

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee West **Date:** 4 July 2007

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.20 pm
High Street, Epping

Members Present: P McMillan (Chairman), R Bassett, Mrs P Brooks, Mrs A Cooper, R D'Souza, Mrs R Gadsby, Mrs J Lea and Councillor Mrs P Smith

Other Councillors:

Apologies: J Wyatt, Mrs M Sartin, Ms S Stavrou, A Watts and Mrs E Webster

Officers Present: S Solon (Principal Planning Officer), A Hendry (Democratic Services Officer) and G J Woodhall (Democratic Services Officer)

8. 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.

9. 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.

10. APPOINTMENT OF VICE CHAIRMAN FOR THE MEETING

In view of the unavailability of the Vice-Chairman Councillor J Wyatt, the Chairman asked that a Vice-Chairman be appointed from the Sub-Committee for the duration of the meeting.

RESOLVED:

That Councillor Mrs P Smith be appointed Vice-Chairman for the meeting.

11. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 6 June 2007 be taken as read and signed by the Chairman as a correct record.

12. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs P Brooks declared personal interest in agenda items 7 (2) (EPF/0456/07 11 Hillhouse, Waltham Abbey), 7(3) (EPF/0488/07 – Beechview Nurseries, Avery Lane, Waltham Abbey) and 7 (4) (EPF/0941/07 – 12 Highbridge Street, Waltham Abbey) by virtue of being on the Waltham Abbey Town Council Planning Committee. 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 items.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs R Gadsby declared a personal interest in agenda items 7 (2) (EPF/0456/07 11 Hillhouse, Waltham Abbey), 7(3) (EPF/0488/07 – Beechview Nurseries, Avery Lane, Waltham Abbey) and 7 (4) (EPF/0941/07 – 12 Highbridge Street, Waltham Abbey) by virtue of being on the Waltham Abbey Town Council Planning Committee. 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 items.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Mrs A Cooper declared a personal interest in agenda items 7 (1) (EPF/0711/07 – Paslea House, Nursery Road, Nazeing) 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.

(d) Pursuant to the Council's Code of Member Conduct, Councillor P McMillan declared a personal interest in agenda items 7 (4) (EPF/0941/07 - 12 Highbridge Street, Waltham Abbey) by virtue of the applicant being his business landlord. The Councillor declared that his interests were prejudicial and indicated that he would leave the meeting during the consideration and voting on the item.

13. ANY OTHER BUSINESS

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

14. 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.

15. 42/43 ROYDON CHALET ESTATE, ROYDON

The Sub-Committee considered the options for dealing with the unlawful stationing of a mobile home in the Roydon Chalet Estate that is the subject of an extant enforcement notice.

Despite repeated requests, the requirements of the enforcement notice were not complied with. In August 2006 the Council attempted to prosecute the owner for failing to comply with the requirements of the notice, but it was not possible to serve

a summons on him. It appears he has moved to Spain but it has not been possible to find a contact address for him.

In October 2006 a Notice was pinned on 42/43 Roydon Chalet Estate asking anyone with an interest in the land to contact Enforcement Officer by 1st November 2006. No one had made contact with the Council to discuss the matter and the Council.

Since it was not possible to find a person responsible for complying with the enforcement notice that the Council can prosecute, officers had taken steps to explore the option of taking direct action to secure compliance with the notice.

It has been established that the mobile home and hardstanding is not acceptable in planning terms. Since the Council had not been successful in prosecuting the owner of the land for failing to comply with the requirements of the enforcement notice, if the Council does not uphold it by taking direct action to secure compliance this would result in the harm to flood risk, the Green Belt and visual amenities of the locality continuing to be harmed. Moreover, if the Council did not take direct action to uphold the enforcement notice it could lead to the owners of other plots on the Estate placing similar mobile homes on them, which would exacerbate the harm already caused. However, it remained an option to take no further action and close the planning enforcement investigation. Options for action were:

- a) To give further consideration to taking direct action under Section 178 of the Town & Country Planning Act 1990 to secure full compliance with the requirements of the enforcement notice issued 5th May 2004.
- b) To take no further action to secure either full or partial compliance with the requirements of the enforcement notice issued 5th May 2004 and close the planning enforcement investigation.

RESOLVED:

- 1) That direct action under Section 178 of the Town & Country Planning Act 1990 be taken, to secure full compliance with the requirements of the enforcement notice issued 5th May 2004; and
- 2) That this matter be referred to the District Development Control Committee with the above recommendation to give authority to the Head of Planning Services and the Head of Legal, Administration and Estates Services to take direct action.

16. EXCLUSION OF PUBLIC AND PRESS

That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
10	Land on the West Side of Hamlet Hill	1 and 3

17. LAND ON THE WEST SIDE OF HAMLET HILL, ROYDON

The Sub Committee considered options for action in respect of a planning enforcement investigation including taking direct action under Section 178 of the Town and Country Planning Act 1990 to secure compliance or partial compliance with an Enforcement Notice.

The former occupants of land known as 'Neverest', Hamlet Hill, removed part of the hedgerow on the boundary of the site with the highway and formed a hard standing on the land with the intention of creating an access road to Neverest. The Council was granted an injunction by the High Court, which prevented the completion of the access road.

In order to secure the removal of the works carried out, an Enforcement Notice was issued on 1st September 2004 requiring the owner to 'remove the hardstanding from the land and restore the Land to its condition prior to the hardstanding having been laid and also close the access and reinstate the hedgerow'. No further action was taken at the time.

Following an interviewed it became clear that the landowner was not responsible for laying the hard standing and the persons who carried out the operation have no interest in the land and therefore are not under any obligation to comply with the enforcement notice. The landowner had made attempts to clear the hard standing but had not fully pursued the matter.

Since the unauthorised works on the land were not carried out with the landowner's consent, and having regard to her health, age and limited means, officers decided it was not in the public interest to prosecute her for failing to comply with the requirements of the enforcement notice.

Members consider the various options open to them. They noted that the hedge is not protected and therefore the gap created was irrelevant, and that the hardstanding, because it was not very deep, was already being eroded by the forces of nature.

RESOLVED:

That the option to take no further action in relation to this matter and close the planning enforcement investigation be agreed.

18. 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/0711/07
SITE ADDRESS:	Paslea House Nursery Road Nazeing Essex EN9 2JF
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Variation of condition 2 of planning permission EPF/1268/89 for continued use of dwelling without compliance of agricultural occupancy condition. (Revised application)
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Report Item No: 2

APPLICATION No:	EPF/0456/07
SITE ADDRESS:	11 Hillhouse Waltham Abbey Essex EN9 3EL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Paternoster
DESCRIPTION OF PROPOSAL:	Change of use from A1 (retail) to A5 (takeaway) including change to shopfront. (Resubmitted application)
DECISION:	Grant Permission (With Conditions)

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 use of the premises for purposes within Use Class A5 hereby permitted shall not be open to customers outside the hours of 10.00 to 22.00 Monday to Saturday and not at all on Sundays.
- 3 Prior to the first use of the premises for purposes within Use Class A5 the extract system as set out in the application shall be installed. The extract system shall thereafter be used whenever cooking is taking place on the premises and shall be maintained in accordance with the submitted schedule.
- 4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 as amended (or any other Statutory Instrument revoking, further amending or re-enacting that Order) the premises shall not be used for any other purpose within Class A2 (Financial & Professional Services) or Class A3 (Restaurants & Cafes) of the Schedule to the Town & Country Planning (Use Classes) Order 1897, as amended, or in any provision equivalent to those Classes in any Statutory Instrument revoking or re-enacting that Order.

Report Item No: 3

APPLICATION No:	EPF/0488/07
SITE ADDRESS:	Beechview Nurseries Avey Lane Waltham Abbey Essex EN9 3QH
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
DESCRIPTION OF PROPOSAL:	Change of use of building to B8 use (storage and distribution).
DECISION:	Grant Permission (With Conditions)

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 items shall be delivered to or dispatched from the site outside of the following hours 08:00 to 19:00 Monday to Friday, 08:00 to 16:00 Saturdays and at no time on Sundays or Bank Holidays.
- 3 There shall be no open storage in connection with the approved use of this building.

Report Item No: 4

APPLICATION No:	EPF/0941/07
SITE ADDRESS:	12 Highbridge Street Waltham Abbey Essex EN9 1DG
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
DESCRIPTION OF PROPOSAL:	Alterations to front elevation, erection of ground and first floor extensions and enlargement of roof to provide one second floor flat.
DECISION:	Grant Permission (With Conditions)

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 materials detailed on the plans, the roof shall be finished in natural slate (not plain clay tiles).
- 3 The windows shall be timber double hung vertical sliding sashes and details of all new windows and doors shall be submitted for approval. The development shall be completed in accordance with those approved materials.
- 4 The dormers in the mansard roof shall be clad in lead.
- 5 The external render shall have a smooth finish and details shall be submitted for approval to the Local Planning Authority. The development shall be carried out in accordance with those approved details.