

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

**Committee:** District Development Control Committee      **Date:** 17 January 2006

**Place:** Council Chamber, Civic Offices, High Street, Epping      **Time:** 7.30 - 9.55 pm

**Members Present:** Mrs A Grigg (Chairman), Mrs D Borton, M Colling, Mrs R Gadsby, D Kelly, F Maclaine, L Martin, Mrs P Richardson, B Sandler, Mrs P Smith, Ms S Stavrou and K Wright

**Other Councillors:** Mrs D Collins, R Glozier, J Knapman, S Metcalfe, Mrs P K Rush and D Stallan

**Apologies:** Mrs M Boatman, A Green and A Lee

**Officers Present:** J Boreham (Assistant Public Relations and Information Officer), S G Hill (Senior Democratic Services Officer), B Land (Assistant Head of Planning and Economic Development), C Neilan (Conservation Officer), J Preston (Head of Planning and Economic Development) and R Rose (Senior Lawyer)

### **19. MINUTES**

#### **RESOLVED:**

That the minutes of the Committee held on 1 November 2005 be taken as read and signed by the chairman as a correct record.

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

It was noted that no substitutes had be appointed to the meeting.

### **21. DECLARATIONS OF INTEREST**

(1) Councillors Colling, Collins, Gadsby, Glozier, Grigg, Metcalfe, Sandler, Smith, Stallan, Stavrou declared a prejudicial interest in item 6 (Planning Application at 5 Avenue Road, Theydon Bois) by virtue of a neighbour being the Conservative Member of Parliament for Epping Forest. The Councillors left the meeting for the consideration of that item.

(2) Councillor D Collins and A Grigg declared personal interests in item 7 by virtue of being members of Theydon Garnon and North Weald Parish Councils respectively. The members indicated that they would remain in the meeting for the discussion and voting on that item.

(3) Councillor S Stavrou declared an Interest in item 8 (Planning Application at 21 Albion Terrace, Waltham Abbey) by virtue of being a representative on the LVRPA. The Councillor indicated that she proposed to leave the meeting for the consideration on that item.

(4) Councillor D Stallan declared a personal interest in item 9 (Planning Application for Leisure Complex at Blakes Golf Course, North Weald) by virtue of being a governor of a school (St Andrews Primary School), who had expressed support for the scheme. The Councillor indicated that he had not been involved in the decision of the school to support the scheme and therefore would remain in the meeting during the discussion on this item.

(5) Councillor R Glozier declared a personal interest in item 10 (Blunts Farm, Theydon Bois) by virtue of being the local ward councillor. The member indicated that he proposed to remain in the meeting for the discussion on that item.

**22. APPOINTMENT OF VICE-CHAIRMAN FOR THE MEETING**

**RESOLVED:**

That, in the absence of Councillor Mrs M Boatman, Councillor K Wright be appointed as Vice Chairman for the duration of the meeting.

**23. ORDER OF BUSINESS**

**RESOLVED:**

That with the assent of the Committee, Item 10 (Enforcement Action - Blunts Farm, Theydon Bois) be brought forward as the next item of business.

**24. BLUNTS FARM, COOPERSALE LANE, THEYDON BOIS - ENFORCEMENT ACTION**

The Committee considered a report of the Head of Planning Services relating to the development of Blunts Farm, Theydon Bois into a golf course. The report to the Committee set out officers' view that the development had not been carried out in accordance with the approved plans.

The breaches of development control related to the carrying out of an engineering operation that had the effect of raising land across the site in a landform that was materially different to that approved. It was noted that a large amount of material had been imported onto the site by lorry.

The committee were shown contour plans of the site that demonstrated the increase in landform levels across the site. Current volumes on the site were markedly in excess to those agreed even taking account of voids on the site.

It was noted that the Environment Agency had withdrawn the sites exemption from needing a waste licence and that works had therefore currently ceased on the site.

The Committee were asked to consider the issuing of Enforcement Notices and a Stop Notice for the site. The Committee noted that such notices could only enforce the completion of the golf course on the land in accordance with original plans or the restoration of land levels at Blunts Farm to their original levels prior to the commencement of works on the land in 2002.

The Committee agreed that the works on the site were contrary to the original permission and that appropriate Enforcement and Stop Notices be authorised.

The committee asked they be kept informed of progress at the site and that any proposals to withdraw notices have member approval.

**RESOLVED:**

(1) That having regard to the evidence gathered, provisions of the development plan and to all other material considerations the Head of Legal Administration and Estates Services be authorised to issue and serve an appropriate enforcement notice under section 172 of the Town and Country Planning Act 1990;

(2) That the notice referred to in (1) above require:

(a) Within 7 days:

The cessation of the importation of fill material including waste and demolition waste; and

(b) Within 2 years of the notice taking effect:

EITHER the completion of the golf course on the land in accordance with drawing number BLUN.209A approved pursuant to condition 12 of the planning permission dated 23 April 2002, Ref. EPF/765/99 OR the restoration of land levels at Blunts Farm to their original levels prior to the commencement of works on the land in 2002;

(3) That having regard to the evidence gathered, provisions of the development plan and to all other material considerations the Head of Legal Administration and Estates Services be authorised to issue and serve an appropriate enforcement notice under section 172 of the Town and Country Planning Act 1990;

(4) That the notice referred to in (3) above require:

(a) Within 7 days:

The cessation of the importation of fill material including waste and demolition waste; and

(b) Within 2 years of the notice taking effect:

Compliance with the requirements of condition 12 of the planning permission dated 23 April 2002, Ref. EPF/765/99;

(5) That having regard to the evidence gathered, provisions of the development plan and to all other material considerations the Head of Legal Administration and Estates Services be authorised to issue and serve a stop notice under section 183 of the Town and Country Planning Act 1990;

(6) That the stop notice take effect 7 days after it is served and require the cessation of the importation of fill material including waste and demolition waste;

(7) That any proposal for the withdrawal of any such served notice be subject to approval by the District Development Control Committee;

(8) That in the event that either the enforcement notices or the stop notice is not complied with, the Head of Legal, Administration and Estates Services, subject to being satisfied as to the evidence, and the expediency of such action, be authorised to commence or defend criminal and/or civil proceedings in respect of such breach which for the avoidance of doubt shall include Injunction proceedings; and

(9) That all members be kept up to date with proceedings relating to this site via the Members Bulletin.

**25. PLANNING APPLICATION EPF/1643/05 - 5 AVENUE ROAD, THEYDON BOIS**

**Councillor K Wright in the Chair**

The Committee considered an application at 5 Avenue Road, Theydon Bois for a roof extension, two-storey side extension together with a conservatory. Area Planning Subcommittee 'B' had referred the application to the Committee, as that subcommittee had been inquorate for that item.

**RESOLVED:**

That planning application EPF/1643/05 (5 Avenue Road, Theydon Bois) be granted 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) Prior to first occupation of the building hereby approved the proposed window openings in the flank roof slopes of the development hereby approved shall be fitted with obscured glass, and shall be permanently retained in that condition.

(3) Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

(3) Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in the flank walls of the building hereby permitted without the prior written approval of the Local Planning Authority.

**26. ROUGHTALLEYS WOOD, THEYDON GARNON - PLANNING APPLICATION FOR WOODLAND BURIAL SITE - EPF/1900/05**

The Committee were asked to consider an application for a woodland burial site at Roughtalleys Wood, Theydon Garnon. The application had been referred to the

Committee as the proposals affected two parish areas which were the responsibility of two Area Planning Subcommittees.

The Committee supported the application subject to amendment of the gate construction to timber and works to improve surface water runoff on the approach road to the site.

**RESOLVED:**

That planning application EPF/1900/05 (Roughtalleys Wood, Theydon Garnon - planning application for woodland burial site) be granted 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) Prior to the commencement of development details of screen walls, fences, access gates or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the first use of the site hereby approved and maintained in the agreed positions;
- (3) The burial use hereby permitted shall not be open outside the hours of 08.00am to 16.30pm on any day of the week;
- (4) Prior to the commencement of the development details of the proposed surface materials for the access, driveway, and footpaths shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development;
- (5) 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 staff and visitors vehicles;
- (6) A 5-metre buffer zone shall be provided alongside the full length of the watercourse that runs along the western and southwestern boundary of the site. This buffer zone shall be measured from the top of the watercourse bank, and shall be free of cemeteries, structures, hard standing and fences. Formal landscaping shall not be incorporated into the buffer zone. The buffer zone shall be left as a natural area for wildlife;
- (7) Burials shall not take place within 10m of any watercourse, within 10m of any field or land drains and there should be at least 1m unsaturated zone;
- (8) The development hereby approved shall take place in accordance with the timings, working practises, and mitigation measures contained within the Ecological Assessment for the site as carried out by ECCOS dated 28 Oct 2005;
- (9) No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the LPA and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the LPA has given its prior written consent to and variation.

The Arboricultural Method Statement shall show the areas which are designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Guide for Trees in Relation to Construction (BS.5837: 2005) and no access will be permitted for any development operation.

The Arboricultural Method Statement shall also include all other relevant details, such as changes of level, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas and of foundations, walls and fences. It shall also include the control of potentially harmful operations, such as burning, the storage, handling and mixing of materials, and the movement of people or machinery across the site, where these are within 10m of any designated Protection Zone.

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

The AMS shall include provision for the supervision and inspection of the tree protection measures. 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, unless the prior approval of the LPA has been given in writing.

(10) No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub, or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree 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;

(11) No development shall take place, including site clearance or other preparatory work, until all details relevant to the implementation of hard and soft landscape works and tree planting, hereafter called the Landscape Method Statement, have been submitted to the LPA, and the development shall not commence until the Landscape Method Statement has been approved by the LPA in writing. All landscape works shall be undertaken in accordance with the approved details, unless the LPA has given its prior written consent to any variation;

The Landscape Method Statement shall include as appropriate, protection of the planting areas, where appropriate by fencing, during construction; preparation of the whole planting environment, particularly to provide adequate drainage; and the

provision which is to be made for weed control, plant handling and protection, watering, mulching, and the staking, tying and protection of trees. The Landscape Method Statement shall also normally include provision for maintenance for the period of establishment, including weeding, watering and formative pruning, and the removal of stakes and ties. Provision shall be made for replacement of any plant, including replacements, that are removed, are uprooted, or which die or fail to thrive, for a period of five years from their planting, in the first available season and at the same place, with an equivalent plant, unless the LPA has given its prior written consent to any variation.

All hard and soft landscape works shall be completed prior to the occupation or use of any part of the development, unless the LPA has given its prior written consent to a programme of implementation. The hard and soft landscape works, including tree planting, shall be carried out strictly in accordance with any approved timetable.

The Landscape Method Statement shall state the provision which is to be made for supervision of the full programme of works, including site preparation, planting, subsequent management and replacement of failed plants.

(12) No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule;

(13) No marker, headstone or other monument shall be erected unless made entirely out of biodegradable materials.

(14) The development authorised by this permission shall not begin until the Local Planning Authority has approved in writing a full scheme of works for improvement to:

The highway from the railway bridge to the new access to the site; and

Installation of a new footway from the access to the site to the existing one in Kiln Road with appropriate works for surface water runoff;

The occupation of the development shall not begin until those works have been completed in accordance with the Local Planning Authority's approval and have been certified in writing as complete by or on behalf of the Local Planning Authority.

(15) There shall be no importation of materials for the purpose earth filling from outside the application site before or during the development hereby approved.

(16) No means of external lighting shall be installed on the land or buildings without the prior written consent of the Local Planning Authority.

**27. PLANNING APPLICATION EPF/1801/05 - LAND ADJACENT TO 21 ALBION TERRACE, SEWARDSTONE ROAD, WALTHAM ABBEY**

The Committee considered an application for the erection of six terraced houses on metropolitan green belt land adjacent to Albion Terrace, Sewardstone Road near the boundary of the district with the London Borough of Waltham Forest.

The application had been referred to the Committee by the local Area Planning Subcommittee who had considered that there were very special circumstances that outweighed any harm to the green belt, namely that there was a need for affordable

housing in the district and that the proposed dwellings were a continuation of the adjacent style of property.

The Committee was advised that since the Area Planning Subcommittee meeting the applicants revised their application to provide 100% affordable housing (i.e. Housing for rent). It was also noted that the Highways Authority had concerns about the access to and from the site but that a condition to control the height of front boundary walls would improve sight lines on the classified road.

The Committee concurred with the view of the Subcommittee in that there were very special circumstances in this instance and that planning permission should be granted. They requested that the Section 106 agreement should include the Council's right of nomination to the tenancies of the houses.

The Lee Valley Regional Park Authority had maintained an objection on the grounds that the houses would have an adverse effect on the areas amenity. If not withdrawn the application would stand referred to the Secretary of State for determination.

**RESOLVED:**

That subject to the prior completion of a satisfactory agreement under Section 106 of the Town and Country Planning Act 1990, within the next 12 months, requiring that:

(i) before commencement of the development the applicant shall be willing to sell the six properties to a Housing Association for rent with the price paid by the Housing Association for the six properties at open market value less 40% of the open market value of the land; and

(ii) housing tenant nomination rights be afforded to the Council for the properties;

planning permission be granted subject to:

(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 shall be carried out in accordance with amended plans received on 24/10/05;

(3) Materials of construction to be agreed

(4) 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 first use of the site hereby approved and maintained in the agreed positions;

(5) Hours of construction 7:30 to 18:30 Mon to Fri, 08:00 to 13:00 Saturday and at no time on Sundays or bank Holidays unless otherwise agreed in writing by the LPA;

(6) Drainage details to be agreed;

(7) Wheel Washing equipment to be installed;

(8) Submission of landscape details;



(9) The front and side boundary walls to all dwellings shall be no higher than 500mm in order to provide the maximum sight lines across the site;

(10) Where the surface finish of a private access is intended to remain in unbound materials, the first 6m as measured from the highway boundary, should be treated with an approved bound material to prevent any loose material from entering the highway; and

(11) Gates shall not be erected.

**28. BLAKES GOLF COURSE, EPPING ROAD, BOBBINGWORTH - PLANNING APPLICATION FOR HEALTH AND LEISURE COMPLEX (EPF/1510/05)**

The Committee considered an application that had been called to committee at the request of Councillor John Knapman and placed before the District Development Control Committee as the development had a potential impact on two parishes (Bobbingworth and North Weald) that were within different Area Plans Sub Committees.

The proposal was for the erection of a two storey building measuring 25.4m wide by 49.2m wide, brick built with a sloping roof and a ridge height of 7m comprising a 9m x 19m swimming pool, spa, sauna, gym, crèche area and changing rooms at lower ground floor with 4 studios, a salon, sales area and admin area within the roof.

The building incorporated a single storey element to the side measuring 15m x 7m for storage in connection with the use. A car park for 250 cars was also proposed, set down 2m below the current ground level.

The Committee noted that such indoor sport facilities were contrary to Metropolitan Green Belt Policy and therefore inappropriate by definition. The building was proposed to be placed on the highest part of the course and would be clearly visible from a wide area. A number of objections had been made to the application.

The Committee heard from both objectors and the applicants.

The Committee were of the view that whilst facilities were needed, in this instance the location was inappropriate and clearly contrary to policy and not of the right design. There were no very special circumstances that existed to mitigate the harm to the green belt caused by the application. The committee resolved to refuse the application.

**RESOLVED:**

That planning application EPF/1510/05 at Blakes Golf Course, Epping Road, Bobbingworth be refused for the following reasons:

(1) The site is within the Metropolitan Green Belt wherein only certain types of development are deemed appropriate. The proposed development is inappropriate and by definition harmful to the Green Belt. No very special circumstances, sufficient to overcome the harm to the Green Belt that would result from the development exist. The proposed building, extensive parking area and level of activity that would result from their use would have a significant and detrimental impact on the openness, character and amenity of the Green Belt. The proposal is therefore contrary to Government guidance

and to Policy C2 of the Essex and Southend on Sea Replacement Structure Plan and Policies GB2 and GB3 of the adopted Local Plan.

(2) The proposal would increase the use of an existing access off the A414 Epping Road. The A 414 in this location is a Primary One Strategic Route. The proposal would be accessed via the existing “temporary “ golf course access off the A414 Epping Road. The “temporary” access does not meet the current highway design standards and specifications set by the Highway Authority. The proposal is therefore contrary to Policy T17 of the adopted Local Plan.

(3) The proposal is in an unsustainable location therefore would lead to trips being made using the private car rather than more sustainable modes of transport such as public transport, cycling and walking, Contrary to policies CS1, CS4 and T3 of the Structure Plan.

(4) The proposed building and car park, due to their size and design and their position within the open countryside/golf course landscape, present an unattractive and intrusive feature in the landscape, harmful to the visual amenity of the area and contrary to policies LL2 DBE4 of the adopted Local Plan.

## **29. TREE PRESERVATION ORDERS, APPLICATIONS TO FELL TREES AND ENFORCEMENT - PROCEDURAL CHANGES AND DELEGATED AUTHORITIES**

The Committee considered procedural changes and delegated authorities to officers and Committees in relation to Tree Preservation Orders, Applications to Fell Trees and Enforcement required following a recent review by officers.

### **RESOLVED:**

#### Tree Preservation Orders (TPOs) – Procedure and Confirmation

(1) That a report be submitted to the Council recommending that item (8) (page C12 of the Constitution) of the terms of reference of the four Area Plans Sub Committees be amended to read as follows: “To determine the confirmation of those tree preservation orders which are opposed”;

(2) That the delegated authority exercised by the Head of Planning & Economic Development in respect of TPOs (Ref T12 – page D58 of the Constitution) be amended to read:“ To authorise, serve and execute all unopposed Tree Preservation Orders in accordance with Section 197 of the Town & Country Planning Act 1990 (as amended) and any subsequent legislation and to notify action taken in the Members’ Information Bulletin.”

#### Applications to Fell Trees – New Government Advice on Valid Applications

(3) That the Protocol and Guidance agreed in April 2005 be amended to take account of the Secretary of State’s advice that only the minimum requirements in the model TPO need be met in order to validate an application, provided that the decision taker is provided with adequate information to decide whether the proposed tree works are justified;

#### TPOs – Potential Compensation Cases

(4) That a report be submitted to the council recommending that item (2) of the terms of reference of the District Development Control Committee be amended to read as follows:

“ To determine any recommendation of an Area Plans Sub Committee which relates to potential decisions liable to give rise to claims for costs or compensation including development control matters and enforcement of planning requirements (including recommendations of no action) but excluding works in relation to tree preservation orders.”;

Enforcement Action & High Hedges– Additional Delegation to Head of Planning & Economic Development etc

(5) That the existing delegation to the Head of Planning & Economic Development (item E9 – page D18 of the constitution) be amended by the addition of:

(a) temporary stop notices to paragraph 1;

(b) the additional words “(and any subsequent legislation or regulations)”being added to paragraph 1;

(c) the addition of a new paragraph 6 as follows:

“ 6. Authority to determine complaints and issue relevant notices in relation to High Hedges provision of Part V of the Anti Social Behaviour Act 2003, to determine that such notifications are valid and to respond to any relevant appeals.”

(d) the delegation being held jointly with the Head of Legal, Administration and Estates;

(6) That the delegated powers for the Head of Planning & Economic Development (paragraph P5 – page D45 of the Constitution) be amended to provide for entry in pursuance to Part VII of the Anti- Social Behaviour Act 2003.

TPOs Under the Supervision of Essex County Council

(7) To note the revised arrangements to come into effect from 1 January 2006 in respect of applications under Essex County Council TPOs; and

(8) That the Head of Planning & Economic Development clarify the extent of consultation on and notification of action taken by the County Council under the new arrangements and to express the Committees concern and the need for greater consultation.

### **30. FIRST MEETING OF THE NEW YEAR**

In closing the meeting the Chairman wished members a happy new year.

**CHAIRMAN**