

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** District Development Control Committee    **Date:** 3 December 2014

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 - 8.55 pm

**Members Present:** B Sandler (Chairman), B Rolfe (Vice-Chairman), A Boyce, Mrs H Brady, K Chana, R Jennings, J Knapman, J M Whitehouse, Mrs C P Pond, Ms G Shiell and D Stallan

**Other Councillors:** -

**Apologies:** R Butler, J Hart, Mrs S Jones, H Kauffman, Ms Y Knight, Mrs J Lea and C C Pond

**Officers Present:** S Solon (Principal Planning Officer), G J Woodhall (Democratic Services Officer) and J Leither (Democratic Services Assistant)

### **26. WEBCASTING INTRODUCTION**

The Democratic Services Officer reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

### **27. 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 Committee, in relation to the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at Council Planning meetings.

### **28. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

The Committee noted the following substitutions for this meeting:

- (i) Councillor Stallan for Councillor Hart;
- (ii) Councillor C P Pond for Councillor Kauffman; and
- (iii) Councillor Shiell for Councillor Lea.

### **29. DECLARATIONS OF INTEREST**

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

**30. MINUTES****Resolved:**

(1) That the minutes of the meeting previously circulated held on 8 October 2014 be taken as read and signed by the Chairman as a correct record.

**31. EPF/1723/14 - 12 RAVENSMERE, EPPING**

The Committee considered an application for a proposed detached annexe building with habitable space on the ground floor and swimming pool in the basement level at 12 Ravensmere in Epping.

The Principal Planning Officer informed the Committee that this application had been considered by Area Plans Sub-Committee East on 15 October 2014, but had been referred to this Committee without recommendation. The Sub-Committee had agreed three additional conditions to be attached to the application, but the Officer recommendation to grant permission had been lost.

The Principal Planning Officer stated that the application site was a detached property located in a cul-de-sac close to Epping town centre. The level of the rear garden was above the ground floor level of the house and was reached by a small set of steps from a small patio area. The application was for the construction of a two-storey outbuilding along the boundary with 11 Ravensmere, with one storey located below ground and containing a swimming pool. The upper storey would contain a guest bedroom, bathroom and gymnasium. The building would be 15.2m long, 4.75m wide and rise 3.5m above ground level at the highest point of the slanting roof. It was intended to excavate the rear garden down to the same level as the rear doors of the house.

The Principal Planning Officer reported that, after the main issues had been considered, Officers had concluded the proposed development was considered to have an acceptable level of impact upon neighbouring properties and would not result in an excessive loss of amenity.

The Principal Planning Officer advised the Committee that the main issues to consider were the impacts of the proposed extension on neighbour amenity, the design and appearance of the proposed extension, the preserved tree adjoining the site, and issues regarding land drainage and the basement construction.

The Committee noted the summary of representations, and that the Town Council had objected to the application on the grounds of the detrimental impact upon the amenity of the neighbouring property and had also commented that the absence of any plan to deal with subterranean drainage was also a concern. The Epping Society and three neighbouring properties had also objected to the application; there were no letters of support for the application.

The Committee heard from an objector, who intimated that the applicant had submitted two further applications for the site, before proceeding to debate the application.

The Principal Planning Officer accepted concerns had been raised about the levels shown on the submitted plans, and it was acknowledged that the submitted ground level plan was inaccurate. However, this did not prevent an informed decision being made by the Committee on the application, as the finished level for the garden would be the same as the patio area and therefore the proposed height of the building could

be determined. There were nine conditions attached to the application for approval, with the last condition requesting the current and proposed ground levels to be provided in writing before the development could begin.

In response to further questions from the Committee, the Principal Planning Officer contended that if the application for the proposed building had been attached to the current house then the impact of the bulk of the building would be higher and Officers would have been less likely to recommend approval; the application before the Committee placed the building in a less sensitive area for the neighbour. It was acknowledged that precise plans of the levels had not been provided, only indicative drawings. However, Officers were satisfied that enough information had been provided to estimate the impact of the proposed building and make a decision regarding planning approval. The Council would require more information to ensure control, and possible enforcement, of the development. The Principal Planning Officer had no details available concerning the two further applications alluded to by the objector by the applicant for the site.

The Committee felt that the proposed ground levels were pertinent to making a decision on the application and there were concerns about making a decision without the full plans available, although it was accepted that the height of the building would be 3 metres regardless of the ground levels. Concerns were expressed about the possible drainage issues with the basement that had been highlighted. The Committee enquired whether the development would be allowed under a General Permitted Development Order.

The Principal Planning Officer responded that the proposed application was of a scale that could not be allowed under Permitted Development Rights: it was near to the boundary of the neighbouring property; had more than one level; and was greater than 2.5 metres in height. It was also highlighted that the method of construction was dealt with by Building Regulations; condition 6 simply dealt with those issues that would impact upon neighbours, such as permitted times of construction. Condition 7 concerned those issues regarding drainage, which had been highlighted by some of the representations, and required the submission of a full hydrological survey before development began.

The Committee still had misgivings about approving the application without the full information being available. It was decided to defer the application pending the receipt of the detail of the levels showing the cross-sections and elevations, as well as the proposed levels of all ground floor slabs within buildings, roadways, access ways and landscaped areas.

**Resolved:**

(1) That planning application EPF/1723/14 at 12 Ravensmere in Epping be deferred pending the receipt of full information regarding details of levels showing cross-sections and elevations of the levels of the site and the proposed levels of all ground floor slabs in buildings, roadways and access ways, and landscaped areas.

**32. ANY OTHER BUSINESS**

**Resolved:**

(1) That, as agreed by Chairman and in accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules, the following item of urgent business be considered following publication of the agenda:

(a) EPF/0853/14 – Tottenham Hotspur Training Ground, Luxborough Lane in Chigwell.

**33. EPF/0853/14 - TOTTENHAM HOTSPUR TRAINING GROUND, LUXBOROUGH LANE, CHIGWELL**

The Committee considered an application for the redevelopment of the former Tottenham Hotspur Training Ground with an autistic spectrum disorder school on the eastern side of the site, comprising a 3,800 square metre school building to accommodate up to 128 pupils aged 4 – 19, a mixed use games area, playing fields, 100 parking spaces and a minibus drop-off area. Additionally, the development of 60 dwellings on land to the west of the proposed school to act as an enabling development to facilitate delivery of the school.

The Principal Planning Officer reported that this application had been considered by Area Plans Sub-Committee South on 26 November 2014. The Sub-Committee had recommended the grant of planning permission, subject to the addition of an additional condition concerning street lighting. The application had been referred to the District Development Control Committee for a decision as the proposal was for a major application that contravened the Council's policy concerning the Green Belt. If permission was granted by this Committee then the application would need to be referred to the National planning Casework Unit for the same reason.

The Principal Planning Officer advised that the main issues to consider in determining this application were the need for the Autistic Spectrum Disorder School, the need for the enabling development, the use of Green Belt land for the development including the very special circumstances to be considered, potential contamination of the land at the site following its previous use in the 20<sup>th</sup> Century as a landfill site, plus highway safety and vehicle parking for the proposed development. Other matters to be considered by the Committee included the provision of affordable housing as part of the development, the flood risk, nature conservation matters, the loss of the current playing fields at the site, the design and appearance of the developments, the impact on the living conditions of neighbouring properties, and additional education and healthcare provision arising from the enabling development.

The Principal Planning Officer informed the Committee that, following consideration of all the issues, Officers had concluded that very special circumstances had been demonstrated which would outweigh the harm inflicted on the Green Belt by this (normally) inappropriate development. In addition, the proposed Autistic Spectrum Disorder (ASD) school was demonstrably necessary to meet the need for the provision of such education in West Essex. There was no other suitable site outside of the Green Belt, and no other suitable site within the Green Belt where the development would be less harmful. It had been concluded that all other matters arising from the proposal were either acceptable or could be properly addressed by planning conditions and the proposed Section 106 agreement. Therefore, the application was recommended for approval with 16 conditions attached.

The Committee noted the summary of representations, which included an objection letter signed by 12 residences in Luxborough Lane, five further objection letters including the Epping Forest Riders Association, Buckhurst Hill Parish Council and Chigwell Parish Council. Four letters in support of the application had been received, including one from Autism Sunday, a campaign group. A further seven comments had been received from organisations such as Essex Police, NHS England and the London Borough Council of Redbridge. The Principal planning Officer appraised the Committee of the comments made by the Riders Association, who had resubmitted

their representations following consideration of the application at Area Plans Sub-Committee, which included requests for further planning conditions to be attached.

The Committee heard from an objector, who highlighted that the access routes to the site were classified as bridleways and footpaths, not B roads, and the applicant's agent, who emphasised the need for an ASD school in West Essex.

A local Ward Member for Passingford had concerns about the site, particularly the access to it via a very narrow by-way. Although this access was long and straight, and covered with tarmac as well, it was used by many horse riders. It was also pointed out that there was the County Council Recycling Centre and the Old Loughtonians Hockey Club at the end of the access. Ideally, there would be a separate thoroughfare provided at the side of the access road for walkers, cyclists and horse riders; however, it was accepted that there was not enough space. The local Member for Passingford implored the Committee to not rescind the by-way status of the access route to the site, and that the bridleway should be kept open. In addition, the new access road should have a 20mph speed limit imposed and constructed of non-slip tarmac to ensure the safety of horse riders. It was also requested that guarantees be sought from the County Council to increase the height of the parapets on the bridge crossing the M25 Motorway.

The Principal Planning Officer stated that the current by-way could only be adopted by Essex Highways and the Council could not insist that it be adopted. Officers would be willing to seek discussions with Essex County Council to implement the measures proposed by the Ward Councillor.

A local Ward Member for Chigwell Village commented that the access was currently a private road with a bridleway and right-of-way running down the middle of it. The plans indicated that the road would be widened, and it was reasonable to expect fewer traffic movements from the school than when the Tottenham Hotspur Football Academy was situated there. The Member agreed with the imposition of a 20mph speed limit, and suggested that if the new access road was regarded as a 'Green Lane' then it would automatically be allocated a 20mph speed limit with accompanying traffic calming measures. The condition regarding street lighting agreed by the Area Planning Sub-Committee was welcomed and it was right to increase the height of the parapets on the motorway bridge. The Member was concerned about the loss of Green Belt land, but acknowledged that this was previously developed land and the key point concerning the application was the enormous problems encountered in providing education for children suffering from Autism; therefore there were clearly special circumstances for this development. The accompanying housing development provided funding to build the proposed school, and there were no dissenting votes when the application was considered by the local Planning Sub-Committee.

The local Member for Chigwell Village, who was also a County Councillor, stated that he could not support the proposed extra funding for the local secondary school within the draft Section 106 agreement. West Hatch Secondary School had been granted Academy status, and therefore it was funded directly by the Government rather than the County Council; any monies so granted would not be used for the benefit of the District. It was proposed (and duly seconded by a local Member for North Weald Bassett) that the Section 106 monies currently proposed for secondary education should be redistributed as follows:

- £120,000 towards the provision of affordable housing within the District;
- £50,000 towards the provision of a mini-bus service across Chigwell; and
- £27,484 towards the provision of secondary education.

The Principal Planning Officer reminded the Committee that the parapets were owned by the Highways Agency, although it was understood that they had undertaken works to increase the height of parapets at another bridge situated close to the Chigwell Riding Trust.

Other members of the Committee felt that the risk to horses and riders at this location was no greater than elsewhere in Chigwell, and it was noted that the plans included widening the road to a width of 5.5 metres. It was accepted that the development could lead to increased traffic movements, which made the enforcement of a 20mph speed limit at this location, along with other traffic calming measures, imperative to ensure the safety of walkers, riders and cyclists.

**Resolved:**

- (1) That planning permission be granted subject to:
  - (a) The completion, within 3 months, of an agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the following matters:
    1. Contaminated land investigation and remediation across the site.
    2. A financial contribution of £289,179 towards education, comprising £66,701 towards early years and childcare, £194,994 towards primary education, and £27,484 towards secondary education.
    3. A financial contribution of £120,000 towards the provision of affordable housing across the District.
    4. A financial contribution of £50,000 to Chigwell Parish Council for the provision of a mini-bus service across Chigwell.
    5. A financial contribution of £19,740 towards the capital costs of the NHS for provision of additional healthcare services.
    6. Completion of the improvements to/widening of Luxborough Lane prior to first occupation of the development, in accordance with details previously agreed with the Highway Authority.
    7. Provision and implementation of a Travel Plan for the proposed school and residential scheme to be monitored and reviewed annually, the provision of a Travel Plan Co-ordinator to give advice and the payment of £3,000 monitoring fee for Essex County Council.
    8. Completion of the ASD school development prior to first occupation of the residential component.
    9. To not permit pupils to attend the school who are not diagnosed with Autistic Spectrum Disorder.
    10. The management of the school to become the responsibility of the National Autistic Society.
    11. The submission to the Local Planning Authority for approval details of the management company that will be responsible for the maintenance of roads, public open space and landscaped areas and the establishment of a

management company in accordance with the approved details prior to the first occupation of the development.

- (b) And, subject to the following 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 following approved drawings numbers, unless otherwise agreed in accordance with the terms of the agreement under S106 of the Town and Country Planning Act 1990 that accompanies this planning permission:

Location and masterplan and levels:

1324\_0005 D, 1324\_0100 H, 1324\_0009 A, 1324\_0010 A

NAS School:

1324\_0110 F, 1324\_0120 F, 1324\_0121 F, 1324\_0130 E, 1324\_0131 E, 1324\_0133 E, 1324\_0134 E, 1324\_0135 E, 1324\_0136 E, 1324\_0137 E, 1324\_0140 D, 1324\_0200 D, 1324\_0202 C, 1324\_0203 C, 1324\_0204 C, 1324\_0205 C, 1324\_0220 D, 1324\_0221 D

Housing:

1324\_0150 F, 1324\_0151 B, 1324\_0152 B, 1324\_0155 F, 1324\_0160 B, 1324\_0161 B, 1324\_0162 B, 1324\_0163 B, 1324\_0164 B, 1324\_0165 B, 1324\_0166 B, 1324\_0167 B, 1324\_0170 A, 1324\_0171 A, 1324\_0172 A, 1324\_0173 A, 1324\_0174 A, 1324\_0175 A, 1324\_0176 A, 1324\_0250 B, 1324\_0251 B

Adoptable Road Layout:

ST-2012-37

3. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
4. 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.

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - (i) The parking of vehicles of site operatives and visitors;
  - (ii) Loading and unloading of plant and materials;
  - (iii) Storage of plant and materials used in constructing the development;
  - (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (v) Measures to control the emission of dust and dirt during construction, including wheel washing; and
  - (vi) A scheme for recycling/disposing of waste resulting from demolition and construction works.
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. 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.
8. The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (Stomor, Ref ST-2012/FRA-1403-Luxborough Lane, March 2014) has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
9. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
10. The development hereby approved shall be undertaken only in accordance with the mitigation strategy the recommendations of the Bat Survey and Reptile and Amphibian Survey dated 13 March 2014, ref DFCEP 2600
11. Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.



12. Prior to the occupation of the houses referred to in this condition, the entire length of the rear facing balustrades enclosing the roof terraces of houses at plot numbers 8, 27, 28, 35 and 38 (as indicated on drawing number 1324\_0152 B) shall be supplemented by an obscure glazed privacy screen that extends from the top of the balustrade to a height of 1.8m above the floor level of the roof terrace. Thereafter the rear facing balustrades shall be permanently enclosed in that manner.
  13. The first floor rear elevation window in the flat-roofed part of the house at plot 8, as identified on drawing numbers 1324\_0152 B and 1324\_0175 A, shall be obscure glazed up to a minimum height of 1.8m above the floor level of the room served by the window prior to the occupation of that house and shall thereafter be permanently maintained in that condition.
  14. 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 extensions, roof enlargements, swimming pools, ponds or outbuildings with foundations generally permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
  15. 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 new buildings and extension to any building generally permitted by virtue of Class A of Part 32 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
  16. No street lighting shall be provided along the entire length of Luxborough Lane that is within the application site and within the sites of the school and housing development hereby approved other than in accordance with details previously submitted to and approved in writing by the local Planning Authority.
- (2) That Essex County Council be requested to afford Luxborough Lane 'Green Lane' status, which would entail a 20mph speed limit and traffic calming measures to be installed along its length.

**CHAIRMAN**