



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE EAST **Wednesday 10th April 2024**

You are invited to attend the next meeting of **Area Planning Sub-Committee East**, which will be held at:

Council Chamber - Civic Offices
on **Wednesday 10th April 2024 at 7.00 pm**

Georgina Blakemore
Chief Executive

**Democratic Services
Officer:**

Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors I Hadley (Chairman), H Brady (Vice-Chairman),
C Amos, R Balcombe, N Bedford, P Bolton, L Burrows, P Keska,
C McCann, C McCredie, J McIvor, R Morgan, L Paine, J Philip,
R Sharif, B Vaz, H Whitbread, J H Whitehouse and
J M Whitehouse

This meeting will be broadcast live and recorded for repeated viewing.

1. WEBCASTING INTRODUCTION

This meeting is to be webcast and the Chairman will read the following announcement:

“I would like to remind everyone present that this hybrid meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or other such use by third parties).

Therefore, by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If any public speakers on MS Teams do not wish to have their image captured, they should ensure that their video setting throughout the meeting is turned off and set to audio only.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.

Members are reminded to activate their microphones before speaking”.

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 4 - 5)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the [Members Portal webpage](#) to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the [Council's website](#), at the bottom under 'Contact Us'.

4. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

5. MINUTES (Pages 6 - 7)

To confirm the minutes of the last meeting of the Sub-Committee held on 13 March 2024.

6. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

7. EPF/0303/24/DOV - THE RAILWAY HOTEL (NOW ROSINA COURT), STATION ROAD, SHEERING, ESSEX CM21 9LD (Pages 8 - 10)

To consider the attached report for the Deed of Variation to S106 Agreement attached to EPF/0864/15 (The change of use and adaption of the existing public house and associated hotel accommodation for residential use in addition to the provision of two new buildings to provide a total on site provision of two dwellings and twelve flats with associated parking and amenity areas).

8. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

9. EXCLUSION OF PUBLIC AND PRESS

Exclusion:

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers:

Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

Agenda Item 2

Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can [view the webcast](#) on the Council's website. Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. You can register to speak at the meeting either virtually via MS Teams or in person at the Civic Offices. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Services. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: Only one objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

What can I say?

You will be allowed to have your say about the application, but you must bear in mind that you are limited to **3 minutes**. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

If you are not present by the time your item is considered, the Committee will determine the application in your absence.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices or will be admitted to the meeting virtually via MS Teams. Speakers must NOT forward the MS Teams invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your statement to: democraticservices@eppingforestdc.gov.uk

Can I give the Councillors more information about my application or my objection?

Yes, you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details are available on [our website](#). Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information

Further information can be obtained from Democratic Services, email democraticservices@eppingforestdc.gov.uk

Agenda Item 5

EPPING FOREST DISTRICT COUNCIL AREA PLANNING SUB-COMMITTEE EAST MEETING MINUTES

Wednesday 13 March 2024, 7.00 pm – 8:20 pm

Council Chamber - Civic Offices

Members Present:	Councillors I Hadley (Chairman), P Keska (Vice-Chairman), C Amos, R Balcombe, P Bolton, L Burrows, C McCann, C McCredie, J McIvor, R Morgan, L Paine, J Philip, R Sharif, B Vaz, H Whitbread, J H Whitehouse and J M Whitehouse
Apologies:	Councillor(s) H Brady and N Bedford
Officers In Attendance:	J Rogers (Principal Planning Officer), N Cole (Corporate Communications Officer) and L Kirman (Democratic Services Officer)
Officers In Attendance (Virtually):	T Larsen (Democratic Services Officer) and K Sweeney (Senior Planning Officer)

[A RECORDING OF THE MEETING IS AVAILABLE FOR REPEATED VIEWING](#)

64 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.

65 DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Members' Code of Conduct.

66 ANY OTHER BUSINESS

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

67 SITE VISITS

There were no formal site visits requested by the Sub-Committee.

68 EPF/0022/23 34 CROWS ROAD EPPING CM16 5DE

Decision: The application was [referred to DDMC](#) by minority reference for decision, with no recommendation from the Area Planning Sub-Committee East and a recommendation to grant planning consent from the officer.

69 EPF/1808/23 101 THORNHILL NORTH WEALD CM16 6DP

Members discussed the merits of the scheme and after voting against the officers recommendation, Cllr Philip proposed the following reason for refusal of the application,

negative impact upon the character and appearance of the site and streetscene and harm to the amenity of the neighbouring property, this was seconded by Cllr McIvor and the Committee voted on the proposal to refuse the application.

Decision: This application was [refused](#).

70 EPF/2443/23 NEW HAVEN, BLACKHORSE LANE, NORTH WEALD BASSETT, EPPING, CM16 6EP.

Decision: This application was [granted with conditions](#).

71 EPF/2578/22 - HOMES FARM, MOUNT ROAD, THEYDON GARNON, EPPING, CM16 7PH

Members discussed the merits of the scheme and proposed a deferral of the application until May 2024, to allow the outcome of a traffic survey and local highways panel scheme to be determined. A further site was requested.

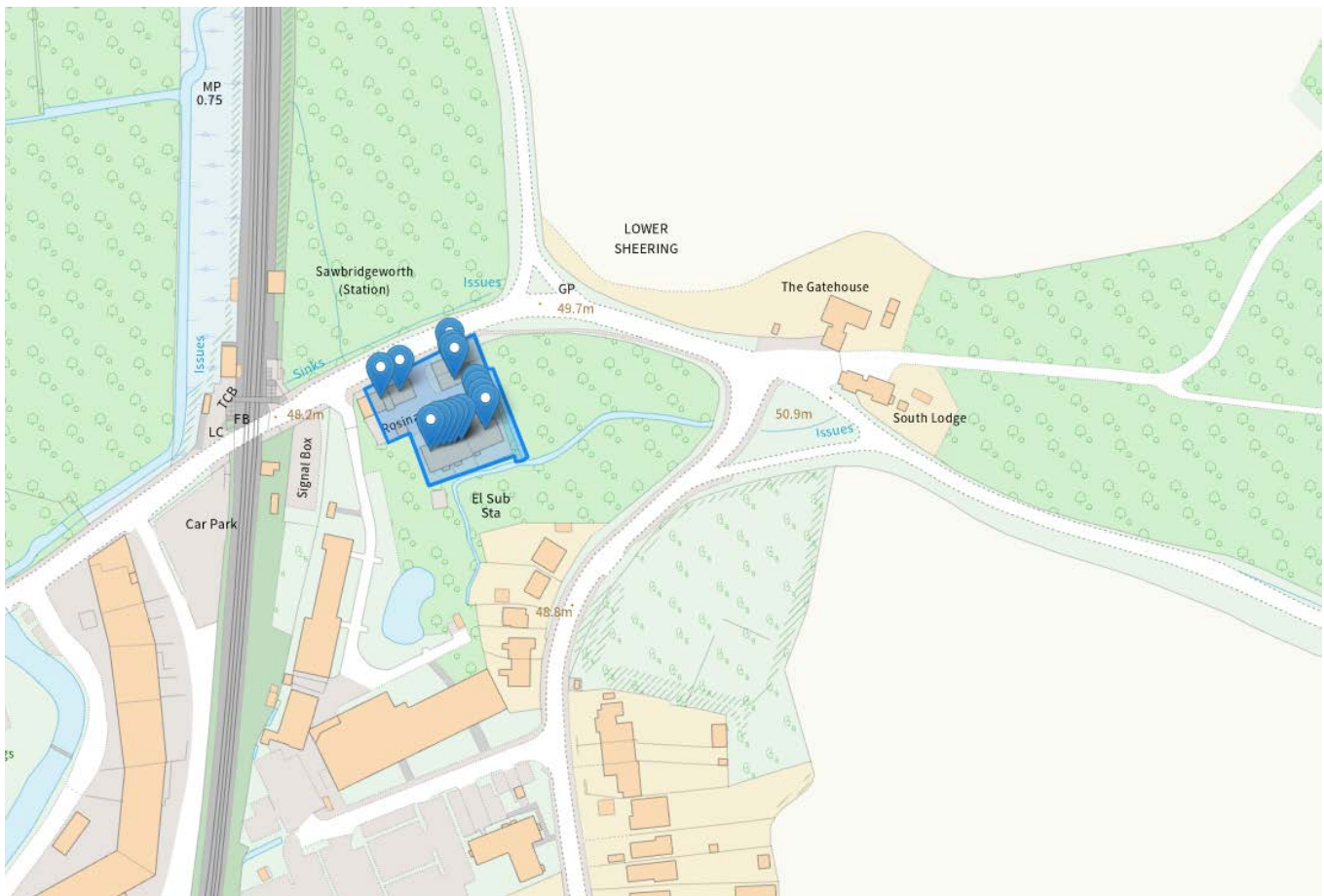
Resolved: This [application was deferred](#) to a future meeting of the Area Planning Sub-Committee East.

CHAIRMAN

Agenda Item 7

OFFICER REPORT

Application Ref: EPF/0303/24/DOV
Application Type: Application for deed of variation of planning obligations
Applicant: Sheering Parish Council
Case Officer: Muhammad Rahman
Site Address: The Railway Hotel (now Rosina Court), Station Road, Sheering, Essex CM21 9LD
Proposal: Deed of Variation to S106 Agreement attached to EPF/0864/15 (The change of use and adaption of the existing public house and associated hotel accommodation for residential use in addition to the provision of two new buildings to provide a total on site provision of two dwellings and twelve flats with associated parking and amenity areas).
Ward: Lower Sheering
Parish: Sheering
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000002FZF>
Recommendation: Approve



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This application is before this Committee as the original application for;

EPF/0864/15 - The change of use and adaption of the existing public house and associated hotel accommodation for residential use in addition to the provision of two new buildings to provide a total on site provision of two dwellings and twelve flats with associated parking and amenity areas.

was decided by Members of the East Planning Committee on the 30th September 2015 and approved with conditions subject to a completed s106 Legal Agreement.

Planning Considerations

Section 106A of the Town and Country Planning Act 1990 (as amended) states that a planning obligation can be modified or discharged by agreement (at any time) between the appropriate authority and the person or persons against whom it is enforceable.

A Unilateral Undertaking was made pursuant to Section 106 of the Town and Country Planning Act 1990 entered into between Stephen Linsell (The Landowner) and National Westminster Bank Plc (The Bank) in favour of Epping Forest District Council on 30th September 2015 (the Agreement).

The Agreement relates to planning permission (reference number EPF/0864/15) granted by Epping Forest District Council on 30 September 2015.

Clauses 4, 4.1, 4.2 & 4.3 of the Agreement provides for the payment of a Community Contribution prior to occupation, which is defined as follows in Clause 2.1 of the Agreement:

"Community Contribution" means the sum of FIFTY THOUSAND POUNDS (£50,000.00) RPI Index Linked as a contribution towards the provision of a community room in the Lower Sheering area of the District.

The applicant has stated the following;

The applicant has no interest in the land. The applicant as the Parish Council is the beneficiary of the Community Contribution payable under the S106 Unilateral Undertaking Agreement.

The Parish Council has requested that the purpose for which the Community Contribution can be spent be varied to allow the monies to be spent for the benefit of the community.

Currently the Agreement states that the monies are to go towards a contribution of a community room in the Lower Sheering Area of the district but with no likelihood of land or suitable building becoming available it is the view of the Parish Council that the monies could be spent elsewhere for the benefit of the community such as for those purposes listed below.

The proposed change to the Agreement is to replace the definition of "Community Contribution" in Clause 2.1 of the Agreement with the following new definition:

"Community Contribution" means the sum of FIFTY THOUSAND POUNDS (£50,000.00) RPI Index Linked as a contribution to be spent by the Parish Council towards any of the following purposes (in the proportions deemed appropriate by the Parish Council in its absolute discretion):

- (1) the upgrading of Sheering Village Hall (Village Hall Lane, The Street, Sheering CM22 7LX) including but not limited to the installation of a disabled toilet and any associated works;
 - (2) the improvement of any bus services in the Parish of Sheering to and from Sheering Village Hall;
- and

(3) the installation of road calming measures in Lower Sheering (subject to any consents for these measures required from the Council and / or the relevant local highways authority).

With regards to the specific suggestions above, there is concern that options 2 & 3 relate to highways and sustainable transport measures and therefore would not be deliverable without third party agreement. Therefore, such restrictions may result in a similar situation to the current in that the money would be held but the Parish Council would be unable to spend it.

Since the original contribution was sought to benefit the wider community it is suggested by Officers that the legal agreement be altered to simply require the sum of FIFTY THOUSAND POUNDS (£50,000.00) to be utilised by the Parish Council on community projects for the benefit of the community. This would then enable the Parish Council to consult with local residents in terms of how the money would be best used and will enable them to spend it on whichever community facilities they deem appropriate.

Conclusion

For the reasons set out above, it is recommended that the Deed of Variation be varied as per the officer suggestion above. Notwithstanding this, it is open to Members to vary as per the Parish Councils request, or in any other appropriate way, should they deem it necessary.