

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 9 June 2009
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.30 pm
High Street, Epping

Members Present: B Sandler (Chairman), M Colling (Vice-Chairman), K Chana, R Frankel, Mrs R Gadsby, A Green, Mrs A Haigh, J Hart, J Markham, G Mohindra, R Morgan, Mrs C Pond, P Turpin, J Wyatt and Mrs L Wagland

Other

Councillors: J Knapman, Mrs M Sartin and C Whitbread

Apologies:

Officers Present: S G Hill (Senior Democratic Services Officer), N Richardson (Principal Planning Officer), R Rose (Senior Lawyer) and G J Woodhall (Democratic Services Officer)

1. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive 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.

2. MINUTES

Resolved:

That the minutes of the meeting held on 7 April 2009 be taken as read and signed by the Chairman as a correct record.

3. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that there were no substitutes at this meeting.

4. DECLARATIONS OF INTEREST

Pursuant to the Councillors Code of Conduct, Councillors B Sandler, K Chana, G Mohindra and L Wagland declared personal interests in item 10 (Grange Farm, Chigwell) by virtue of being members of Chigwell Parish Council. The members remained in the meeting for the duration of the discussion and voting on that item.

Pursuant to the Councillors Code of Conduct, Councillor R Gadsby declared a prejudicial interest in item 10 (Grange Farm, Chigwell) and left the meeting for that item.

5. ANY OTHER BUSINESS

It was noted that there was one item of additional business (5 Moores Estate, Roydon) which had been circulated as a supplementary agenda item.

6. PLANNING APPLICATION EPF/2315/08 - 5 MOORES ESTATE, CHURCH LANE, ROYDON - FOUR ADDITIONAL GYPSY PITCHES FOR FAMILY MEMBERS RESIDENTIAL CARAVAN SITE (MAKING 5 IN TOTAL)

The Committee considered a supplementary agenda item which related to application which had been referred by Area Subcommittee West with no recommendation. The Subcommittee had felt that the matter should be discussed by the Committee on the basis that the proposal was of major importance and was affected by the current consultation process for the Gypsy and Traveller DPD.

The application sought use of land at 5 Moores estate for the stationing of four additional gypsy family pitches for family members bringing the total on the site to five.

The Committee received representations from an objector to the development and additionally their attention was drawn to letters of representation from 15 Little Brook Road, Solicitors on behalf of 3 Moores Estate, Church Lane, and a joint signed letter dated 01/06/09.

Members were concerned at the sites location within the green belt and whether the proposal met the test of very special circumstances envisaged by the local plan. Members were of the view that no special circumstances had been put forward by the applicant that were sufficient to outweigh harm to the green belt. Additionally, members considered that the narrow one track access road was inadequate for the proposed development. The Committee considered and voted upon a proposal to refuse permission on the basis of their concerns.

Resolved:

That planning application EPF/2315/08 be refused for the following reasons:

(1) The site is within the Metropolitan Green Belt. The proposed works represent inappropriate development and are therefore at odds with Government advice, as expressed in PPG2, policies GB2A and H10A of the adopted Local Plan and Alterations and the East of England Plan 2008. They state that within the Green Belt permission will not be given, except in very special circumstances for the construction of new buildings or for the change of use or extension to existing buildings except for the purposes of agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, cemeteries, or similar uses which are open in character. In the view of the Local Planning Authority the application does not comply with these policies and there are no very special circumstances sufficient to justify the grant of permission; and

(2) There is inadequate and sub-standard access to the site and the addition of 4 additional gypsy pitches therefore is unacceptable because the current access fails to provide safe and convenient access for pedestrians and vehicles, particularly emergency vehicles, and is therefore contrary to policy ST2 of the Adopted Local Plan and Alterations 2006.

7. PLANNING APPLICATION EPF/0247/09 - LAND ADJACENT TO COPPERFIELD LODGE, HAINAULT ROAD, CHIGWELL - ERECTION OF NEW FIVE BEDROOM HOUSE WITH BASEMENT AND INTEGRAL GARAGE

The Committee considered an application which had been referred by the Area Plans Sub Committee South for the construction of a five bedroomed house on a green belt site in Hainault Road, Chigwell. The application site was adjacent to Victory Hall and the applicant proposed, as part of the scheme, that a portion of the site on the northwest perimeter be assigned to the District Council to provide additional parking for the Hall and nearby library. The area of parking proposed was, however, outside the red lined application site.

The report to the sub-committee had carried a recommendation from officers to refuse planning permission on green belt grounds which had not been upheld by majority at the Area Subcommittee meeting.

The debate at the sub-committee meeting had centred around whether the site fulfilled the purposes of being included within the green belt; whether there was a need for the provision of additional parking spaces for Victory Hall; and whether the provision of the additional car parking spaces was sufficient grounds to justify an otherwise inappropriate development within the green belt.

The Committee heard from an objector to the application and noted that the proposed house design had been subject to further design revision, making it smaller.

The Committee were concerned that the proposed parking area was outside the application site and, as such, could not be conditioned as part of the planning application. Members were advised that a Section 106 Agreement could be put in place to secure the provision of laid out parking spaces and the sites ownership transfer to the District Council before the implementation of the scheme. Members considered that the parking was needed at the location and that the proposed site of the house would fill a gap in the existing built frontage on Hainault Road and was supported by many local people. The Committee therefore considered a proposal to grant permission for the scheme subject to conditions suggested by officers and with a Section 106 Agreement to ensure the provision of the parking before commencement of the scheme. Members asked further that the application for the parking scheme come back to the Committee for consideration.

Resolved:

(1) That, subject to the completion of a Section 106 Agreement to secure the provision of car parking and transfer of the appropriate portion of the land to the District Council's ownership before implementation of the planning permission, EPF/0247/09 on land adjacent to Copperfield Lodge, Hainault Road, Chigwell 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.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

3. The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved. The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing. The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority. The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development.

4. All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to control any alteration to levels or spreading of material not indicated on the approved plans in the interests of amenity and the protection of natural features.

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.

Reason:- Since the site has been identified as being potentially contaminated and to protect human health, the environment, surface water, groundwater and the amenity of the area.

6. No demolition or preliminary ground works of any kind 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 to and approved by the local planning authority.

Reason: To protect any material of archaeological interest of the site, due to the location of the proposed development on the site of a Roman Road.

7. Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

Reason: To enable appropriate consideration to be given to the impact of the intended development upon adjacent properties.

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 Part 1, Classes A, B, E shall be undertaken without the prior written permission of the Local Planning Authority.

Reason:- The specific circumstances of this site warrant the Local Planning Authority having control over any further development.

9. 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 occupation of any of the dwellings hereby approved and maintained in the agreed positions.

Reason:- In the interests of visual amenity.

10. 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.

Reason:- To ensure that a satisfactory surface treatment is provided in the interests of highway safety and visual amenity.

11. Prior to the first occupation of the development hereby permitted there shall be no obstruction within a parallel band visibility spay 2.4m wide as measured from the back edge of the carriageway across the entire site frontage. This area shall be retained free from any obstruction in perpetuity.

Reason: To provide adequate inter-visibility between users of the access and the existing public highway for the safety and convenience of users of the

highway and of the access in accordance with policy ST4 of the Adopted Local Plan and Alterations.

12. Any gates provided at the vehicular access shall only open inwards and shall be set back a minimum of 4.8 metres from the nearside edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway/footway whilst gates are being opened and closed in accordance with policy ST4 of the Adopted Local Plan and Alterations.

13. Prior to the first occupation of the development permitted the existing crossover shall be removed and the footpath resurfaced and the kerb reinstated for use as approved in writing by the local planning authority.

Reason: In the interests of highway safety in accordance with policy ST4 of the Adopted Local Plan and Alterations.

14. Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety.

(2) That the planning application for car parking linked to this site be subject to a further report to the District Development Control Committee.

8. PLANNING APPLICATION VALIDATION CHECKLISTS

The Committee considered and approved officer proposals to implement validation checklists together with associated guidance. It was noted that the relevant portfolio holder would be required to publish a decision to formally adopt the checklists.

Resolved:

That the relevant Portfolio holder be recommended to:

(1) Approve the amended Validation Checklists and Guidance Notes for adoption from 1 July 2009 and for publication in the local paper and on the Council's website; and

(2) Keep the checklists and guidance notes under regular review with minor amendments, necessary to reflect statutory changes, changes in Government guidance or Council policy and guidance, being made as required without undertaking full consultation or member approval.

9. SECTION 106 AGREEMENT - GRANGE FARM, HIGH ROAD, CHIGWELL - REQUEST FOR VARIATIONS

The Committee considered a request from the developer of the core site at Grange Farm, Chigwell to vary the terms of the existing Section 106 Agreement on the site. The variations sought related to the amount and phasing of payments to be made under the existing agreement. The Committee requested that the decision on the

request be deferred to an extraordinary meeting to allow the Council's Director of Finance and ICT to provide advice to the Committee on the financial elements of the proposal.

Resolved:

That an extraordinary meeting of the Committee be convened to give further consideration to the requests for variation of the Section 106 Agreement relating to Grange Farm, Chigwell once further financial appraisal of the proposals was undertaken by the Director of Finance and ICT.

CHAIRMAN