

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 29 June 2011
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.40 pm
High Street, Epping

Members Present: Councillors B Sandler (Chairman), R Bassett (Vice-Chairman), A Boyce, K Chana, D Dodeja, C Finn, Mrs S Jones, J Knapman, Mrs J Lea, Mrs M McEwen, J Markham, J Philip, H Ulkun and J M Whitehouse

Other Councillors: Councillor D Stallan

Apologies: Councillors J Hart, Mrs C Pond, Ms S Watson and J Wyatt

Officers Present: N Richardson (Assistant Director (Development Control)), I White (Forward Planning Manager), G Lunnun (Assistant Director (Democratic Services)) and G J Woodhall (Democratic Services Officer)

1. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

2. MINUTES

RESOLVED:

That the minutes of the meeting held on 5 April 2011 be taken as read and signed by the Chairman as a correct record.

3. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor Knapman was substituting for Councillor Hart, Councillor Lea was substituting for Councillor Watson and Councillor McEwen was substituting for Councillor Wyatt.

4. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Lea declared a personal interest in agenda item 8 (planning application EPF/0116/11 – Holyfield Farm, Holyfield, Waltham Abbey) by virtue of being a member of Waltham Abbey Town Council. The councillor advised that she had determined that her interest was not prejudicial and that she would remain in the meeting for the consideration and voting on the matter.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Lea declared a personal interest in agenda item 9 (planning application EPF/0046/11 – Town Mead Sports and Social Club, Brooker Road, Waltham Abbey) by virtue of being a member of the Waltham Abbey Town Council. The councillor advised that she had determined that her interest was prejudicial and that she would leave the meeting for the consideration and voting on the matter.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Bassett declared a personal interest in agenda item 8 (planning application EPF/0116/11 – Holyfield Farm, Holyfield, Waltham Abbey) by virtue of having bought eggs from the farm. The councillor advised that he had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration and voting on the matter.

(d) Pursuant to the Council's Code of Member Conduct, Councillor Ulkun declared a personal interest in agenda item 8 (planning application EPF/0116/11 – Holyfield Farm, Holyfield, Waltham Abbey) by virtue of having previously expressed a potential interest in a converted building on the site. The councillor advised that he had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration and voting on the matter.

5. ANY OTHER BUSINESS

The Committee noted that there was no business to be considered under this heading.

6. **PLANNING APPLICATION EPF/0116/11 – HOLYFIELD FARM, HOLYFIELD, WALTHAM ABBEY, ESSEX, EN9 2ED. - DEMOLITION AND REMOVAL OF EXISTING MASONRY AND CORRUGATED STRUCTURES AND REFURBISHMENT AND EXTENSION OF EXISTING TIMBER BARNS AND CONVERSION TO A TOTAL OF TWO, 2 BEDROOMED DWELLINGS (REVISED APPLICATION)**

The Committee considered an application for the demolition and removal of existing masonry and corrugated structures and refurbishment and extension of existing timber barns and conversion to a total of two, 2 bedroom dwellings (revised application) at Holyfield Farm, Holyfield, Waltham Abbey.

Members noted that the application had been considered and referred by Area Plans Sub-Committee West with a recommendation that planning permission be granted. The Committee noted that the report to the Sub-Committee had carried a recommendation from officers to refuse planning permission. The debate at the Sub-Committee meeting had centred on the recommended reasons for refusal and the harm that the proposal might have on the Green Belt, residential amenity of adjacent occupants, the setting of the adjacent listed building and sustainability issues. In addition, as members had been minded to approve the scheme, the highway implications of the proposed hedge planting along the front boundary of the site had also been considered.

The Committee was advised that the Sub-Committee had considered that the circumstances of the site, particularly the poor state of the existing building on the site that was to be removed, the quality of the existing barn conversion on the adjacent site and the need to find a use for redundant farm buildings were sufficient to outweigh the harm to the Green Belt that would result from the development. The

Sub-Committee had considered that the design of the development was appropriate to its location and that it would in fact enhance the setting of the listed buildings. Members had not considered that the sustainability issue was so strong as to warrant refusal of the application. Discussion regarding the sight lines from the access and the impact of a hedgerow had been inconclusive, and members of the Sub-Committee had asked that further clarification on the issue should be presented to this meeting.

RESOLVED:

That planning application EPF/0116/11 for the demolition and removal of existing masonry and corrugated structures and refurbishment and extension of existing timber barns and conversion to two, 2 bedroom dwellings (revised application) on land at Holyfield Farm, Holyfield, Waltham Abbey be granted subject to the following conditions:

- (1) The development hereby permitted must not be begun 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) no development generally permitted by virtue of Part 1, Classes A, B, C, D, E or F shall be undertaken at either of the approved dwellings without the prior written permission of the Local Planning Authority.
- (3) Notwithstanding the details shown on the approved plan, the hedge shown to be planted along the highway frontage, or any other obstruction, shall not be over 600mm high within the existing sight splay of 2.4m by 110m to the north of the access as measured from the centre line of access and along the nearside edge of the carriageway.
- (4) Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- (5) 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.

(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, ground waters 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, ground waters 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 have taken place until 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.

(12) 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.

7. PLANNING APPLICATION EPF/0046/11 – TOWN MEAD SPORTS AND SOCIAL CLUB, BROOKER ROAD, WALTHAM ABBEY, EN9 1HJ – PROPOSED GOLF DRIVING RANGE (REVISED APPLICATION).

The Committee considered an application referred to it by Area Plans Sub-Committee West seeking permission for a proposed golf driving range (revised application). Members noted that the application had been referred to this Committee by the Sub-Committee with no recommendation. The application had been reported to the Sub-Committee with a recommendation of refusal for the reason that the proposed development would result in the loss of a woodland area of amenity value. Members noted that the Sub-Committee had debated the merits of the proposal but had felt that further information was required in respect of the trees and the possibility of golf balls being driven on to the M25 motorway.

The Assistant Director (Development Control) reported that since the meeting of the Sub-Committee amended plans had been submitted which had overcome the officer concerns. The amended plans had been subject to full re-consultation. The driving range had now been set at an angle of approximately 8 degrees to the Town Mead boundary with the motorway which would allow for a 12 metre landscaped strip between the driving range and the motorway boundary at its closest point and a 40 metre gap at its furthest point. This would allow for part of the woodland preserved by the Committee at its previous meeting to be retained along with additional landscaping to be planted to better screen the entire Town Mead site from the motorway.

The Committee noted that despite two rounds of consultation, the Highways Agency had not submitted any response.

RESOLVED:

(1) That consideration of application EPF/0046/11 for a proposed golf driving range (revised application) on land at Town Mead Sports and Social Club, Brooker Road, Waltham Abbey be deferred to enable officers to obtain a risk assessment from an appropriate body on the likelihood of golf balls being driven onto the M25 motorway and additional information about the impact of the proposed lighting on the motorway; and

(2) That further consideration be given to the planning application at the next meeting of the Committee.

8. CURRENT PROVISION OF PITCHES FOR GYPSIES AND TRAVELLERS

The Committee considered a report on the current position regarding the numbers of authorised and unauthorised (including tolerated) pitches within the District and on what further action, if any, should be taken in relation to five sites with unauthorised and tolerated pitches.

Attention was drawn to the Department of Communities and Local Government consultation on "Planning for Traveller Sites" which had been considered by the Planning Services Scrutiny Panel on 14 June and by full Council on 28 June 2011. Members noted that the changes being proposed by the Government included replacing existing circulars with one Planning Policy Statement which would (a) have the overriding aim of ensuring fair treatment for those in traveller and settled communities; (b) align Gypsy Roma Traveller pitch provision more closely with guidance in Planning Policy Statement 3 which dealt with permanent housing provision; (c) enable local planning authorities to make their own assessment of need for the purposes of planning; (d) limit the opportunities for retrospective planning applications in relation to any form of development; and (e) ask local planning authorities to treat favourably Gypsy Roma Traveller pitch applications for temporary permission in the absence of an identified five year supply of such sites.

The Committee received details of records kept by the Environment and Street Scene Directorate (caravan counts and site licences) and the Planning and Economic Development Directorate (planning application and appeal decisions). Analysis of the combined records showed that in July 2010 the unauthorised percentage of total caravans had been 31% whereas in January 2011 the unauthorised percentage of total caravans had been reduced to 16%. This reduction had been primarily due to the permanent permission (on appeal) being granted for the Holmsfield Nursery site in Meadgate Road, Nazeing. Members noted that the increase in the number of authorised pitches, with the consequent reduction in the number of unauthorised caravans, had been linked to an increase in planning applications from the Gypsy Roma Traveller community and this in turn had been linked to the public consultation exercise undertaken between November 2008 and February 2009 in relation to the Development Plan Document required by the previous Government's Direction.

The Committee noted that officers had hoped that the remaining unauthorised or tolerated sites would be the subject of future applications to enable the Council to reach decisions on all of the outstanding cases. However, this had not yet been

achieved and the Committee were asked to consider what future action, if any, should be pursued in relation to the five sites with unauthorised and tolerated pitches. The Committee discussed the circumstances of the five sites.

RESOLVED:

- (1) That the current position regarding the numbers of authorised and unauthorised (including tolerated) pitches within the District be noted;
- (2) That in relation to Devoncot, Carthagen Estate:
 - (a) the occupants be given one further final period of three months in which to submit a planning application for the stationing of three caravans on the site; and
 - (b) in the event of an application not being received within that timescale, proportionate enforcement action be taken subject to sufficient evidence of a breach of planning policy and it being considered expedient to take such action;
- (3) That in relation to Richards Farm, Sedge Green the outstanding planning application for the stationing of four caravans be determined within the next eight weeks;
- (4) That in relation to land opposite Oakwood, Tylers Cross and Rosewood, Tylers Cross proportionate enforcement action be taken subject to sufficient evidence of a breach of planning policy and it being considered expedient to take such action;
- (5) That in relation to Horsemanside Farm, Stapleford Abbots, in the event of an unauthorised caravan still being stationed on the land at the July 2011 caravan count:
 - (a) the occupants be given one further final period of three months in which to submit a planning application for the stationing of the unauthorised caravan on the site; and
 - (b) in the event of an application not being received within that timescale, proportionate enforcement action be taken subject to sufficient evidence of a breach of planning policy and it being considered expedient to take such action.

9. ESSEX COUNTY COUNCIL DEVELOPMENT MANAGEMENT POLICIES - ADOPTION AS SUPPLEMENTARY GUIDANCE

The Committee was informed that a revised policy document dealing with the highway and transport aspects of new development had recently been adopted by Essex County Council as County Council Supplementary Guidance.

The Committee noted that the policies reflected the balance between the need for new housing and employment opportunities, the regeneration and growth agenda, and protection of the transport network for the safe movement of people and goods. The document was split into the following five sections:-

- (a) Highway access policies aimed at protecting the safety and efficiency of the highway network;
- (b) Broad design standards policies cross referenced to other design documents;
- (c) Accessibility and transport sustainability policies aimed at minimising the number of journeys by private motor vehicles;
- (d) Impact and migration policies identifying the requirement on a developer to provide, where necessary, transport assessments, safety audits, and to demonstrate no detrimental impact on congestion on the highway, mitigation measures and maintenance contributions;
- (e) Policies regarding HGV movements and construction management.

Members were informed that Planning Policy Statement 12: Local Spatial Planning referred to supplementary guidance produced by County Council. It stated that such guidance would not be a supplementary planning document but that where appropriate consultation and sustainability appraisal had been carried out, the supplementary guidance might be afforded a weight commensurate with a supplementary planning document in decision making. It was recognised that this would be more likely where the supplementary guidance had been endorsed by the District Council. The Committee were advised that the County Council policies had been the subject of a full public consultation exercise, together with a sustainability appraisal and strategic environmental assessment.

RESOLVED:

That a report be submitted to the Council recommending the adoption of the Development Management policies as supplementary guidance.

CHAIRMAN