

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

**Committee:** Area Planning Sub-Committee **Date:** 5 December 2018  
East

**Place:** Council Chamber, Civic Offices, **Time:** 7.30 - 9.15 pm  
High Street, Epping

**Members Present:** P Keska (Chairman), B Rolfe (Vice-Chairman), N Avey, P Bolton, H Brady, L Burrows, I Hadley, S Jones, M McEwen, R Morgan, J Philip, P Stalker, B Vaz, H Whitbread, J H Whitehouse and J M Whitehouse

**Other Councillors:**

**Apologies:** N Bedford, A Grigg and C Whitbread

**Officers Present:** J Shingler (Principal Planning Officer), R Perrin (Senior Democratic Services Officer) and G Woodhall (Senior Project Manager)

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### **37. 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.

### **38. 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.

### **39. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 7 November 2018 be taken as read and signed by the Chairman as a correct record.

### **40. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor L Burrows declared a non-pecuniary interest in the following item of the agenda. The Councillor had determined that his interests were non-prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2120/18 – Lindsey House, Lindsey Street, Epping.

(b) Pursuant to the Council's Code of Member Conduct, Councillor N Avey declared a non-pecuniary interest in the following item of the agenda by virtue of being Mayor of Epping Town Council and the Chairman of Epping Town Council's Planning Committee. The Councillor had determined that his interest was non-prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2120/18 – Lindsey House, Lindsey Street, Epping.

**41. ANY OTHER BUSINESS**

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

**42. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE**

It was noted that the Epping Forest District Local Plan Submission Version Planning Policy Briefing note was available at:

[http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note\\_Mar-2018.pdf](http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf)

**43. DEVELOPMENT CONTROL**

**RESOLVED:**

That the planning applications numbered 1 – 5 be determined as set out in the schedule attached to these minutes.

**44. PROBITY IN PLANNING - APPEAL DECISIONS, 1ST APRIL TO 30TH SEPTEMBER 2018**

The Sub-Committee received a report regarding Probity in Planning – Appeal Decisions from 1 April 2018 to 30 September 2018.

In compliance with the recommendation of the District Auditor, the report notified the decision-making committees of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation). The purpose was to inform the Committee of the consequences of its decisions in this respect and, in cases where the refusal was found to be unsupportable on planning grounds, an award of costs might have been made against the Council.

Since 2011/12, there were two local indicators, one of which measured all planning application type appeals as a result of committee reversals of officer recommendations (GOV008), and the other which measured the performance of officer recommendations and delegated decisions (GOV007).

Over the six-month period between 1 April 2018 and 30 September 2018, the Council received 58 decisions on appeals (53 of which were planning related appeals, the other 5 were enforcement related).

GOV07 and 08 measured planning application decisions and out of a total of 53, 11 were allowed and 1 was part allowed (22.6%). Broken down further, GOV07 performance was 7 (including 1 part allowed) out of 41 allowed (17.1%) and GOV08 performance was 5 out of 12 (41.7%).

Out of the planning appeals that arose from decisions of the Committee to refuse contrary to the recommendation put to them by officers during the 6-month period, 2 appeals were allowed and 3 were dismissed.

**RESOLVED:**

That the probity in Planning report covering the period 1 April 2018 to 30 September 2018 be noted.

**CHAIRMAN**

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## Report Item No: 1

<b>APPLICATION No:</b>	EPF/1117/18
<b>SITE ADDRESS:</b>	The Drive Stapleford Road Stapleford Abbotts Essex RM4 1EJ
<b>PARISH:</b>	Stapleford Abbotts
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Redevelopment to provide six semi-detached houses
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=608477](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=608477)

## 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:  
9821-01  
9821-02  
Plan showing conifer hedge  
90430 02, block plan of existing house  
90430 01, plans and elevations of existing house  
9821-03  
9821-04  
9821-05  
9821-06  
9821-08
- 3 No construction works above ground level shall have taken 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, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

- 5 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 6 The window openings in the flank elevations shall be entirely fitted with obscured glass with a minimum Level 3 obscurity 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 provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 8 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 Classes A, B or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 9 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and 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.
- 10 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 11 The access area shown on the approved plan 9821-03 shall be provided prior to the first occupation of the site and retained thereafter free of obstruction to enable a vehicle to turn and leave in a forward gear.
- 12 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling shall be installed and retained thereafter for use by the occupants of the site.

- 13 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.
- 14 No ground works shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and access ways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 15 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 16 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 17 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 18 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 19 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 20 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 21 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority prior to such removal commencing.
- 22 No construction above ground level 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 carried out in accordance with the principle of sustainable drainage unless otherwise agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with such agreed details.



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2060/18
<b>SITE ADDRESS:</b>	61 Pancroft Lambourne Essex RM4 1BX
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of one no. new two storey attached dwelling house.
<b>DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=612655](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=612655)

**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: 001, 002, 100, 101, 102, 103, 104, 105, 106
- 3 Prior to any above ground works, details of the proposed landscaping of the site, including retention of trees and other natural features and the proposed times of planting (linked to the development schedule), shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at the agreed times.
- 4 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.
- 5 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.
- 6 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.

- 7 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 8 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2120/18
<b>SITE ADDRESS:</b>	Lindsey House 15 Lindsey Street Epping Essex CM16 6RB
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed change of use of care home (Use Class C2) to 6 flats (Use Class C3), including rear extensions and side extensions.
<b>DECISION:</b>	Refused

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=612899](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=612899)

**REFUSED**

1. The proposed development, due to the scale of the rear additions will result in increased overshadowing and overbearing impact on the rear amenity space of the property to the north, such that there will be a significant loss of residential amenity, contrary to policies DBE2 and DBE9 of the Adopted Local Plan and Alterations and Policy DM9 of the Local Plan Submission Version.
2. The proposed side additions to the property adversely impact on the character of the building and the streetscene and fail to make a positive contribution to place, contrary to Policy DBE1 of the Adopted Local Plan and Alterations and Policy DM9 of the Local Plan Submission Version

Way Forward.

Members discussed whether there was a way forward and advised that if the reasons for refusal were addressed a revised scheme may be acceptable.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2481/18
<b>SITE ADDRESS:</b>	8 Garden Fields Stanford Rivers Ongar Essex CM5 9PL
<b>PARISH:</b>	Stanford Rivers
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Side & rear extension containing rooms within roof space.
<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/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=614635](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=614635)

**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  
Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

Members took into account the fallback position with regard to significant extensions that could be added under permitted development, together with the fact that a similar development had been approved at number 1 Garden Fields, and the particular personal circumstances of the applicant and concluded that there were in this instance very special circumstances sufficient to outweigh the limited harm to the Green Belt that would result from the development.

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2503/18
<b>SITE ADDRESS:</b>	Warreners Theydon Road Theydon Bois Epping Essex CM16 4EE
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	First floor side extension above existing garage and single storey front extension to form double garage
<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/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=614755](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=614755)

**The Planning officer corrected an error in the report on page 54 and advised that the roof extension would be circa 22 metres back from the road and not the 55m quoted.**

**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 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 4 Tree protection shall be implemented prior to the commencement of development activities (including demolition) in accordance with JAT Designs drawing number 1806-PL-06-A dated October 2018 and CSG Usher's Ltd Tree Survey/ Arboricultural Method Statement report ref 029557, unless the Local Planning Authority gives its prior written approval to any alterations.

- 5 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 6 The window opening in the side elevation (as marked as such on drawing No. 1806-PL-04B) shall be entirely fitted with obscured glass with a minimum Level 3 obscurity 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.