proposal will intensify vehicular traffic using the highway, which would cause deterioration in the efficiency of the through road and also cause a danger to highway safety. In addition the vision splays would be inadequate causing a highway hazard. Both are contrary to policy ST4 of the adopted Local Plan Alterations, and policies T7 and T8 of the replacement Structure Plan.
- 4 Due to the differences in design of the northern flank of the building as shown on drawing numbers WSEF/06/26/B and WSEF/06/20, the Council is not convinced that the relationship with No. 21 Albion Terrace would not adversely impact on the amenities of that adjacent dwelling. This therefore would be contrary to Policies DBE2 and DBE9 of the adopted Local Plan.
- 5 The site lies within Flood Zone 3, which is a high risk flood zone. A proper assessment of flood risk to the proposed property has not been undertaken as required by PPG25. Furthermore, the proposed development could potentially harm

the great crested newt, which is a protected species as no survey has been carried out to show that the site is not frequented by these species. This would be contrary to policies U2A, U2B and NC4 of the adopted Local Plan and Local Plan Alterations.

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