

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control Committee **Date:** 1 December 2009

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

Members Present: B Sandler (Chairman), M Colling (Vice-Chairman), A Clark, R Frankel, Mrs R Gadsby, A Green, Mrs A Haigh, J Markham, R Morgan, J Philip, Mrs C Pond, D Stallan, P Turpin and J Wyatt

Other Councillors: J Knapman, B Rolfe and Mrs M Sartin

Apologies: K Chana, J Hart, G Mohindra and Mrs L Wagland

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

32. 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.

33. MINUTES

Resolved:

That the minutes of the meeting held on 6 October 2009 be taken as read and signed by the Chairman as a correct record.

34. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The following substitutes were noted:

Councillor D Stallan for Councillor J Wyatt
Councillor J Philip for Councillor J Hart
Councillor A Clark for Councillor G Mohindra

35. DECLARATIONS OF INTEREST

(1) Pursuant to the Councillors Code of Conduct, Councillor R Gadsby declared personal and prejudicial interests in item 7(a) (Variation of Section 106 Agreement regarding Grange Farm, Chigwell) The member indicated that she proposed to leave the meeting for the duration of the discussion and voting on that item.

(2) Pursuant to the Councillors Code of Conduct, Councillor J Knapman declared personal interests in items 7(a) (Variation of Section 106 Agreement regarding Grange Farm, Chigwell) and 9 (40a Hainault Road, Chigwell) by virtue of being a member of the local Parish Council and also on item 8 (Red Cottage, New farm

Drive, Abridge). The member remained in the meeting for the duration of the discussion and voting on those items.

(3) Pursuant to the Councillors Code of Conduct, Councillor B Sandler declared a personal interest in item 9 (40a Hainault Road, Chigwell) by virtue of being a member of the local Parish Council. The member remained in the meeting for the duration of the discussion and voting on that item.

(4) Pursuant to the Councillors Code of Conduct, Councillor B Rolfe declared a personal interest in items item 8 (Red Cottage, New farm Drive, Abridge). The member remained in the meeting for the duration of the discussion and voting on those items.

36. ANY OTHER BUSINESS - VARIATION OF SECTION 106 AGREEMENT - GRANGE FARM CHIGWELL

The Committee considered the following item of additional business that had been added to the agenda with the permission of the Chairman:

(a) Variation of S106 Agreement Relating To The Residential Development at Grange Farm High Road Chigwell

The Committee considered and agreed proposals for the minor alteration of the proposed section 106 Agreement for the development of Grange Farm, Chigwell relating the omission of proposals for the return of a Transport Contribution to Essex County Council on completion of the 20th dwelling on the site.

Resolved:

That the Transportation Contribution paid under the S106 Agreement dated 20 December 2006 be returned to the developer subject to the completion of a Deed of Variation requiring that the Transport Contribution Sum (index linked) is repaid to the County Council on the completion of the 20th dwelling.

37. PLANNING APPLICATION EPF/1631/09- RED COTTAGE, NEW FARM DRIVE, ABRIDGE - RETENTION OF REPLACEMENT DWELLING

The Committee considered an application for the retention of a dwelling at New Farm Drive, Abridge which had been constructed without planning permission in the Metropolitan Green Belt. The application had been submitted in response to a decision of the Committee to give a further period to the applicants to submit a planning application. The application sought the retention of the main dwelling but not the partially completed conservatory addition which, it was proposed, would be demolished.

The Committee considered that the replacement house was of acceptable design and did not harm the open character of the Metropolitan Green Belt.

They agreed to grant planning permission subject to conditions to restrict any further otherwise permitted development, the demolition of the Conservatory building and a requirement to undertake a contaminated land survey.

Resolved:

That planning application EPF/1631/09 for the retention of a replacement dwelling "Red Cottage", New Farm Drive, Abridge be granted subject to the following conditions

(1) Within four calendar months of the date of this decision the building shown to be removed on the approved plan SD/09/03A shall be demolished and all materials and waste removed from the site.

Reason: In the interest of preserving the open character of the Metropolitan Green Belt.

(2) Within six calendar months of the date of this permission (unless otherwise agreed by the local planning authority in writing), a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

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

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

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for its approval in writing.

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

(3) 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 generally permitted by virtue of Part 1, Classes A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.

Reason: The Green Belt location of the site and the extent of the residential development warrant the Local Planning Authority having control over any further development to ensure the protection of the open character and appearance of the Metropolitan Green Belt.

38. PLANNING APPLICATION EPF/1767/09 - 40A HAINAULT ROAD, CHIGWELL - CHANGE OF USE FROM VACANT (FORMERLY AGRICULTURAL) TO CAR PARKING AND CREATION OF 17 SPACES

The Committee gave consideration to proposals for securing the creation of additional car parking for use associated to Victory Hall, Chigwell. The additional car

parking had been secured as a requirement of the planning permission for the erection of a dwelling on the adjacent site.

The Committee agreed with the officers conclusion that the appropriate exceptional circumstances for allowing the development given the requirement for additional parking and its community benefit.

Resolved:

That planning permission EPF1767/09 for the change of use of the land for car parking in association with Victory Hall together with the layout plan of 17 car parking spaces 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) Before the commencement of the development, or of any works on the site, and concurrently with the detailed design plans, a tree survey shall be submitted to the Local Planning Authority. The survey shall contain relevant details on all trees on or adjacent to the site, and with a stem diameter of 100mm or greater, to include the following:

(a) Reference number, species, location, girth or stem diameter, and accurately planned crown spread.

(b) An assessment of condition, and value.

(c) Existing ground levels, including contours where appropriate, adjacent to trees, where nearby changes in level, or excavations, are proposed.

(d) Trees to be removed in conjunction with the proposed development shall be clearly marked as such on a plan.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable proper consideration to be given to the impact of the proposed development on existing trees, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development.

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

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

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

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

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 tree is potentially maintained by the provision of an adequate replacement tree.

(4) The parking area shown on the approved plan shall be constructed as shown on the approved plan EPL_20 rev. C (unless otherwise agreed in writing) and shall be retained free of obstruction for parking in association with Victory Hall and other public buildings on the adjacent site thereafter

Reason:- In the interests of highway safety.

(5) 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.

39. PLANNING APPLICATION EPF/1585/09 - 3A MOORES ESTATE, OFF CHURCH ROAD/HARLOW ROAD, ROYDON, ESSEX - RETROSPECTIVE CONSENT FOR THE STATIONING OF ONE MOBILE HOME AND ONE MOBILE CARAVAN

The Committee considered that retrospective planning application for the retention of a mobile home and caravan at the Moores Estate, Roydon. The Committee heard from an objector to the proposal.

On balance, the Committee agreed with the officers assessment that the application was acceptable on the basis that the application was for a family member on a site that had been occupied for nearly twenty years, no further people were being brought on to the site and that no additional traffic would be generated and that officers were suggesting a number of conditions.

Resolved:

That planning application EPF/1585/09 be granted subject to the following conditions:

(1) The development hereby approved shall be occupied only by Cheriann Moore and any dependants.

(2) No more than 1 mobile home and 1 touring caravan shall be stationed on the site at any one time.

(3) Within 3 months of the date of this notice, details of means of disposal of sewage from the site shall be submitted to and agreed in writing by the Local Planning Authority and the agreed scheme shall be implemented accordingly.

(4) Within 3 months of the date of this notice, details of a storage area for domestic refuse shall be submitted to and agreed in writing by the Local

Planning Authority and the agreed facility shall be installed and thereafter maintained accordingly.

(5) Within 3 months of the date of this notice, details of additional landscaping of the site shall be submitted in writing for the approval of the Local Planning Authority, and shall be carried out as approved.

(6) Within 3 months of the date of this notice, details of foul and surface water disposal shall be submitted to and approved by the Local planning Authority and shall be implemented in accordance with such agreed details.

40. PLANNING APPLICATION EPF/1448/09 - 5 MOORES ESTATE, OFF CHURCH ROAD/HARLOW ROAD, ROYDON, ESSEX, CM19 5HF - TWO FURTHER PITCHES WITH HARD STANDING (REVISED APPLICATION)

The Committee considered an item which had be brought before the committee on the basis that the proposal was of major importance and was affected by the current consultation process for the Gypsy and Traveller DPD.

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

The Committee received representations from an objector to the development and the applicant.

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

Resolved:

That Planning Permission EPF/1448/09 at 5 Moores Estate, Roydon be refused for the following reasons:

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

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

41. ASSESSMENT OF PLANNING APPEALS ALLOWED BY THE PLANNING INSPECTORATE

The Committee received a report which gave details of the Council's performance against Key Performance Indicator LPI 45 – "Number of appeals allowed against the refusal of planning applications, as a percentage of the total number of appeals against the refusal of planning applications".

Members received a breakdown of appeal cases. The performance in terms of the percentage of appeals allowed on planning applications was disappointing at 40.3%, which was well above the target of 25%. It was also noted that 73% of those applications that members had refused following recommendation to approve had been allowed on appeal. It was also considered that there was national pressure to grant housing schemes and that members had valid reasons for refusing applications. It was agreed that in making contrary recommendations, members should give clear reasons that could be defended at appeal and that local members should attend appeal hearings.

Resolved:

That the assessment of the planning appeal decisions allowed for 2008/09 and the comparison and assessment of appeal performance from 2005/06 to 2008/09 be noted.

42. ESSEX COUNTY COUNCIL REVISED PARKING STANDARDS - ADOPTION AS SUPPLEMENTARY GUIDANCE

The Committee considered Supplementary Guidance published by Essex County Council on revised parking standards. The revisions to the guidance were welcomed by members. It was noted that the guidance would need adoption by Council.

Resolved:

That the new Parking Standards issued by Essex County Council, entitled "Parking Standards Design and Good Practice for Essex", as supplementary guidance be supported and referred to full Council for adoption.

CHAIRMAN