

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control Committee **Date:** 17 April 2007

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.15 pm

Members Present: B Sandler (Chairman), D Kelly (Vice-Chairman), K Chana, M Colling, R Frankel, Mrs H Harding, J Markham, P McMillan, Mrs P Richardson, Mrs M Sartin, Mrs P Smith, P Turpin, Mrs L Wagland and K Wright

Other Councillors:

Apologies: Mrs D Borton, Mrs R Gadsby and J Hart

Officers Present: A Hall (Head of Housing Services), B Land (Assistant Head of Planning and Economic Development), A Mitchell (Assistant Head of Legal, Administration and Estates (Legal)) and S G Hill (Senior Democratic Services Officer)

37. WEBCASTING INTRODUCTION

The Chairman reported that due to technical difficulties the meeting would not be webcast.

38. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor Chana was substituting for Councillor Hart and Councillor Sartin was substituting for Councillor Gadsby.

39. DECLARATIONS OF INTEREST

(a) Pursuant to the Councils Code of Member Conduct, Councillor R Frankel declared a personal interest in items 7 and 8 (Land Rear of Fyfield Hall, Fyfield) by virtue of being a member of Planning Subcommittee B/C who had originally considered the application. The Councillor indicated that he proposed to stay in the meeting and take part in the debate on that item.

(b) Pursuant to the Councils Code of Member Conduct, Councillor D Kelly declared a personal interest in items 7 and 8 (Land Rear of Fyfield Hall, Fyfield) by virtue of being the local ward member. The Councillor indicated that he proposed to stay in the meeting and take part in the debate on that item.

40. MINUTES

Resolved:

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

41. EPF/2230/05 - LAND AT REAR OF FYFIELD HALL, WILLINGALE ROAD, FYFIELD

The Committee were asked to consider a recommendation of Area Plans Sub-Committee B/C that planning permission be granted for the conversion of barns to five residential units and erection of six new houses at Fyfield Hall, Willingale Road, Fyfield.

This application sought the conversion of barns and redevelopment of buildings for residential use at Fyfield Hall. Three historic barns and a listed dovecot were to be converted to create 5 residential units (2 two bed and 3 three bed) and a range of commercial buildings removed and replaced by a new development of 6 residential units (a five bed farmhouse-style dwelling, 4 semi detached cottages and a 3 bed barn style dwelling). The development would also ensure the removal of a number of former agricultural buildings of a greater footprint on the site and the long-term maintenance of and public access to a riverside walk and meadow via a section 106 agreement.

The application was complex and was covered by a number of local plan policies. The main factors were: Green Belt development, impact on setting of the listed buildings, loss of employment land, sustainability, landscaping and nature conservation, access, highway safety and public footpaths and land drainage.

The main issue in determining the application concerned whether very special circumstances exist in this case, which should allow an exception to be made to Green Belt policy. Officer had recommended to the Subcommittee that the application should be granted.

The Area Plans Sub Committee agreed with the officer's report that very special circumstances exist in this case. These are: the very significant improvement to the setting of the Grade I Listed Fyfield Hall from the removal of inappropriate buildings and uses from its setting, an overall increase in the openness of the site, a significant reduction in traffic movements in the rural area, the removal of open storage and parking and the incorporation of a wildflower meadow within the scheme.

The Sub-committee members had also felt that there was a need to provide a contribution to affordable housing in the district and local community facilities. Following discussions with the applicant such contributions had been secured.

The Committee concurred with the views of the Subcommittee and the officer recommendation that planning permission should be granted and noted that the scheme had received universal local support. The Committee resolved accordingly.

Resolved:

That, subject to the prior completion of a satisfactory legal agreement under section 106 of the Town and Country Planning Act 1990 to secure:

- (i) the long term maintenance of and public access to the riverside walk and meadow; and
- (ii) a commuted sum of £70,000 towards affordable housing across the District; £20,000 towards the extension and refurbishment to the Fyfield Village Hall; and £10,000 towards improvements to children's play facilities in the village, planning permission EPF/2230/05 for the conversion of barns to

five residential units and erection of six new houses at Fyfield Hall, Willingale Road, Fyfield, 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) 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) have been submitted to an approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These 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 vehicle artefacts and structures, including signs and lighting and functional services above and below ground. 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.

(3) The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the Local Planning Authority.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

(4) Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.

(5) Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

(6) 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 by the Local Planning Authority.

(7) Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority before any work commences and the development shall be implemented in accordance with such agreed details.

(8) Prior to the commencement of the development details of the proposed surface materials for the access 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.

(9) Prior to the first occupation of any of the dwellings hereby approved, all the buildings shown to be demolished shall be demolished and all resulting materials shall be removed from the site.

(10) The barn conversion shall be undertaken prior to the completion of the new dwellings hereby approved, unless the Local Planning Authority has given its written approval for any variation in the phasing of construction for this development.

(11) All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the 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.

(12) Prior to first occupation of any dwelling, the works to provide a public footway alongside Willingale Road shall be completed in full accordance with the approved plans.

42. EPF/2231/05 – LAND AT REAR OF FYFIELD HALL, WILLINGALE ROAD, FYFIELD - LISTED BUILDING APPLICATION

The Committee considered and approved the linked Listed Building application for development on land at Fyfield Hall, Fyfield.

Resolved:

That Listed building planning application EPF/2231/05 for the removal of 20th Century agricultural buildings and conversion of buildings for residential use within curtilage of Grade I listed building at Fyfield Hall, Fyfield be granted subject to the following conditions:

- (1) The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted;
- (2) Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- (3) Additional drawings that show details of proposed new windows, doors, rooflights, eaves, verges, fascias, cills, structural openings and junctions with the existing building, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.

43. EPF/1680/06 - WHITE LODGE/THE LIMES, SEWARDSTONE ROAD, WALTHAM ABBEY - PROPOSED LEGAL AGREEMENT

At the meeting of the Committee on 6 February 2007, it had been resolved to grant outline planning permission for the erection of 119 dwellings with ancillary facilities at a site at White Lodge/The Limes in Sewardstone Road, subject to various conditions and to a section 106 legal agreement. Members had asked at that meeting to receive a further report on the terms of such an agreement.

Since the last meeting the application had been referred to the Secretary of State through the Government Office for the East of England who had now confirmed that they were happy for the Council to determine the matter and would not call-in the application for further review.

However, the Council was now aware that the London Borough of Waltham Forest had written a preliminary letter to the Secretary of State seeking responses to a number of concerns and indicating that they were minded to seek a judicial review of the process. The Council had also received a further letter from a Waltham Forest Councillor reiterating objections to the scheme, although it was noted that such objections had been brought to the attention of members at the previous meetings.

The Committee were asked to consider the draft agreement and made comments on the dispute procedure that officers would incorporate into the final agreement.

It was considered prudent to authorise officers to continue the preparation of the final agreement and to enter into the section 106 agreement subject to being satisfied that any judicial review proceedings were either unsuccessful or not brought within the time scale as set out in the Civil Procedure Rules. The Committee authorised officers accordingly.

Resolved:

(1) That the Committee notes progress with finalising the Heads of Terms of the section 106 agreement and authorises officers to proceed to the preparation of the final document, reporting back to this Committee only in the event that the current Heads of Terms fail to be concluded;

(2) That the Head of Legal, Administration and Estates be authorised to conclude and enter into the Section 106 agreement on behalf of the Council subject to either:

(i) the London Borough of Waltham Forest confirming that it is not proceeding with Judicial Review or fails to issue proceedings within the time limits set out in the Civil Procedure Rules; or

(ii) any action for Judicial Review is unsuccessful; and

(3) That if any application for Judicial Review is successful then the matter be referred back to the Committee.

44. ANY OTHER BUSINESS

The Committee noted that there were no further items of urgent business for consideration at the meeting.

CHAIRMAN