



***District Development Control Committee
Wednesday, 30th January, 2013***

You are invited to attend the next meeting of **District Development Control Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 30th January, 2013
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Simon Hill, The Office of the Chief Executive
Tel: 01992 564249 Email:
democraticservices@eppingforestdc.gov.uk

Members:

Councillors B Sandler (Chairman), A Boyce (Vice-Chairman), C Finn, J Hart, Mrs S Jones, J Knapman, Ms Y Knight, J Markham, R Morgan, J Philip, Mrs C Pond, Mrs P Smith, Ms S Watson, J M Whitehouse and J Wyatt

**A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP
SPOKESPERSONS OF THE-COMMITTEE, AT 6.30 P.M.
IN COMMITTEE ROOM 1 PRIOR TO THE MEETING**

SUBSTITUTE NOMINATION DEADLINE:

18:30

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chief Executive will read the following announcement:

“This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber's lower seating area you are consenting to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer"

2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 6)

General advice to people attending the meeting is attached together with a plan showing the location of the meeting.

3. APOLOGIES FOR ABSENCE

4. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

6. MINUTES (Pages 7 - 18)

To confirm the minutes of the last meeting of the Committee held on 3 October 2012 (attached).

7. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

8. 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 (Pages 19 - 38)

(Director of Planning and Economic Development) To consider the attached report.

9. 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. (Pages 39 - 58)

(Director of Planning and Economic Development) To consider the attached report.

10. 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) (Pages 59 - 62)

(Director of Planning and Economic Development) To consider the attached report.

11. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the

report is based; and

- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

Further Information?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** Wednesday, 3 October 2012
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.52 pm
High Street, Epping

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

Other Councillors: Councillors Angold-Stephens, K Avey, L Girling, Ms J Hart, Mrs J Lea, Mrs M Sartin, Ms G Shiell, D Stallan, Ms S Stavrou, C Whitbread and D Wixley

Apologies:

Officers Present: J Preston (Director of Planning and Economic Development), N Richardson (Assistant Director (Development Control)), G Lunnun (Assistant Director (Democratic Services)) and A Hendry (Democratic Services Officer)

15. 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.

16. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING COMMITTEES

The Chairman drew attention to the advice note for the public and speakers at Council Planning Committees.

17. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted that there were no substitute members present at this meeting.

18. DECLARATIONS OF INTEREST

No declarations of interest were made pursuant to the Council's Code of Member Conduct.

19. MINUTES

RESOLVED:

That the minutes of the meeting held on 8 August 2012 be taken as read and signed by the Chairman as a correct record.

20. PLANNING APPLICATION EPF/2577/11 - ERECTION OF A TWO STOREY DETACHED DWELLING AND COMMUNITY NATURE RESERVE - SPARKS FARM, 185 NINE ASHES ROAD, HIGH ONGAR

The Planning Officer reported that this application had been considered by Area Plans Sub-Committee East at their meeting on 29 August 2012. Members of the Sub-Committee, whilst sympathetic to the scheme, had expressed concern about a Section 106 Agreement being able to ensure the retention of a publicly accessible nature reserve in the long term. The Sub-Committee had, therefore, referred the application to this Committee with a recommendation that planning permission be granted subject to conditions and to consideration being given to the validity and enforceability of a planning obligation and its suitability as a mechanism to secure long term benefits.

The Committee noted that there had been insufficient time to present a unilateral undertaking to this meeting. Members considered a statement made by the applicant's agent and noted that the Council's Solicitor had advised that a suitably worded Section 106 Agreement would be valid and enforceable as a mechanism to secure long term benefits in this case.

The Committee considered the proposed development had an acceptable appearance, would cause no harm to the interests of amenity and would be no less sustainable than any other modern house constructed within the built-up enclave of Nine Ashes. Members concluded that whilst being inappropriate development in the Green Belt, the significance of the improvement in the openness that would arise from the proposal together with the nature conservation and landscaped benefits offered would be great. The Committee also considered that the benefits to the interests of nature conservation could only be secured in connection with this proposal since the proposed nature reserve was entirely within land in the applicant's ownership and could not be secured anywhere else.

RESOLVED:

That, subject to the completion, within six months of the date of this meeting, of an agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the formation of a Community Nature Reserve accessible by members of the public in perpetuity and maintained by the owners of the proposed house in accordance with the approved 10 year Nature Conservation Management Plan and with an obligation for further agreed Management Plans to be in place thereafter for the future management of this community Nature Reserve, planning application EPF/2577/11 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 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1268 01A, 1268 04B and 956/03, 956/04, 956/05, 956/06, 956/07, 956/08, 956/09, 956/10 and 956/11.
- 3 The development hereby approved shall not be commenced until a detailed methodology for amphibian and reptile mitigation including capture effort and removal together with a relevant plan in respect of

the application site and adjoining land in the applicant's ownership as indicated on drawing number 1268 01A have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved methodology.

- 4 The development hereby approved shall not be commenced until a detailed description of "appropriate measures" that should be adopted if bats are found in trees, as referred to in section 6.8 of the ecological survey included with the application, have been submitted to and approved in writing by the Local Planning Authority in respect of the application site and adjoining land in the applicants ownership as indicated on drawing number 1268 01A . The development shall be carried out in accordance with the approved measures.
- 5 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.
- 6 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule) in respect of the application site and adjoining land in the applicants ownership as indicated on drawing number 1268 01A, have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. 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 in writing.
- 7 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas within the application site and adjoining land in the applicants ownership as indicated on drawing number 1268 01A shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The landscape management plan shall be carried out as approved.
- 8 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 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]

- 9 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 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]

- 10 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 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]

- 11 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification 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.

- 12 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.
- 13 No work to construct the house hereby approved shall take place until all the buildings shown on drawing number 956/10 have been demolished and all resulting debris removed from the application site and adjoining land in the applicants ownership, as identified on drawing number 1268 01A.
- 14 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.
- 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 extensions, roof enlargements, buildings and means of enclosure generally permitted by virtue of Classes A, B and E of Part 1, Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

21. PLANNING APPLICATION: EPF/0899/12 - THE SCOUT ASSOCIATION, GILWELL PARK, WALTHAM ABBEY - RESIDENTIAL BUILDING (INTERNATIONAL STAFF LODGE) INCLUDING SOCIAL AND SERVICE SPACES AND DEMOLITION OF TWO MAINTENANCE BUILDINGS

The Committee considered an application referred to it by Area Plans Sub-Committee West with a recommendation to grant planning permission following their meeting on 12 September 2012. The Committee concurred with the view of the Area Plans Sub-Committee that, in this case, very special circumstances existed sufficient to outweigh the usual policy of restraint in the Metropolitan Green Belt. The Committee were of the view that these circumstances were:

- (a) the applicant was the Scout Association and therefore the proposed development was to aid the activities of a national registered charity;
- (b) the proposed development would ensure that the site remained in operation for the benefit of the local community and further afield; and
- (c) the proposed development would help to ensure that the majority of the site remained open thus limiting impact on the urban character of the Metropolitan Green Belt.

The Committee agreed that the application should be granted subject to the conditions recommended by the Sub-Committee and to an additional condition restricting the use of the residential building to persons engaged in activities at the site. The Committee noted that the application would also be required to be referred to the National Planning Casework Unit for consideration.

RESOLVED:

That, subject to the views of the Secretary of State following referral to the Planning Casework Unit, planning application EPF/0899/12 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) The development hereby permitted will be completed strictly in accordance with the approved drawings nos: FO-001, FO-002 ex, FO-002 pro, FO-100, HO -001, A3-101, A3-102, TCP_01, TPP_01.

Reason: To ensure the proposal is built in accordance with the approved drawings.

(3) Materials to be used for the external finishes of the proposed development, shall be as detailed on the submitted plans and particulars, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To safeguard the visual amenities of the locality.

(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 works to the proposed mound) 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 (including planting details included at section 5.3 of the submitted Ecological Survey). 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.

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.

(5) 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.

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing trees are safeguarded.

(6) No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

Reason:- To ensure satisfactory provision and disposal of foul and surface water in the interests of public health.

(7) Prior to commencement of development details of bird and bat boxes shall be submitted to the Local Planning Authority for approval. The proposed boxes shall be installed on trees within the site prior to the site clearance.

Reason:- In the interests of providing alternative roosting options for birds and bats within the site.

(8) No development shall take place until details of further bat and reptile survey works, as stated in para.5.1. of the Ecological Scoping Survey Report by Greenlink Ecology Ltd, accompanying this application, have been submitted to and approved in writing by the Local Planning Authority. If these surveys reveal that these protected species are likely to be affected, then before the development proposal commences on site, appropriate mitigation proposed shall be submitted to and approved in writing by the Local Planning Authority, including any timetable for mitigation to be carried out.

Reason: To minimise the impact on biodiversity at and within the vicinity of the proposed building.

(9) The development hereby permitted shall not be used for any permanent residential use or commercial hotel, boarding or guest house use, independent of the main recreational use of the site by the Scout Association.

Reason: To justify the very special circumstances that outweigh the in principle harm of the development on the Metropolitan Green Belt.

22. PLANNING APPLICATION EPF/1340/12 - REMOVAL OF CONDITION 8 REGARDING FENCING OF PLANNING PERMISSION EPF/2300/11 - ERECTION OF REPLACEMENT WORKSHOP AND RESURFACING EXISTING YARD AT BROOKSIDE GARAGE, GRAVEL LANE, CHIGWELL

The Planning Officer reported that this application was before the Committee since the recommendation to grant planning permission was contrary to an objection from a local council which was material to the planning merits of the proposal. In addition the recommendation conflicted with a previous resolution of a Committee.

Members were informed that Condition 8 of planning permission EPF/2300/11 required that prior to commencement of development, the existing fencing at the front of the site had to be removed or set back from the carriageway edge by a minimum of 2.4 metres and that thereafter the 2.4 metre strip between the carriageway edge and the new fence line should remain clear of any obstruction.

The Planning Officer reported that the Chigwell Parish Council had objected to the removal of the condition on the grounds that it served a highway safety purpose and improved aesthetics. He advised that the stated reason for attaching the condition solely related to the matter of highway safety and that it was not open to the Council to give weight to the matter of design.

The Committee were informed that Essex County Council as Highway Authority for the locality had been consulted on the proposal to remove the condition and had not raised any objection subject to the applicant being unable to erect a more solid boundary feature along the site frontage within 2.4 metres of the carriageway.

Members were informed that it was open to the Council to impose a replacement condition removing permitted development rights rather than simply agree the removal of Condition 8. The Planning Officer reported that if the Committee were minded to take that step it would be necessary to issue a decision notice repeating all other conditions on the planning permission since the consent would amount to a new planning permission for the approved workshop building.

The Committee heard representations from the applicant's agent.

The Committee concluded that since an alternative condition could be imposed that would properly deal with the matter of highway safety, condition 8 failed the tests of necessity and reasonableness.

RESOLVED:

That planning application EPF/1340/12 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. 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 with or without modification) no further buildings or extensions to existing buildings shall be erected (other than those expressly authorised by this permission).

3. Within three months of the new building being erected, the existing workshop (shown cross-hatched on drawing no. JTS/7419/02) shall be demolished.
4. The maintenance and repair of vehicles, including works associated with undertaking MOT's, shall not be undertaken in the open hard areas of the site as indicated as diagonally hatched on drawing no. JTS/7419/03.
5. 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.
6. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
7. All construction/demolition works and ancillary operations, including vehicle movements 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.
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 works to erect, construct, improve or alter any gate, fence wall or other means of enclosure, including planting of vegetation, of the site adjacent to Gravel Lane permitted by virtue of Class A of Part 2 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

23. PROPOSED FIELDS LOCK POWER STATION, RATTY'S LANE, HODDESDON, HERTS - APPLICATION FOR A DEVELOPMENT CONSENT ORDER TO THE PLANNING INSPECTORATE (REF: EN010046) FOR A RAIL-LINKED POWER STATION

The Planning Officer reported that Veolia Environmental Services (UK) Plc had made an application for a Development Consent Order to the Secretary of State for Energy and Climate Change, to construct and operate a rail-linked power station at land off Ratty's Lane in Hoddesdon. Members noted that the proposed power station would have an electrical output capacity in excess of 50 mega watts and therefore fell within the definition of a "nationally significant infrastructure project". The Planning Officer reported that such projects were not decided by the Local Planning Authority but by the Secretary of State via the Planning Inspectorate who, after consultation and assessment, would consider whether the development was acceptable and if so would issue a Development Consent Order.

The Committee noted that pre-application had been carried out in two phases of public consultation and the Council had already made comments, particularly in regard to air quality, noise, visual impact and local traffic. The Committee was advised that local authorities in whose areas applications for national significant infrastructure projects were submitted were invited to produce a Local Impact Report. The Planning Act 2008 required that the Examination Authority (and Secretary of State) must have regard to local impact reports in determining applications for the Development Consent Orders. Members were advised that before this was produced there was an opportunity for those interested to make representations direct to the Planning Inspectorate between 17 September and 19 October 2012.

The Planning Officer reported that, although the site was all within the administrative area of Broxbourne Borough Council, it was close to the western boundary of the Epping Forest District and this Council was invited to make comments at this stage.

The Committee considered the proposed development. Members expressed the following concerns:

- (a) the visual montages have been taken from a low level and do not accurately show the proposed building when viewed from locations in this District; existing uses on the site are in the main undertaken at ground level and cannot be seen from locations in this District unlike the proposed building;
- (b) if Veolia is unsuccessful with its bid for the North London Waste Authority Fuel Use Contract it will be necessary to secure the primary source of solid fuel recovery for the power station from another area which despite current assurances could lead to more than 10% of waste being delivered to the site by road; although there is a weight limit restriction on Dobbs Weir Road this is already regularly abused and the situation is unlikely to be improved by the proposed monitoring; account should also be taken of the increased use of local roads when the M25/A10 are congested/closed;
- (c) the current number of rail movements on the London-Cambridge/Stansted Airport line results in long delays of traffic using the level crossing at Roydon; additional rail movements including the need for trains carrying waste from London to go through Roydon to Harlow and back in order to access the application site will exacerbate this problem;
- (d) the rail line is already heavily used and services are often disrupted due to signal failures, overhead line problems; any additional use of the line is likely to add to these disruptions;
- (e) there will be air pollution resulting from emissions from the site and the planned Trent Developments Sustainable Energy Facility; tests should be undertaken now to establish current levels in the area which can be judged against those taken in the future; there will be increased noise/vibration from the railway which in any event has become more noticeable recently in nearby residential areas as a result of works to the line; there may be rail movements at unsocial hours;
- (f) the proposed involvement of the Environment Agency in the process is too late to have any real meaning;
- (g) figures for current/estimated traffic movements in the area are unclear and need clarification;

- (h) it is suspected that a large amount of natural gas will be used to fuel the facility rather than residual waste and if so this negates some of the arguments for using this site;
- (i) there will be unacceptable congestion and disruption in the area during the build period for the proposed development;
- (j) the future of the current user on the site is unclear; if this use needs to be relocated to another site locally the estimates of a reduction in vehicle movements will be negated.

RESOLVED:

- (1) That members elaborate on their concerns in e-mails to be sent to the Director of Planning and Economic Development in time for forwarding to the Planning Inspectorate by 19 October 2012;
- (2) That the comments made by members in their emails together with the report of the Director of Planning and Economic Development submitted to this meeting be sent to the Planning Inspectorate; and
- (3) That a report be made to a future meeting about this Council's further involvement in the application process.

24. PLANNING APPLICATION EPF/1907/10 - LAND REAR OF OAKLEY HALL, HOE LANE, NAZEING - DEMOLITION OF GLASSHOUSE AND SUNDRY STRUCTURES AND ERECTION OF 50 BED CARE HOME WITH ASSOCIATED ANCILLARY PARKING AND LANDSCAPING - EXTENSION OF TIME TO ENABLE COMPLETION OF SECTION 106 AGREEMENT

The Planning Officer reported that this application had been considered by the Committee in April 2011 when planning permission had been granted subject to conditions and to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months of the resolution.

Members noted the terms of the proposed agreement and the fact that it had not been completed within the six month period specified. Members were advised that a three month extension of the time for completion of the agreement had been authorised in December 2011 but again the agreement had not been completed within that time.

The Planning Officer reported on steps taken by the applicant during the last few months in an attempt to resolve outstanding issues as a result of which a revised agreement had been drafted and accepted by the Council's Solicitor. The Committee considered a draft of the proposed new agreement.

RESOLVED:

That an extension of time be approved to allow a further three months from the date of this meeting for the completion of the Section 106 Agreement, previously required, to enable planning application EPF/1907/10 to be granted subject to the conditions set out in the minutes of the Committee of 5 April 2011.

CHAIRMAN

Report to District Development Control Committee



**Epping Forest
District Council**

Date of meeting: 30 January 2013

Subject: 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, Epping Essex, CM16 6NL

**Officer contact for further information: Mrs Jill Shingler Ext 4106
Committee Secretary: S Hill Ext 4249**

Recommendation(s):

That the Committee consider the recommendation of Area Planning Sub Committee East to Grant Consent for the development subject to:

- (i) a legal agreement to secure that all proceeds from the sale of the land for residential purposes is 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 2 to this report.**

Report Detail

1. (Director of Planning and Economic Development) The Planning application was reported to Area Plans Sub-Committee East with an officer recommendation to refuse planning permission. The original report to committee is attached as Appendix 1 to this report. The site is within the Metropolitan Green Belt and although the redevelopment of the Rugby Club facilities is considered acceptable, the eight semi detached residential units proposed are clearly inappropriate development and in an unsustainable location. In addition the indicative layout shown resulted in inadequate private amenity space for the proposed dwellings. Officers on balance considered that the harm to the Green Belt from the enabling development was not outweighed by the circumstances argued by the applicant.

2. The main issue for the sub- committee was that the Rugby Club is a long established and well supported local facility an asset to the community in need of upgrading to modern standards. The Committee therefore considered that the provision of housing to provide cross funding to enable the upgrade of these facilities could amount to very special circumstances, but were concerned that the applicants had not shown that the 8 houses proposed was the minimum level of development necessary to enable the proposed upgrading of the facilities, and were concerned that inadequate amenity space would be provided for the dwellings.

3. At Committee the presenting planning officer suggested, with the agreement of the applicant, that reference to "8" semi detached properties could be removed from the description of development, so that Members could simply consider whether "enabling residential development" would be acceptable, which would allow the applicant to provide more information when reported to the District Development

Committee and would not cause undue delay. The applicant is reliant on funding not only from the enabling development but also from grants from other sources including Sport England and further delay would have put the grant funding in jeopardy.

4. The sub Committee therefore agreed to refer the application with its revised description (removing reference to a specific number of houses) to this committee with a recommendation for approval, with a request that additional information regarding the viability of the scheme and a justification for a specific number of dwellings, be provided to this committee.

5. Since that meeting the applicants have provided additional financial information which shows to the satisfaction of officers that that in order to achieve the income required to enable the club redevelopment to take place, they will indeed need to be able to sell the land with unencumbered Outline consent for 8, 3 bed semi detached dwellings. Alternative scenarios were also investigated; including development of a mix of terraced and detached houses and for fewer houses, but none resulted in the required land value.

6. In addition the applicants have submitted a new indicative layout plan, elevations and floor plans for the residential element of the scheme. These revised details omit the rear access road originally proposed to serve the dwellings and allows access from the front. The dwellings are also reduced in width to allow more space between them and rooms at 2nd floor level have been removed so that they are true two story properties with just 3 bedrooms. The indicative plans show that 8, three bedroom semi-detached houses can be satisfactorily located within the proposed residential area, which would meet current amenity space and parking standards and would fit in with the general character of Upland Road. This satisfactorily overcomes the suggested 3rd reason for refusal in the original officers' report.

7. This remains a balanced decision, whilst officers accept that the 3rd reason for refusal has now been overcome, the site is still considered to be an unsustainable location for residential development and it is still officers view that the development of land for housing, in order to enable the redevelopment of the sports facility, is not in itself "Very Special" as it could be argued elsewhere.

Conclusion

8. Should the Committee be persuaded by the Area Committee recommendation to grant planning permission, it is recommended that the description of development reverts back to that of the original application (including reference to 8 semi detached houses) to allow certainty to any prospective purchasers, (and hence enable the required land value to be achieved) and to prevent pressure for more dense development out of character with the area. It is also recommended that permission is subject to the applicant first entering into a legal agreement, to ensure that all proceeds from the sale of the land for residential purposes is held by the Council and utilised only for the provision of the facilities set out in the application. In addition, officers suggest that the conditions set out in appendix 2 should be attached.

Extract from Area Plans East 24 October 2012

APPLICATION No:	EPF/0817/12
SITE ADDRESS:	Upper Clapton Football Club Upland Road Thornwood Epping Essex CM16 6NL
PARISH:	North Weald Bassett
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Upper Clapton FC
DESCRIPTION OF PROPOSAL:	Replacement club house and associated development and outline planning for enabling development of 8 Semi detached houses.
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537099

REASON FOR REFUSAL

- 1 The proposed enabling development of 8 semi detached 4 bedroom dwellings is inappropriate development and is physically as well as by definition harmful to the Green Belt. The circumstances put forward in the application to support the development are not considered to be sufficient to outweigh the very real harm to openness that would result from the development. The proposal is therefore contrary to the principles set out in the National Planning Policy Framework and to policy GB2A of the adopted Local Plan and Alterations.
- 2 The proposed residential element of the scheme is considered to be a form of unsustainable development due to the location of the site in an area where residents are likely to be heavily reliant on use of the car to reach shops, employment, schools and other facilities. As such the development is contrary to the principles of the NPPF and ST1 of the Adopted Local Plan and Alterations.
- 3 The provision of 8, 4 bedroom properties within the residential element of the development would be likely to result in a cramped form of development with insufficient private amenity space contrary to policy DBE8 of the adopted Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k))

Description of Site:

The application site is a roughly rectangular area of land on the southern side of Upland Road and has a road frontage of about 130m and a depth of over 330m, which has current use as a Rugby Football Club ground and golf range. There is an existing run down pavilion building set about 50m back from the road and a separate changing room block at the eastern boundary of the site, behind which is a golf range. To the front of the building is a hard surfaced car park with 90 spaces. The remainder of the site comprises 3 rugby pitches and a training ground. This part of Upland Road itself is characterised by semi detached residential properties with long rear gardens. There are substantial hedgerows around the boundaries of the site and the vehicular access is via a gateway adjacent to number 45 Upland Road.

Description of Proposal:

The application is a hybrid application in two parts seeking full planning permission for the replacement of the existing club facilities with new and improved facilities and outline consent for 8 semi detached residential properties to be located at the front of the site in order to provide adequate funding for the proposed replacement facilities.

The proposed replacement pavilion would provide updated and improved facilities and would be located more centrally within the site. The proposed building has been kept low in profile by the use of double pitched roofs with a main ridge height of just 6.2m. In addition the intention is to provide improved training areas with natural and artificial grass pitches and hardcourt training (for soccer and netball), improved access to the ground with a total of 193 parking spaces, improved access for disabled visitors, improved floodlighting, facilities for indoor sports and community use within the clubhouse, facilities to support women's rugby and relocation of the golf driving facility

The proposed enabling development of 4 pairs of semi detached houses is located along the road frontage adjacent to Number 45 Upland Road. Although this element is in outline only indicative plans have been submitted that show 3 suggested house types all of which would be 4 bedroomed properties with ridge heights similar to other properties within the road. The houses are shown set forward of the nearest properties and with 10m deep rear gardens. The suggested layout retains gaps of about 1.5m between the pairs of dwellings and indicates footpath accesses between the pairs through to the rear access road.

Vehicular access to the club and to the residential properties would be shared and would be in the centre of the site and 2 parking spaces are proposed for each dwelling immediately behind each house off a 5m wide access road running behind the houses.

It is proposed that the gate into the rugby club site be set back some 60m from the road frontage, just beyond the turning to the rear residential parking area. The existing substantial hedgerow around the site is shown to be retained, although gaps would of course be needed for the proposed pedestrian and vehicular accesses.

Relevant History:

The rugby club has operated from this site since the 1930's with the existing clubhouse being built in 1933.

The Golf Driving Range was approved in 1990, apart from that there have been only minor additions and alterations over the years none of which are of particular relevance.

Policies Applied:

The following policies from the adopted Local Plan and Local Plan Alterations are considered relevant and in general accord with the National Planning Policy Framework (The Framework) and should therefore be accorded substantial weight.

CP2 Protecting the quality of the rural and built environment
CP3 New development
CP5 Sustainable building
GB2A Development in the Green Belt
GB7A Conspicuous Development
NC4 Protection of established habitat.
RP4 contaminated Land
HC6 Affordable housing thresholds
H7A Levels of affordable housing
H8A Affordable housing in perpetuity
RST1 Recreational, sporting and tourist facilities
RST21 Lighting for driving ranges
CF12 Retention of community facilities
DBE1 Design of new buildings
DBE2 effect on neighbouring properties
DBE4 design in the green Belt
DBE5 Design and layout of new development
DBE6 Car parking in new development
DBE8 Private amenity space
DBE9 Loss of amenity
LL2 Inappropriate rural development
LL3 Edge of settlement
LL10 Adequacy of provision for landscape retention
LL11 Landscaping Schemes
ST1 Location of development
ST2 Accessibility of development
ST4 Road Safety
ST5 Travel Plans
ST6 Vehicle parking
I1A Planning obligations
I3 Replacement facilities

SUMMARY OF REPRESENTATIONS:

The application was advertised in the local press, a site notice was erected and 42 neighbouring properties were written to.

The following responses were received.

PARISH COUNCIL – No objection in principle to this application However members would like this application to go before the Area Plans Sub Committee in order that a Section 106 Agreement could be negotiated with the applicant in relation to benefitting the local community for some Highway/Street Lighting/Road junction improvement works.

NORTH WEALD BASSETT RURAL PRESERVATION SOCIETY - Concerned. Whilst supporting the application to replace the club house we are concerned over the development of the recreation ground, the provision of extra powerful lighting, the removal of hedges, and safety issues involved in extra traffic in a small residential road. Parking would become quite an issue when the football

ground was open. Recognise the need for more housing but would be more sympathetic if it was promoted as affordable housing for local people.

42 UPLAND ROAD – Object. Already suffer noise and disturbance when the hall is hired out for private parties some Friday / Saturday Noise and sometimes fighting can occur at 1 and 2am I have contacted the police on a number of occasions.

The rugby club will not develop the housing plot themselves but sell it on and then more houses will be proposed. Two parking spaces for each dwelling is not enough. Already on-street parking problems in the road. This is untouched Green Belt land; the development will impact on the character of the area. Loss of view of rolling country. The rugby club could refurbish the existing clubhouse and deal with the parking problem by extending parking into the area intended for the all weather pitch. In Summary: Traffic, Parking, Building on Green Belt land, View of Countryside, Light Pollution, Extending hours of use, Noise Levels.

37 UPLAND ROAD – Comments. Housing- Concern over breaking up of hedgerow, increased flood risk, increased local traffic, light pollution, house design vulnerable to burglaries Car parking too close to houses, noise nuisance from car alarms and queuing traffic after games, no pedestrian walkway between parking areas. All weather pitch is too close to roadway. 4m fence would be eyesore, floodlighting source of pollution and distraction from road. Training pitch more light pollution, this is an existing problem in winter months. Existing properties may be overlooked by the clubhouse.

26 UPLAND ROAD – Concerns. 8 new houses is too many, should be maximum of 4 as the 8 would extend beyond the development on the opposite side of the road. Concerned that even with increase in parking people will still park on the pavement at peak times so residents are forced to walk on the road. If approved they should resurface, re line and install cats eyes along Upland Road. With the increased traffic, provision should be made to update and improve the junction of Upland Road and the High Road, install a traffic island, reduce the High Road speed limit, improve lighting, road markings etc. Generally should have right to redevelop their site but more consideration should be given to how it will impact on local residents.

24 UPLAND ROAD – Support the application. The proposal will benefit the local area and reduce congestion at a weekend along Upland Road, making it a safer area for all to use. Anything that will assist developing young children in sport can only be good.

PETITIONS The applicants have submitted a petition IN SUPPORT of the redevelopment and the enabling development signed by **315** people, the vast majority of whom are from within the District. The petition states” We the undersigned ask Council Members of Epping Forest District Council to support and vote in favour of the Upper Clapton Football Club planning Application for a new Club House, changing rooms, grounds improvements and enabling residential development. As a member of UCFC I fully support the application for a new Club House and sports facilities. Our existing Club House has reached the end of life and it is vital that approval is given by EFDC to build a new Club House with sports facilities and the enabling development for the long term future of rugby and sports within the EFDC area.”

They have also submitted a hard copy of an e petition, which can be viewed on the Council’s website, which has **161** entries IN SUPPORT of the development, a few of the entries appear to be duplicates and there are no addresses but some people have also provided comments explaining their reasons for supporting the development.

STATUTORY CONSULTEE

As the works include development on existing playing fields Sport England is a statutory consultee. They have assessed the proposals with regard to Sport England’s policy which aims to ensure no further reduction in the supply of conveniently located, quality playing fields to satisfy the current and likely future demand. They consider that the proposed works meet their policy.

The potential sports development benefits that the proposed all weather pitch would offer would clearly outweigh the detriment caused by the impact on the playing field.

Aside from their statutory response, Sport England have additionally commented that from their experience they consider that it is most unlikely that the club would be able to achieve funding sufficient to meet their costs without the enabling development proposed. They support the provision of floodlighting, to make best use of the facilities provided and suggest that conditions should not be imposed that are too restrictive on hours of use (10pm on weekday evenings is considered necessary), and reiterate that the RFU have been involved in the scheme to ensure that it meets current requirements.

Issues and Considerations:

The site is within the Metropolitan Green Belt and the main issue is therefore whether the development is appropriate in the Green Belt and if not whether there are very special circumstances sufficient to outweigh this and any other harm from the development. In addition impact on the character and visual amenity of the area, residential amenity, traffic, access and parking issues, trees and landscaping, ecology and sustainability all need to be considered.

Green Belt

Facilities required for outdoor recreation are one of the few forms of development that are deemed “appropriate” within the Metropolitan Green Belt and whereas the Council’s adopted policy GB2a follows earlier government advice and refers to “small scale” facilities, the Framework published earlier this year allows for “appropriate” facilities as long as it preserves the openness of the Green Belt. It is considered that the replacement club facilities that are proposed have been designed to meet the needs of the club in relation to the outdoor sporting activities it promotes and that its size is not excessive. The main increases in floor area over the existing facility are to provide adequate showers, toilets and changing facilities. The building has been designed to be compact and although there is some first floor accommodation (training and fitness room, meeting room and offices, the height of the building has been kept low to minimise visual impact and bulk within the Green Belt. It is considered that the building is therefore appropriate within the Green Belt. In addition the proposed replacement driving range facility and the proposed improved pitches, which are clearly for outdoor recreation, are also appropriate in Green Belt terms.

The proposed 8 semi detached houses on the other hand are clearly inappropriate development and by definition harmful to the Green Belt. They also have a physical impact on openness, so there need to be very special circumstances to justify such development.

The applicants have put together a very strong case. The club has operated from the site since 1933 and is an established and popular facility. The club fields 3 senior teams and 12 youth teams for children between the ages of 6 and 17, the youth teams play every Sunday providing sporting activities for 300 children, in addition the club works with the West Essex Schools Sports Partnership providing facilities and hosting tournaments encouraging school participation. They have developed a women’s rugby squad, and have a programme for the development of its coaching staff.

However, the existing club house which dates from 1933 is clearly substandard and the club needs to bring their facilities into the 21st century, to be able to continue to offer their facilities to schools. A structural and fabric report on the building has been submitted with the application that highlights that the problems of the building are considerably more than cosmetic, internal timber supports have rotted and essentially the building could not be simply refurbished as it is beyond economic repair. The toilet and showering facilities do not meet current building regulations or the standards required by the RFU and Sport England. The existing facility provides only 28% of the changing space required to meet current standards.

The cost of the project to upgrade the facilities in the manner proposed has been calculated as £1.4 million. The club have applied for funding from Sport England totalling £500,000 and are expecting a further £100,000 in donations and gifts and have a target of £50,000 from local sponsors and fundraising. There is no guarantee of the Sport England grant coming forward but they have calculated that at best they would require £800,000 from an alternative source. They propose therefore selling part of their site. An independent valuation assessed that with planning permission the area identified could realise a figure of between £800,000 and £1 million. This would enable the club to continue with its redevelopment plan.

Generally “enabling” development of this kind is accepted as appropriate when it is proposed in order to maintain heritage assets such as listed buildings or ancient monuments, which would otherwise be at risk. This is clearly set out in national policy in Para 140 of The Framework, however no such exception to normal restrictions is made for other forms of development, including sporting and community facilities. The applicants are seeking for the same principle to be applied here.

Officers maintain concern that to apply this principal here when there is no policy basis to do so could set a very dangerous precedent for allowing inappropriate development in the Green Belt. Normally if any facility is to develop or expand they would be expected to meet their own costs without inappropriate “enabling” development. However in this instance there may be other factors which if taken together, members would consider are sufficient to outweigh the harm to the Green Belt. The applicants have set forward the following factors:

- The historical establishment of the Club (which was founded in 1879)
- Its contribution to sport in the community through extensive outreach programmes and links to the wider sporting community
- Its commitment to inclusivity including providing for youth and women’s sport and access for disabled people both to participate and spectate
- Its contribution to social cohesion and sense of wellbeing through community involvement
- The necessity to redevelop to ensure the club’s survival
- The essential and appropriate nature of the facilities provided and
- The financial necessity of raising significant funding to enable the development and hence the continuation of the club.

Officers agree that these are all important issues which do carry weight, the question is whether they are of such weight as to outweigh the harm to the Green Belt from the development of 8 houses. This is a difficult thing to balance. The proposed houses as shown in the indicative plans have a total footprint of about 500 square metres therefore a total floorspace in excess of 1000 sq.m. including rooms within roofs. Collectively the development extends over 54m of road frontage, extending the built development of Upland Road considerably and having a significant physical impact on openness. Conversely the proposed dwellings are not situated on undeveloped land; they are located within an area that is currently car park. In addition whilst they do extend development on this side of Upland Road, it is a logical form of development that would not in principle appear out of keeping. Importantly there are semi detached properties also on the opposite side of the road facing this site, which reduces the sense of intrusion beyond existing development limits. Unfortunately however the westernmost pair of proposed dwellings would be located beyond the westernmost property opposite (number 50), as pointed out by one of the objectors to the scheme.

Character and Visual Amenity

The proposed replacement clubhouse, being set well back from the road, and with relatively low ridge height should not have a significant impact on the street scene or the character of the area, it will be visible from the entrance to the site, but will not be intrusive and is a suitable design. The proposal enables the removal of the existing rundown buildings and storage unit, and improves the visual amenity within the site. The indicative housing scheme would, as already explained, be

broadly in keeping with the pattern of development in the road and setting aside green belt concerns, it is accepted that semi detached properties of a suitable scale could be located within the site without harm to the street scene or the character of the area. The proposals include an increase in floodlighting including to the proposed all weather pitch located at the front of the site. There is existing floodlighting which can be seen for a considerable distance and is quite intrusive in the rural area. Some information has been provided indicating the level of illumination proposed, but more information and restrictions can be required by condition to ensure that light spillage beyond the pitch areas is kept to the minimum and it is expected that the visual intrusion from the proposed lighting will be less than the existing.

Design and layout of new dwellings

The indicative plans for the proposed 8 semi detached houses suggests that they would be 4 bedroomed houses. This results in 6 habitable rooms, which under the current adopted policies would mean that each dwelling should have 120 square metres of private amenity space. The layout shown indicates just 65 or 70 square metres of amenity space would be provided, well below the standard and the rear gardens proposed are conspicuously short in comparison to those of adjoining properties. In addition the suggested layout leaves less than 2 metres between properties, whereas there is generally greater spacing between other properties in the road and 2 metres would normally be required even in established residential areas. Although the submitted plans are only indicative, Officers consider that it is unlikely that 8, 4 bedroomed dwellings with adequate amenity space provision can be achieved within the plot provided with adequate amenity space to meet current standards. Whilst government advice is that there should be scope for flexibility on amenity space provision, the shortfall in this instance is likely to exceed that which would be acceptable. 8 smaller properties may be achievable or 6 4 bed properties with wider gardens, but it is unclear whether this would provide the income that the applicants need to enable the main part of the development to take place.

Residential Amenity

This is an existing well used sporting facility and it is not expected that the proposed development will result in any greater impact on the amenity of neighbours than the existing. Inevitably there will on occasion be noise and disturbance from the use and the number of vehicles and people accessing the site, but with the increased on site parking the impact on neighbours should if anything be reduced as fewer people will be returning to vehicles parked on street in front of neighbours houses.

The moving of the access towards the middle of the site will reduce disturbance to the residents of number 45 and the proposed new houses can be sited such that they will not have an overbearing impact on that property.

Although residents opposite the proposed housing will have a change in their outlook it is not considered that there would be any significant harm to residential amenity.

The issue of light pollution has to some extent been covered above, and conditions can be imposed that would minimise light intrusion that could otherwise be harmful to residential amenity.

Traffic, Access and Parking Issues

A large part of the proposed scheme is the increase in parking provision for the club. It is clear that the current car parking at the site is insufficient to meet the demand at the most busy times and this has resulted in significant overspill of parking onto the highway and pavements which has caused problems for residents and potential highway safety issues. The proposals include the provision of 193 parking spaces and 2 coach parking spaces, which is a total of 103 more spaces than currently available; this will clearly help resolve the current problems. Although the sports facilities at the site are being substantially improved, it is not anticipated that this will result in a significant increase in the maximum number of people utilising the site at any one time. The all

weather pitches will simply enable greater use of the facility throughout the year and widen the choice of sports available.

Essex County Council Highways have advised that the proposed alteration to the access and parking are acceptable and an improvement over the existing. Adequate sight lines of 2.4m x 70m in each direction can be achieved and conditioned and in addition the developer can be required to extend the footway on the southern side of the road as far as the new access to the site.

With regard to the proposed residential development the suggested 2 parking bays per unit meets the adopted standards and the proposed rear access road is considered acceptable.

The Parish Council and a local resident have suggested that other highway improvements should be negotiated, however, it is not considered that these can be required given that this is predominantly an existing use and that the houses proposed would not generate excessive traffic levels. In addition any additional financial contributions would eat into the money that the applicants need for the redevelopment of the site and may well make the development unviable.

Trees and Landscaping

A full tree survey, arboricultural report and method statement has been submitted which demonstrates that the proposal can be implemented without a detrimental impact on trees around the boundaries of the site. The hedgerow to the front of the site to the west of the proposed new access is shown to be retained and this will significantly screen the sporting development and maintain the rural character of this part of the site, similarly the trees and hedging around the sides and rear of the site are to be maintained.

Ecology

A phase 1 habitat survey was submitted with the application and this recommended further reptile surveys take place and a bat emergence survey, these can be required by condition, in order to ensure that adequate protection is provided in the event that such species are found. The report provided recommendations relating to protection of nesting birds, retention of boundary hedgerows and means of enhancing biodiversity at the site such as the provision of bird and bat boxes to achieve positive results in the long term and these can be the subject of a condition.

Sustainability

This site is not in a particularly sustainable location. It is likely that the vast majority of people utilising the site will arrive by car, but this is an existing facility not a new use and at least the location is relatively well linked to the main road network, (only about 250m from Thornwood High Road) and not in a more remote location. The proposed improvements to the sports facilities will enable the best use of the facility by a wide variety of people for a variety of outdoor sports and this can be seen as a more sustainable use of land. The clubhouse has been designed to maximise energy efficiency and reduce energy costs.

With regard to the proposed housing however, this introduces a new use to the site which is poorly located for access to shops and facilities and public transport. Given the number of houses proposed, it is considered that this element of the scheme would be considered unsustainable.

Highway Improvements

The Parish Council have suggested that other highway improvements should be negotiated, however, it is not considered that these can be required and inevitably they would eat into the money that the applicants need for the redevelopment of the site. The parish council's suggestions were forwarded to the applicants.

Conclusion.

The merits to this planning proposal are finely balanced. In policy terms the redevelopment of the sports facilities is clearly acceptable and there will be clear benefits to the community from the continued and improved availability of the facility into the future. Increased participation in sport is one of the wider aims of both Government and this Council and this aspect of the application is non contentious. There is however no policy basis for allowing “enabling“ development for sporting facilities. There is therefore a fear that to allow such enabling development here may lead to similar arguments being used on for instance golf courses or other sports venues which could lead to significant numbers of houses in inappropriate locations. In addition the “enabling” development proposed here is quite a significant level of development, not for instance a single house, or two houses, but 8, four bedroom properties with a floor area greater than the floor area of the proposed new clubhouse, and this does seem potentially disproportionate. In addition whilst there is some policy support for sporting and community facilities, there is also very strong policy support for protection of the Green Belt.

The case officer has concluded that although there are circumstances in this case which weigh in favour of the development it is not clear that these are sufficient to *clearly* outweigh the harm to the Green Belt that would accrue from the provision of 8 residential properties in this location. The application is therefore recommended for refusal.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

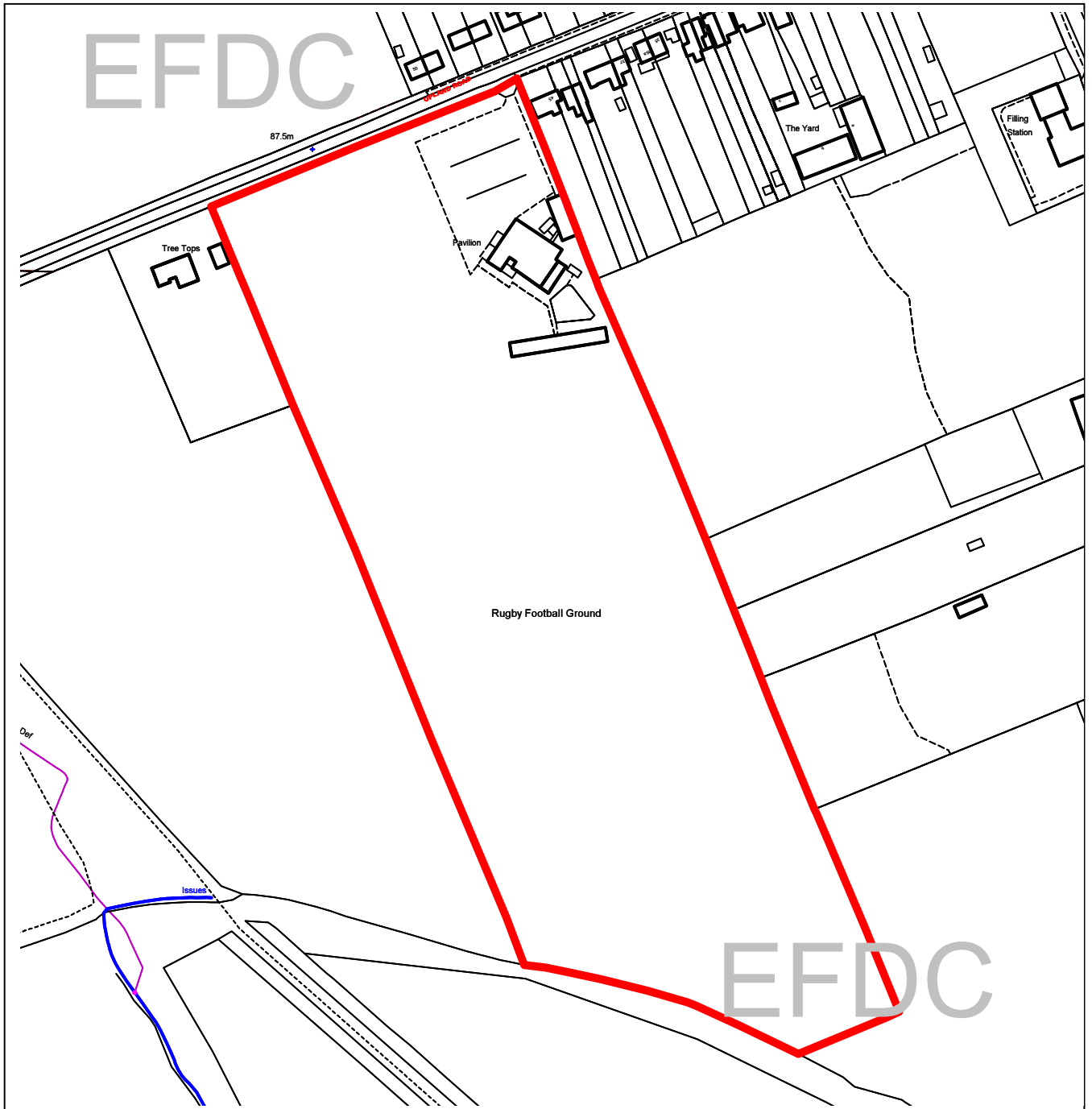
***Planning Application Case Officer: Jill Shingler
Direct Line Telephone Number: 01992 564016***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	
Application Number:	EPF/0817/12
Site Name:	Upper Clapton Football Club, Upland Road, Thornwood, CM16 6NL
Scale of Plot:	1/2500

EPF/0817/12 Suggested Conditions

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 xxxx
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.
6. 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 by the Local Planning Authority and the works shall be carried out and completed in accordance with the agreed details.
7. 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
8. Details of the proposed floodlighting shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation
9. The approved floodlights shall not be operated after 9pm any evening unless otherwise agreed in writing by the Local Planning Authority.
10. The parking area shown on the approved plan shall be provided prior to the first occupation use of the new clubhouse and shall be retained free of obstruction for the parking of visitors vehicles
11. 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.

12. 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.
13. 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) 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 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) 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.
15. 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.
16. 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.

17. 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.
18. 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]
19. 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 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]
20. 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 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]

21. 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.
22. The Development shall be carried out strictly in accordance with drawing numbers

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. 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 type and scale of development set out in the indicative plans approved in outline, that is 8 semi detached, two storey dwellings.
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 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 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 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 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.

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.

This page is intentionally left blank

Report to District Development Control Committee

Date of meeting: 30 January 2013



**Epping Forest
District Council**

Subject: 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.

Officer contact for further information: Nigel Richardson Ext 4110

Committee Secretary: S Hill Ext 4249

Recommendation:

That the committee considers the recommendation of the Area Plans subcommittee East to grant planning permission subject the following:

(a) The completion within 4 months of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 requiring the new development to meet at least Level 5 of the Code for Sustainable Homes; and

(b) Subject to the following planning 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. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 959/08B, 959/11E, 959/12D, 959/15 and 959/16.

Reason: To ensure the proposal is built in accordance with the approved drawings.

3. 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.

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

4. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in

writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

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

5. 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, Class A, B and 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.

6. 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.

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.

7. 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.

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing trees are safeguarded.

8. No development shall take place until details of the proposed surface materials for the driveway and hard standing area have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing

shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.

Reason:- To ensure that a satisfactory surface treatment is provided in the interests of highway safety, visual amenity and to reduce the risk of flooding and pollution.

9. A flood risk assessment and management and maintenance plan shall be submitted to and approved 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 tool. 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.

Reason:- The development is located in an area identified as being in an Epping Forest District Council flood risk assessment zone and would be likely to result in increased surface water run-off.

10. 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 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]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. 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 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]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. 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 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]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification 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.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14. 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.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15. 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 08.00 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.

Reason: In the interests of the amenities of noise sensitive properties.

16. 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.

Reason: To ensure the impact of the intended development upon adjacent properties and the street scene is acceptable.

17. 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.

18. Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.

Reason: To minimise damage to biodiversity within the surrounding locality.

19. All outbuildings as indicated on the site survey plan ref: 959/08b shall be removed within 3 months of the completion of the hereby approved development.

Reason: In the interest of protecting the character, openness and the appearance of the Green Belt.

20. The garage hereby approved shall remain as a garage and for no other use unless prior written consent is granted from the Local Planning Authority.

Reason: To maintain the openness of the Green Belt, reduce open storage of vehicles and prevent pressure for additional buildings.

21. The residential curtilage of the dwelling hereby approved is restricted to that area outlined in red on the application drawing 959/12D. The area outlined in blue is to remain as agricultural land.

Reason: For the avoidance of doubt and to prevent inappropriate development as within the Green Belt.

Report

1. (Director of Planning and Economic Development) This application has been referred by the Area Plans Sub Committee East with a recommendation for approval subject to a Section 106 Legal Agreement.

2. The report to the sub-committee on 24th October 2012 carried a recommendation from officers to approve planning permission subject to the above conditions and the need to sign and complete a S106 Agreement to ensure that the new dwelling house meets at least level 5 of the Code for Sustainable Homes. The officer's report is Attached in full below.

Planning Issues

3. The sub-committee generally agreed with the Planning Officers recommendation balanced report and to grant planning permission subject to the legal agreement and planning conditions.

Conclusion

4. The application in this case, is required to be decided by District Development Control Committee because the area committee considered the proposal was contrary to Green Belt policy of the Local Plan, despite agreeing to the justification to approve based on very special circumstances that outweighed Green Belt and other harm.

Extract from Area Plans East 24 October 2012

Report Item No: 1

APPLICATION No:	EPF/0457/12
SITE ADDRESS:	Coppice Farm Coppice Row Theydon Bois Epping Essex CM16 7DS
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr John Sear
DESCRIPTION OF PROPOSAL:	Demolition of existing buildings and erection of single dwelling, including change of use of part of site to residential garden. (Revised application)
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=535721

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 approved drawings nos: 959/08B, 959/11E, 959/12D, 959/15 and 959/16.
- 3 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.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 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, Class A, B and E shall be undertaken without the prior written permission of

the Local Planning Authority.

- 6 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.
- 7 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.
- 8 No development shall take place until details of the proposed surface materials for the driveway and hard standing area have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.
- 9 A flood risk assessment and management and maintenance plan shall be submitted to and approved 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 tool. 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.
- 10 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 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]

- 11 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 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]
- 12 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 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]
- 13 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification 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.
- 14 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.

- 15 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 08.00 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.
- 16 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.
- 17 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.
- 18 Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 19 All buildings and containers within the site indicated on the site survey plan ref: 959/08b shall be removed from the land prior to commencement of the development.
- 20 The garage hereby approved shall remain as a garage and for no other use unless prior written consent is granted from the Local Planning Authority.
- 21 The residential curtilage of the dwelling hereby approved is restricted to that area outlined in red on the application drawing 959/12D. The area outlined in blue is to remain as agricultural land.

Subject to the completion, within 6 months, of an agreement under Section 106 of the Town and Country Planning Act 1990 to ensure that the new dwelling house meets at least level 5 of the Code for Sustainable Homes.

This application is before this Committee since it has been 'called in' by Councillor Philip (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h))

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

This application is before this Committee since it for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

Description of Site:

The application site comprises an area of land approximately 2.2 hectares that is located on the northern side of Coppice Row as you head west out of the village of Theydon Bois.

The site itself is fairly undulating with steep slopes that run up from the highway towards the site's rear boundary before it then falls away to the eastern side boundary. It wraps around the rear gardens of 'Forest Edge', 'Ye Old Almshouses' and 'Redholm' and extends to the western boundaries of 'Inglenook', 'Elmcroft' and the public house known as 'Sixteen String Jack'.

The site comprises of open fields with a variety of farm buildings located throughout. Extensive vegetation is located throughout the site and predominately along the northern boundary. Vehicle access is gained via an existing driveway that runs along the western side of the dwelling known as 'Forest Edge' which leads to the main complex of farm buildings.

The site was once used as a smallholding as a pig farm up until the late 1980's however the use came to an end due to financial difficulties as the holding was no longer viable. Temporary use of some of the buildings for stabling was agreed in the 1990s and currently the site is used for the grazing of horses and general storage.

The subject site and the surrounding area are located within the Metropolitan Green Belt. The site backs onto Epping Forest.

Description of Proposal:

The applicant seeks planning permission for the demolition of all the existing buildings on the site and the construction of a 5 bedroom dwelling house.

The new dwelling would be situated centrally on the site behind the rear garden areas of the adjoining dwellings known as 'Forest Edge' and 'Ye Old Almshouses'.

Due to the steep gradient within this part of the site, the land would be excavated to provide a level area for the dwelling house. The dwelling itself has been designed as a series of elliptical shaped zoned pods linked together by a glazed roof. Each of the 4 pods proposed would vary in size and would be set at a slightly different finished floor level from one another. Along with the glazed area linking all the pods together, the new dwelling house would comprise of approximately 590sqm.

The pods themselves would lie beneath the natural land level and would be surrounded by a retaining wall giving the impression that the overall building is underground with limited views of the building's walls. Only the roofs of the pods and the retaining banks would be viewed.

The walls would be finished with cedar shingles and each of the pod roofs would be grassed.

Given that the site is not used for residential, it is proposed to change the use of part of the site from agriculture to residential garden area. The residential curtilage would therefore include the existing driveway and the land immediately behind the garden areas of the adjoining dwellings known as 'Forest Edge' and 'Ye Old Almshouses' as outlined in red on drawing number 959/12C. The remaining land as outlined in blue would remain as agricultural land.

Relevant History:

EPF/2228/11 - Demolition of existing outbuildings and erection of single dwelling, including change of use of part of site to residential. (withdrawn 9/12/11)

EPF/1165/99 - Outline application for two detached houses (refused 24/9/99)

EPF/1602/98 - Erection of 22.5m high telecommunications mast with radio equipment housing (withdrawn 27/1/99)

EPF/0016/91 - Continued use of pig and cattle sheds as stables (approved 4/3/91)

EPF/0959/90 - Storage of motor vehicles prior to sale, within existing fenced enclosures for a limited period (refused 21/1/01)

Policies Applied:

Local Plan policies relevant to this application are:

CP1 Achieving sustainable development objectives
CP2 Protecting the quality of the rural and built environment
CP3 New development
CP5 Sustainable Buildings
DBE1 Design of new buildings
DBE2 Detrimental effect on existing surrounding properties
DBE4 Development within the Green Belt
DBE6 Car parking in new development
DBE8 Private amenity space
DBE9 Loss of Amenity
GB2A Development within the Green Belt
GB7A Conspicuous Development
LL1 Rural Landscapes
LL2 Inappropriate rural development
LL10 Protecting existing landscaping features
LL11 Landscaping scheme
ST4 Highway safety
ST6 Vehicle parking

The National Planning Policy Framework sets out Government's planning policies. Relevant sections of the Framework are set out below:

- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 9 Protecting Green Belt land
- Section 10 Meeting the challenge of climate change
- Section 11 Conserving and enhancing the natural environment

Summary of Representations

THEYDON BOIS PARISH COUNCIL: - Strong Objection

Our objections remain the same as for the previous and essentially like application (EPF 2228/11) which was withdrawn prior to decision. Thus our fundamental objection is that this site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development and no very special circumstances have been shown to apply.

Policy GB2A makes it clear that Planning permission will not be granted for the ‘... construction of new buildings...’ unless certain exemptions apply. No such exemptions apply. Specifically, the proposal comprises neither a replacement for an existing dwelling in accordance with policy GB15A; nor is it a limited extension to an existing dwelling that is in accordance with policy GB14A; Similarly nor does Policy GB8A apply in that this does not comprise the change of use and adaptation of a building of ‘permanent and substantial construction, capable of conversion without major or complete reconstruction; rather it involves the complete demolition of existing farm buildings on the site.

The recently published National Planning Policy Framework (NPPF) is also absolutely clear that relevant policies such as those protecting the Green Belt cannot be overridden by the presumption in favor of sustainable development. The relevant policies protecting the Green Belt are set out in section 9 and paragraph 89 in particularly pertinent as it states as follows:

Para 89 A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. There are some clearly defined exceptions none of which applying this case. In reference to the replacement of a building, it specifically states that ‘provided the new building is in the same use and not materially larger than the one it replaces’. Clearly, a dwelling house replacing agricultural buildings is not in the same use and thus the proposal contravenes the NPPF

CITY OF LONDON – Objects

The proposed development would result in being conspicuous within the Green Belt thereby detracting from the visual amenity of the area and out of character with the surrounding locality.

There are no special circumstances to justify this development.

THEYDON BOIS ACTION GROUP – Strong Objection

The proposed development is contrary to Sustainability and Local Green Belt policies and the National Planning Policy Framework in relation to building new dwellings within the Green Belt.

Redeveloping the site would detract from the ambience of the forest and would be detrimental to native flora and fauna.

There are no very special circumstance that would override the harm the development would cause on the Green Belt.

The current agricultural land should not be neglected and allowed to fall into disuse.

NEIGHBOURS:

The application was advertised by post to twelve adjoining and abutting occupiers. Three letters of representation were received from the following occupiers:

7 WOODLAND WAY, THEYDON BOIS - Objects

The site backs on to Epping Forest which is a ‘Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). The proposed works would result in a major intrusion into the tranquillity of the Forest and be detrimental to its wildlife.

Disagrees with some of the statements within the Design and Access statement regarding agricultural diversification, vehicle access, sustainability and visual appearance.

The proposal is contrary to Local Green Belt policies, particularly GB2A and GB8A. If allowed, it could set a precedent for other similar developments backing onto the Epping Forest.

There are no special circumstances that outweigh the harm the development would have on the Green Belt.

HUNTERS LODGE, COPPICE ROW, THEYDON BOIS – Objects

Concerned regarding the lack of detail within the submitted application regarding retention and management of the surrounding landscape.

FOREST EDGE, COPPICE ROW, THEYDON BOIS – Objects

There is very little detail regarding the proposed access track and that its 3 metre width is not sufficient for vehicle movement.

If allowed, there would be a number of problems during construction relating to noise and disturbance coming from the site and potential damage to adjoining properties from heavy construction vehicles coming and going from the site.

Issues and Considerations:

The main issues to be addressed are:

- Sustainability
- Design and appearance
- Green Belt
- Landscaping
- Land contamination
- Conservation
- Highways and parking
- Neighbouring amenities

Sustainability

The design of the proposed dwelling house has been planned to be a zero-carbon house and would conform to the Latest Code for Sustainable Homes Level 6 as demonstrated within the Energy Statement and Sustainability Report prepared by ME7 dated July 2011 that formed part of this application.

The house has been designed with photovoltaic cells on the roof to provide all electricity supply for the house, as well as ground source heat pump to obtain heat from the earth to heat the building ensuring that the building would be self-supporting in terms of its energy use. Along with the use of natural and recycled construction materials, making the best use of natural elements such as sunlight, daylight and natural ventilation, combined with the avoidance of a reliance upon fossil fuels, and the use of renewable technologies are all part of some of the elements that make the proposed house achieve a zero-carbon footprint and a level 6 under the Code for Sustainable Homes.

Following on from the above, the Energy Statement and Sustainability Report was forwarded onto Council's building surveyors who made the following observations.

A code 6 home would be truly exemplary - there are currently only 34 certified code 6 dwellings in the UK. However due to the strict criteria to meet a code 6 house, out of 329 designed/registered

code 6 houses in the UK only 34 have been completed and certified. Due to the strict criteria and the additional costs involved to certify a code 6 house, it may prove better all round that the house be imposed to have at least a minimum Code for Sustainable Homes level 5. Such a level is still of an exemplary standard (currently only 160 houses in the UK are certified at this level) and it still involves a strong sustainable commitment by the applicant.

The applicant is willing to enter into a legal agreement that the proposed house meets the Code for Sustainable Homes level 5.

Turning away from the physical side of the new house in relation to sustainability, it is also a requirement that a development be located in a sustainable location.

The proposal to accommodate a residential development in this location is not very sustainable as it is on the edge of the urban centre of Theydon Bois. Although there is a bus service that runs along Coppice Row into the village of Theydon Bois and beyond, it is still considered that future residents would have to rely heavily on private vehicles to gain access to local facilities and amenities.

However given the exceptional circumstances behind the design of the building and the level of its construction methods in terms of it being zero-carbon and minimal level 5, it is considered that this would outweigh the concerns of the development being located on the edge of a settlement. Single dwellings are seldom refused on sustainability grounds even in relatively remote locations. This location, whilst not particularly sustainable, is by no means isolated or remote.

Design and Appearance

Policies DBE4 and LL2 state that a new development must respect the wider landscape setting and the character of the surrounding area.

The design of the new dwelling is not traditional. It does not incorporate traditional features.

The design is unique and a result of promoting sustainability and minimal impact on landscape.

The proposed house, in the view of officers, is of an exceptionally high quality of design which is innovative in its nature and by virtue of the fact that there are so few dwellings nationally that achieve at least a level 5 Code for Sustainable homes rating.

The dwelling has been designed to ensure that there is a sensitive relationship between house and surrounding landscape. The dwelling would be built into the lie of the land working with the contours with the individual pods stepping down the fall of the land. As such the dwelling would be minimalistic in terms of its visible presence and would harmonise with the landscape setting. Furthermore, the removal of the redundant agricultural buildings would provide a more open aspect and improve the landscape setting.

The overall size and scale of the new dwelling house is appropriate. The dwelling house would be single storey with an eaves height of 2.6 metres with a maximum roof height of 4 metres. Given that the majority of the dwelling house would be sited beneath the natural land level and hidden behind the retaining banks, the majority of the house would have limited view lines from public vantage points including from the forest and as such the proposed development would not result in an excessive amount of bulk or massing that would be at odds to the surrounding locality.

It is considered that the proposed development would not result in a detrimental impact to the character and appearance of the surrounding locality and it is set far enough away from Coppice Row not to have a detriment to the street scene.

Green Belt:

New dwellings are not a form of development that is identified as appropriate within the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 55 of the National Planning Policy states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development is of an exceptional quality of innovative design. Such a design should:

- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas.
- Reflect the highest standards of architecture
- Significantly enhance the immediate setting and
- Be sensitive to the defining characteristics of the local area

The re-development of the site would involve removing a number of large buildings some of which have stable use and storage use. The floor area and volume of these buildings and their visual impact on the site is greater than that of the proposed dwelling. Removing these buildings would enhance the immediate setting of the rural landscape. This is not unusual or very special.

More importantly however, the proposed house is in the opinion of officers of an exceptional design and its use of renewable energy sources will enable the house to comply with a minimum level 5 of the Code for Sustainable Homes and also be carbon neutral status. Not only is it a truly outstanding and innovative design, it also has been well planned in that it would be sensitive to the defining characteristics of the area in that the dwelling would be built into the lie of the land working with its natural contours to have minimal impact on the openness and visual amenity of the area as explained above.

National Policy stipulates that new developments should contribute to protecting and enhancing our natural, built and historical environment; and as part of this, helping to improve biodiversity, prudent use of natural resources, minimise waste, and mitigate to climate change including moving to a low carbon economy.

It is considered on balance that the innovative nature and design of the building does amount to very special circumstances, sufficient to outweigh the limited harm to the Green Belt that would result from the development.

Landscaping

A tree survey and an Arboricultural Impact Statement prepared by Caroline Hay Associates in January 2012 was submitted as part of the application.

This information was referred to Council's landscape officer who stated that they had no objection to the proposal subject to conditions be placed on the planning permission requiring that all excavated material be removed from the site due to the possibility of it being contaminated, and that further details be submitted prior to any works commencing showing tree protection measures.

Land contamination

Given the former uses of the site that include piggeries, poultry and stables, there is the potential that the site be contaminated. As such, Council's contaminated land officer has requested the standard land contamination conditions be placed on any granted permission that require full surveys before any works are commenced on site.

Conservation

New developments such as the proposed are to make adequate provisions for the protection of established habitats of local significance for wildlife. An Ecological Assessment was carried out by MKA Ecology Limited in June 2012 and was submitted as part of the application. Council's Countryside officer states that the methodology and conclusion of the assessment are sound in that if the development is carried out in accordance with the assessment, there would be no reason to suggest that any ecological habitats or protected species would be adversely affected. However in addition, if the application was granted permission, then conditions would be required for further surveys to be conducted before any works commence in relation to roosting bats and bird life within the surrounding area.

Highways and parking

Vehicle access is gained via an existing driveway that runs along the western side of the dwelling known as 'Forest Edge' off Coppice Row. There are adequate sight splay lines as not to cause a harmful impact upon highway safety. It is noted that the existing drive is only 3 metres wide which is not an acceptable width for vehicles to pass one another if coming in the opposite direction. However a dwelling house would result in fewer vehicle movements to and from the site than if the site was used for agriculture.

An adequate amount of vehicle parking has also been provided for the new dwelling house to meet the needs of future occupiers.

Neighbouring amenities:

The proposed development would not result in a detrimental impact to the amenities of adjoining property occupiers. The new dwelling house would be located a significant distance away from adjoining boundaries and dwellings as not to result in a loss of privacy, loss of light or visual blight. It is noted that there might be some disturbance to the adjoining property occupier of 'Forest Edge' during construction works, this is not uncommon and is not a reason for refusal.

Other issues:

The only other known example within the UK which is similar to that which is proposed, was for a new dwelling house with a wind turbine that was recommended for approval by Bolton Council in June 2011.

Bolton Council said that the proposed house was recommended for approval because of its 'exceptionally high quality design' and its 'sensitive relationship with the surrounding landscape'. These were considered to be very special circumstances that would outweigh the harm the proposed development would have on the Green Belt.

It was then subsequently referred to the Secretary of State (Eric Pickles) as the proposal was also on Green Belt land. The Secretary of State concluded to allow Bolton Council to issue its decision to grant planning permission after considering all issues stating that the proposal would not be contrary to National Policy.

Whilst each application should be considered on its own merits and although the above application was assessed against PPS's and PPG's instead of the now National Planning Policy Framework, this decision is relevant for this particular type of development within a Green Belt Location.

Conclusion:

The proposed development is of an exceptionally high quality design and sensitive to the surrounding landscape and its neighbouring residents. The design and construction of the house and its use of renewable energy sources will enable the house to comply with a minimum level 5 of the Code for Sustainable Homes and also be carbon neutral status. The development results in less impact on the openness of the Green Belt than the existing buildings on the site and it is considered that the nature of the development amounts to very special circumstances sufficient to outweigh the limited harm from inappropriateness (and any other harm) that will result. The development is therefore recommended to be approved subject to conditions and subject to the applicant entering into a legal agreement to ensure that the new dwelling house meets at least level 5 of the Code for Sustainable Homes.

Should the sub-committee agree with the officers recommendation, then the application will need to be referred to District Development Control Committee for a final decision.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

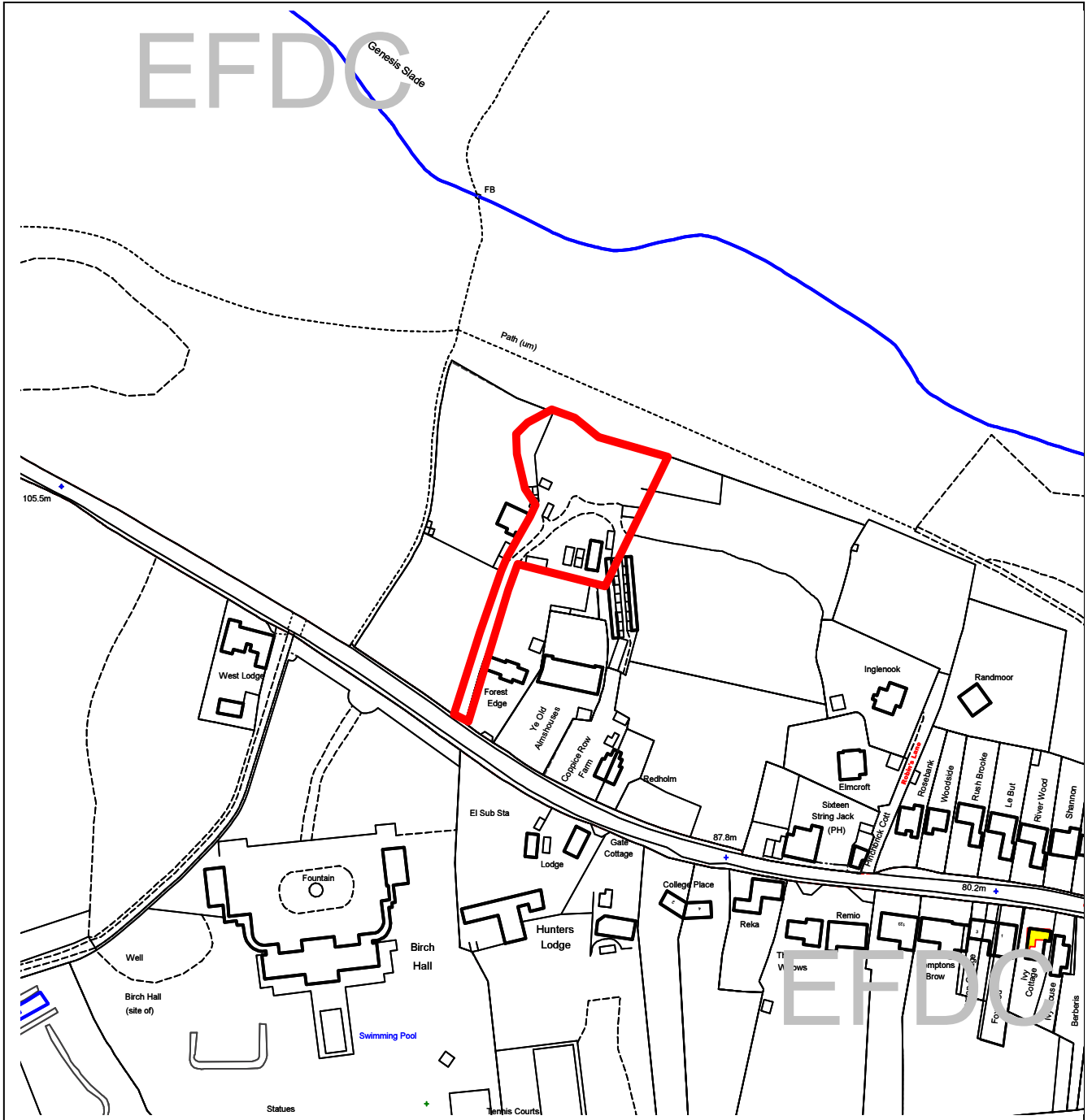
***Planning Application Case Officer: Mr Lindsay Trevillian
Direct Line Telephone Number: (01992) 564337***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	1
Application Number:	EPF/0457/12
Site Name:	Coppice Farm, Coppice Row Theydon Bois, CM16 7DS
Scale of Plot:	1/2500

This page is intentionally left blank

Report to District Development Control Committee

Date of meeting: 30 January 2013



**Epping Forest
District Council**

Subject: Planning Application EPF/2361/09 – Former Jennykings Garden Centre, Manor Road, Chigwell – Redevelopment of land formerly in use as a garden centre to provide 21 flats 80% of which will be affordable housing. (Revised application)

Officer contact for further information: K Smith

Committee Secretary: S Hill Ext 4249

Recommendation:

That members of the Committee consider a variation to the existing legal agreement, as requested by the Developer.

Report Detail

1. (Director of Planning and Economic Development) This proposal was granted planning permission in August 2012, following approval by this Committee, referral to the Secretary of State and the completion of a legal agreement under Section 106 of the Act, to secure planning obligations.

2. Prior to the grant of planning permission, ownership of the site passed from the original applicant to two separate developers: Homestyle Properties 2007 Ltd in respect of the block of 4 private dwellings and East Thames Housing Association in respect of the remainder of the site. Development of the part of the site within Homestyle Properties' ownership has since commenced, albeit contrary to imposed planning conditions and to the provisions of the legal agreement. Works within the site ceased last year, following informal intervention by the Council's Planning Enforcement team.

3. A variation to the requirements of the legal agreement is now sought by Homestyle Properties. The requirement sought is:

1. The removal of clause 5.51 of the agreement, which requires that the construction of buildings within the site does not exceed one metre in height until such time that the access road into the development has been constructed to base level.

4. The Developer provides the following case in support of this request:

Due to unforeseen delays not caused by ourselves. We commenced on site as originally agreed with our development partners but alterations to their plans and some legal and financial technicalities prevented them meeting their planned start date. We have constructed our building to first floor level and the works to this level

have been approved by EFDC Building Regulations but has been stopped voluntarily.

Delays are costly and do place financial risks to our project. We believe that the Council is protected by clause 5.52 in that our flats cannot be occupied until the access road is built. If we can at least complete the building then this will remove one set of building works from the site and concerns about a half finished building on which nothing is happening will be of benefit to local residents.

The ten thousand pounds and one thousand will be paid by East Thames as agreed. We have also an option to build the road ourselves in conjunction with East Thames if this becomes necessary.

Planning Issues

5. The purpose of including this requirement within the legal agreement originally, was to prevent the occurrence of a situation whereby the development was completed, but no vehicular access to the site was secured (the proposed road lies within an adjacent site which has only outline planning permission). This requirement was relaxed by the Committee from the previous recommendation by the planning officer that the development should not be commenced until such time that the road was constructed to base level, to enable ground works to take place and development to proceed up to one metre in height, prior to the construction of the road.

6. The Developer correctly states that clause 5.52 of the legal agreement protects the Council as it would prevent the occupation of any dwelling prior to the construction of the access road. However, by this time the development could be complete, and the Council, if it chose to enforce this requirement of the legal agreement, would be faced with the retention of a fully constructed but unoccupied building until such time as the road (which lies within separate ownership and does not benefit from full planning permission) was constructed, if indeed that happened.

7. Accordingly, Members of the Committee should carefully consider whether the limitation on the further construction of the building in advance of the access road should be removed.

8. It should also be noted that other obligations and planning conditions which restrict the construction of the development at this time do also exist.

9. Planning conditions require the Council's approval, prior to the commencement of the development, of the following matters:

- Materials;
- Construction Method Statement;
- Site Levels;
- Land Contamination
- Screening;
- Tree Protection;
- External Lighting;
- Landscaping; and
- Refuse storage.

10. The above matters remain outstanding, although an application has been submitted seeking the Council's approval of the first three items. Discussions are underway between officers and Homestyle Properties in respect of other the need for information regarding the other outstanding matters.

11. The legal agreement also requires, prior to the commencement of the development, the payment of £20,000 towards the provision of a Post Office facility and £1,000 towards highway improvement works. Whilst Homestyle Properties advise that the owner of the remainder of the site will fund this contribution, the legal agreement does not make this distinction. Furthermore, as development has not commenced in relation to the land with East Thames ownership, that organisation is not responsible for the existing contravention.

12. The legal agreement also contains, at clause 5.1.8, a requirement that 'if the Development is to be constructed in phases the overall percentage mix of Affordable Housing Units and Market Housing shall be the same within each of the phases.' However, development of the Affordable Housing has not yet commenced. The intended commencement of this element of the development is unclear, following the refusal of planning permission for amendments to the approved development by Area Plans South last month.

13. Finally, Homestyle Properties state that they have an option to build the road if necessary. However, it should be borne in mind that even if an option exists with the adjacent landowner, such works would be subject to full planning permission being secured for the road.

14. If Members agree the variation to the agreement, a revised legal agreement will need to be signed by representatives from Homestyle Properties, East Thames, Epping Forest District Council and Essex County Council.

Conclusion

15. The Committee should decide whether it wishes to accept the deletion of the cause within the legal agreement, thereby permitting the construction of the development to continue without the vehicular access being provided.

This page is intentionally left blank