

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 30 January 2013
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.13 pm
High Street, Epping

Members Present: B Sandler (Chairman), A Boyce (Vice-Chairman), C Finn, Mrs S Jones, J Knapman, Ms Y Knight, J Markham, R Morgan, J Philip, Mrs C Pond, Mrs P Smith, D Stallan, Ms S Watson and J M Whitehouse

Other

Councillors: K Avey, B Rolfe, G Waller and C Whitbread

Apologies: J Hart and J Wyatt

Officers Present: N Richardson (Assistant Director (Development Control)), S G Hill (Senior Democratic Services Officer) and G J Woodhall (Democratic Services Officer)

25. 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.

26. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted that Councillor D Stallan was present as a substitute member for Councillor James Hart.

27. DECLARATIONS OF INTEREST

No declarations of interest were made pursuant to the Councillor Code of Conduct.

28. MINUTES

Resolved:

That the minutes of the meeting held on 3 October be taken as read and signed by the Chairman as a correct record.

29. ANY OTHER BUSINESS

It was noted that there were no further items of urgent business to transact at the meeting.

30. PLANNING APPLICATION EPF/0817/12 FOR REPLACEMENT CLUB HOUSE AND ASSOCIATED DEVELOPMENT AND OUTLINE APPLICATION FOR 8 SEMI DETACHED HOUSES DEVELOPMENT, AT UPPER CLAPTON FOOTBALL CLUB, UPLAND ROAD, THORNWOOD

The Committee considered an application for a replacement club house and associated enabling development at Upper Clapton Football Club in Thornwood. The application had been referred to the Committee by Area Plans Subcommittee at their meeting on 24 October 2012.

The site lay within the Metropolitan Green Belt and the Committee were asked to consider whether the provision of housing on the site to fund the proposed new facilities amounted to very special circumstances to outweigh the harm to the green belt.

Since the meeting of the Planning Subcommittee the applicant had provided financial information to support the number of housing units proposed and alternative outline plans showing a new indicative layout of 8 semi-detached properties with parking to the front of the houses rather than the rear. Revised plans were shown to the Committee.

The Committee also noted the proposed Section 106 agreement which would enable the proceeds from the sale of the enabling development site to be held by the Council and utilised only for the provision of the sporting facilities.

The Committee heard from the applicants agent.

The Committee were of the view that the club had demonstrated its community work in the area particularly with local schools and therefore was an asset to the local community. The proposed enabling development was immediately adjacent other houses and was on the site of the existing hard standing parking area. The proposals would provide additional off street car parking and regulate the hours of use of the clubhouse.

The Committee asked for details of the proposed floodlighting to be subject to careful consideration by officers and asked that the Parish Council and Local Ward members be consulted, when those details were submitted. Additionally officers were asked to condition the revised layout of parking, house gapping and amenity space proposed for the residential element.

The Committee were of the view that given the above factors, the application should be granted.

Resolved:

That Planning Application EPF/0817/12 at Upper Clapton Football Club be granted subject to:

- (i) a legal agreement to secure that all proceeds from the sale of the land for residential purposes are held by the Council and utilised only for the provision of the facilities set out in the application; and
- (ii) to the planning conditions set out in Appendix 1 to these minutes.

31. PLANNING APPLICATION EPF/0457/12 – COPPICE FARM, COPPICE ROW, THEYDON BOIS – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF SINGLE DWELLING, INCLUDING CHANGE OF USE PART OF SITE TO RESIDENTIAL GARDEN.

The Committee considered an application referred to it from Area Plans Subcommittee East at its meeting on 24 October 2012. The application sought the demolition of existing buildings and the erection of a single dwelling at Coppice Farm, Coppice Row, Theydon Bois. The application also sought the change of use of part of the site to residential garden. The application had been referred with a recommendation that permission be granted.

The Committee's attention was drawn to letters of representation from London Green Belt Council, Theydon Bois & District Rural Preservation Society and a resident of Hemnall Street, Epping. The Committee also heard from a local resident, the Parish Council and the Applicants Agent.

The Committee considered that the harm to the Metropolitan Green Belt resulting from the proposed development was not outweighed by the very special circumstances being forwarded as part of this application and determined that the application should be refused.

The Committee agreed that the Council had acted positively and proactively in assessing this application, however, the principle of a new house in the Green Belt was unacceptable and therefore there was no feasible way forward through the re-submission of a revised planning application.

Resolved:

That planning application EPF/0457/12 at Coppice Farm, Coppice Row, Theydon Bois be refused for the following reason:

(1) The proposed dwelling and change of use to residential garden represents inappropriate development in the Metropolitan Green Belt. It will fail to preserve the openness of the Green Belt and there are no very special circumstances that clearly outweigh this harm. It is therefore contrary to Policy GB2A of the Adopted Local Plan and Alterations and the National Planning Policy Framework.

32. PLANNING APPLICATION EPF/2361/09 – REDEVELOPMENT OF LAND FORMERLY IN USE AS A GARDEN CENTRE AT 212 MANOR ROAD, CHIGWELL TO PROVIDE 21 FLATS 80% OF WHICH WILL BE AFFORDABLE HOUSING. (REVISED APPLICATION)

The Committee considered and approved a request by the developer of the former Jennykings Garden Centre to vary the existing legal agreement on the site by the deletion of a clause preventing construction of the buildings exceeding one metre in height until a site access road had been constructed. Members noted that there were other clauses within the agreement preventing occupation of the buildings until after the completion of the access road.

Resolved:

That the Committee approve a variation of the existing Section 106 Agreement attached to planning permission EPF/2361/09, by deletion of Clause 5.51 of the agreement.

CHAIRMAN

Appendix

Appendix to District Development Control Committee Minutes Meeting 30 January 2013

Application Number : EPF/0817/12

Full Planning Permission for Club House Replacement and Associated Facilities.

Conditions:

Full

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 construction works above ground level shall have taken 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, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
3. The proposed redevelopment shall be carried out in the phases indicated on Annotated drawing number 2011/020/110 received on 17/01/12.
4. Prior to the commencement of Phase 1 of the development suitable reptile proof fencing shall be erected to prevent the migration of reptiles onto the area of development.
5. Prior to commencement of phase 2 of the development a reptile survey and evening bat emergence survey shall be undertaken at suitable times of the year as recommended in the Phase 1 habitat survey submitted with the application. These shall be submitted together with details of methods of working and suitable mitigation works shall be submitted to and agreed in writing by the Local Planning Authority and the works shall be carried out and completed in accordance with the agreed details.
6. The facilities hereby permitted shall not be used outside the hours of 0800 and 2300 on any day unless otherwise agreed in writing by the Local Planning Authority
7. Details of the proposed floodlighting shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation
8. The approved floodlights shall not be operated after 9pm any evening unless otherwise agreed in writing by the Local Planning Authority.
9. The parking area shown on the approved plan shall be provided prior to the first use of the new clubhouse and shall be retained free of obstruction for the parking of visitors vehicles
10. A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of phase 2 of the development. The assessment shall include

calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools and shall include details for phase 1. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

11. 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.
12. Prior to commencement of phase 2 of the development a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) shall be submitted to the Local Planning Authority and approved in writing. The development shall then be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
13. Prior to commencement of phase 2 of the development full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and 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.
14. Prior to the first use of the approved facilities the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 70 metres to the west and 2.4 metres by 70 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
15. Prior to the first use of the approved facilities details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the extension of the footway on the southern side of Upland Road, for approximately 60m across the site frontage to the vehicular access or proposed footpath into the site. The approved scheme of works shall then be implemented prior to the first use of the facilities.

16. Prior to commencement of phase 2 of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
17. Prior to commencement of Phase 2 of the development a Phase 1 Land Contamination investigation shall be carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

18. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

19. Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance

and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

20. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval in writing. The approved monitoring and maintenance programme shall be implemented.
21. The Development shall be carried out strictly in accordance with drawing numbers: Location Plan 2011/020/17, Clubhouse & Changing Facilities plan nos: 2011/020/16, 2011/020/15, 2011/020/014, 2011/020/013, Club Facility Layout Plan: 2011/020/01A

Outline Consent for the development of 8 semi detached houses.

Conditions:

Outline

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
2. a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) layout;
 - (ii) scale;
 - (iii) appearance;
 - (iv) access; and
 - (v) landscaping.b) The reserved matters shall be carried out as approved.
c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
3. The submitted details shall be in general accordance with the layout, type and scale of development set out in the indicative plans approved in outline, that is 8 semi detached, two storey dwellings, which are Plan Nos. 2011/020/13 received on 07/01/2013, Amended indicative layout plan dated 17/12/2012 2011/020/04 and 2011/020/003A.

4. 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.
5. A flood risk assessment and management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
6. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

7. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

8. Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

9. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented
10. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
11. No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of 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.
12. 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 and 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.

13. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
14. Prior to commencement of development and concurrent with the reserved matters application details a reptile survey and an evening emergence bat survey shall be undertaken at suitable times of the year as recommended in the submitted Phase 1 Habitat Survey dated April 2012
15. No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

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