

**Report to District Development Control
Committee**

Date of meeting: 19 October 2011



**Epping Forest
District Council**

Subject: Planning Application EPF/0046/11 – Town Mead Sports and Social Club, Brooker Road, Waltham Abbey, EN9 1HJ – Proposed golf driving range (revised application).

Officer contact for further information: G Courtney Ext 4228
Committee Secretary: S Hill Ext 4249

Recommendation:

That the application be granted subject to the following suggested 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 No's: 10013/3B, 10013/4, 10013/6I, 10013/8B, 10013/9B, 10013/45, 232, 460/2, UKS1815, UKS1815/1, LS11327/2.

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, 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.

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.

5. No development, including site clearance, shall take place until a statement of the methods (including a timetable, for its Implementation linked to the development schedule) for the implementation of the landscaping scheme approved on Plan Ref: 232, and a schedule of landscape maintenance for a minimum period of five years, 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, and the schedule shall include details of the arrangements for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

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.

6. No development shall take place until details of all levels, contours and bunding 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 is acceptable.

7. Prior to the commencement of the development details of the proposed surface materials for the access, turning and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.

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

8. The parking area shown on the approved plan shall be provided prior to the first use of the development and shall be retained free of obstruction for the parking of staff, customers and visitors vehicles.

Reason:- In the interests of highway safety.

9. A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that surrounding properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and

the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

Reason:- To conform with the principles of PPS25 and to satisfy Policy U2B of the Adopted Local Plan and Alterations (2006), since 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. Prior to commencement of development, including site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

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

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

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

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

11. The 16m high fencing and CCTV cameras on the range bays shall be installed prior to use of the site as a Golf Driving Range.

Reason:- To ensure there is no detrimental impact on the M25 Motorway or users of the surrounding sites.

12. The lighting installed on site shall be adjusted, baffled or removed in accordance with any written requirements of the Local Planning Authority or the Highways Agency if considered hazardous to the M25 by the Local Planning Authority or Highways Agency.

Reason:- To ensure that the approved lighting does not cause hazard to users of the M25.

Additional Information Following The Previous Deferral

1. (Director of Planning and Economic Development) This application had been deferred from the District Development Control Committee dated 29 June 2011 to allow for a Risk Assessment and further detail regarding lighting to be submitted and agreed by the Highways Agency, to ensure there is to be no detrimental impact on the M25. Amended plans, lighting plans and a risk assessment were received on the 11th August, and subsequently forwarded to the Highways Agency.
2. The amended plans have altered the position of the driving range so that the 18 bays closest to the southern (M25) boundary are angled away from the M25. These are located 47m from the edge of the M25. The last 8 bays would remain parallel to the M25 and be some 85m distance.
3. The lighting plans have been assessed by the Highways Agency and are considered acceptable, however it has been suggested that a 'failsafe' condition be added to allow for the LPA (or the Highways Agency) to insist that the lighting on site be adjusted, baffled or removed if it causes a safety hazard on the motorway.
4. A Risk Assessment undertaken by D M Mason Engineering Consultants Ltd. was submitted in 11th August. This states the following:

This Safety Assessment has been undertaken using advice prepared by PGA Design Consulting Ltd (PGADC). PGADC deals with all design, technical and pre-opening management on behalf of The PGA of Great Britain and Ireland. PGADC (formerly PGA Golf Management Ltd) published their first design guide for golf ranges in 1995. This was updated in 1999. The design guide was subsequently updated and extended in 2004. The latest addition of the guide is used in this Assessment.

Three aspects of a golf driving range impact on safety outside the boundary of the range: side netting, a safety zone and vigilance against malicious attempts to play balls outside the range.

The PGADC advice is that 15 metre netting is the minimum height appropriate for close to the range bays. The netting can be reduced in height to 10 metres beyond 200 metres from the bays.

The proposal is for 16 metre high netting. This is greater than the suggested minimum. I therefore consider it to be safe.

The safety zone is drawn from evidence that balls will generally reach no more than 75 metres laterally from the edge of the range bays irrespective of their distance from the bays. The extent of the safety zone is limited by the angle of shot from the range bays. It is rare for balls to be struck more than 30 degrees from the intended line of the shot.

[The amended drawings] show a marginally revised golf range bays building than that previously proposed. This layout ensures that the required safety zone does not cross onto the M25 carriageway. I therefore consider that the proposed layout provides a satisfactory safety zone to protect users of the M25.

I note that the Highway Agency indicated in November 2004 that it was satisfied with the proposals then made. The 2004 proposals were closer to the M25 than the present proposals... It would be perverse of any person to gainsay the view of the Highways Agency whose statutory duty it is to protect road users.

Finally, PGADA advice is that there is evidence that range users may maliciously attempt to play shots beyond the range and over the safety netting. The malicious use can only be prevented by policing by staff and users.

I understand that the site will be manned at all times that it is operating. I understand that the range bays will be monitored by CCTV. The site operators will therefore have facilities to prevent the malicious playing of shots. It is in the operators interest to prevent users from misusing the range. It is therefore considered that appropriate facilities will be available to prevent malicious play from the range.

It is therefore my view that the design of the driving range meets appropriate design advice and that, subject to the operation of CCTV to deal with malicious players, the proposed range will be safe in operation to satisfy the concerns expressed by Members.

5. The Highways Agency has viewed this Risk Assessment and raises no objection to its findings. Officers consider that Members now have sufficient information to make a decision, particularly now that the plans previously seen by this committee have been further amended and hopefully that their concerns have been addressed. The conclusion in paragraph 13 therefore remains unchanged, but has been firmed up by the further information outlined above.

Original DDCC Report

6. This application has been referred by the Area Plans Sub Committee West with no recommendation, however was recommended for refusal by Planning Officers at the previous sub-committee (report attached). However, this recommendation has changed due to the amended plans that have been submitted.

Additional Summary of Reps

7. Below are the additional comments received as a result of the re-consultation process:

DUNCAN PHILLIPS LTD., 121 BROOKER ROAD – No objection to the driving range but concerned that there is little being done regarding lorries parking in Brooker Road.

Planning Issues

8. The sub-committee did not make any recommendation on the application. Whilst it was originally intended for the application to be considered at the 6th April DDCC Meeting, discussions were entered into between the applicants, the Planning Officer, and the Arboricultural Officer regarding a more agreeable scheme. As such amended plans have been discussed and submitted for consideration, and full re-consultation has been undertaken with regards to the amended plans.

9. Whilst the original committee report is attached, which recommended refusal of the planning application due to the loss of the preserved woodland, the amended scheme has overcome these previous concerns. It is now proposed to site the driving range at an angle of approximately 8 degrees to the Town Mead boundary with the M25. This would allow for a 12m landscape strip between the driving range and M25 boundary at its closest point (to the west) and a 40m gap at its furthest point (to the east). This would allow for part of the preserved woodland to be retained along with additional landscaping to be installed to better screen the entire Town Mead site from the M25.
10. It is considered that the benefits resulting from the additional screening and partial retention of the preserved woodland would be sufficient to outweigh that part of the woodland lost. As such it is now considered that the amended development complies with the relevant Local Plan policies.
11. The amended plans have resulted in the relocation of the driving bays and reception further north than the original plans, however it is not considered that this would detrimentally impact on the Green Belt, remaining recreation ground, or surrounding area.
12. The Highways Agency were consulted on the original submitted plans, which did not include any details regarding fencing or lighting. Due to the lack of information they require conditions No's. 10 and 11 above to be placed on the decision notice. Whilst the amended plans included additional information regarding this, which has been forwarded to the Highways Agency, no response was received at the date of preparing this report. Should a response be received prior to the meeting, which may require an alteration to the above suggested conditions, then this will be reported verbally to Members at the meeting.

Conclusion

13. Due to discussions undertaken and amended plans received since the previous Plans Sub-Committee West, the recommendation for the proposed application is now to grant permission, subject to the above suggested conditions. No recommendation was put forward by the sub-committee.

ORIGINAL PLANS SUBCOMMITTEE EAST REPORT

This application is before this Committee since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section CL56, Schedule A (d) of the Council's Delegated Functions).

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 Section CL56, Schedule A (k) of the Council's Delegated Functions).

Description of Proposal:

Consent is being sought for the erection of a golf driving range on the southern section of Town Mead sport and recreation ground. This would involve the removal of a large area of woodland and the erection of a 128 sq. m. office/lounge/shop structure, a 172m long structure containing 26 driving range bays, a 97 sq. m. plant store, a 27 bay car park, and a 187m long driving range. The proposed driving range would be enclosed by a fence (height/details undisclosed) and proposes some (predominantly boundary) landscaping. The highest part of the structures (the office/lounge/shop) would reach a ridge height of 5.8m, with the bays and plant store reaching maximum heights of 3.4m and 3.35m respectively. Access to the proposed development would be via the existing access road to the Sports and Social Club, which itself is accessed from Brooker Road.

Description of Site:

The application site is located on the southern part of Town Mead sport and recreation ground bounded by a tree planted embankment supporting the M25 Motorway to the south. To the north is a grassed area, to the west is a baseball pitch and beyond this the River Lea. To the east is the waste recycling centre and Brooker Road Industrial Estate. The site currently consists of grassed areas and a large preserved woodland. The entire site is within the Metropolitan Green Belt and the Lea Valley Regional Park.

Relevant History:

EPF/1178/04 - Use of land as golf driving range, erection of single storey building to provide driving range bays, erection of security container, perimeter netting, floodlights and formation of car park – withdrawn 27/10/04

EPF/2197/04 - Golf driving range (Revised application) – approved/conditions 23/02/05

EPF/2105/10 - Proposed Golf Driving Range – withdrawn 16/12/10

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

CP3 – New development

GB2A – Development in the Green Belt

GB7A – Conspicuous development

DBE1 – Design of new buildings

DBE4 – Design in the Green Belt

LL5 – Protection of urban open space

LL10 – Adequacy of provision for landscape retention

LL11 – Landscaping schemes
RST1 – Recreational, sporting and tourist facilities
RST16 – Golf course location
RST19 – Design, layout and landscaping of golf courses
RST20 – New buildings for golf courses
RST23 – Outdoor leisure uses in the LVRP
RST24 – Design and location of development in the LVRP
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking

Summary of Representations:

34 neighbours were consulted and a Site Notice displayed on 24/01/11.

PARISH COUNCIL – No comment as Town Council is owner of the land.

Issues and Considerations:

Planning permission was granted for a golf driving range in 2005 on the southern side of Town Mead. Whilst this differed in that it proposed 20 bays, a smaller amount of built form and a smaller car park, the key difference is that the previously approved scheme was located further west than this proposal and proposed to retain the existing woodland area. This previous scheme has now lapsed, and due to supposed constraints resulting from subsequent improvement to the Baseball field this latest application has relocated the development further east and proposes the removal of the established wooded area.

Despite the increase in the number of bays, level of built form and area of car parking, the principal of the development is not considered inappropriate as the proposal is for outdoor sport and recreation, with associated small scale essential facilities (although the latest scheme pushes this somewhat), and therefore does not constitute inappropriate development within the Green Belt. The community sport related use of the site is in line with the objectives of the Lee Valley Regional Park and Town Mead sport and recreation ground. Given the location of the development adjacent to the M25 and the waste recycling centre there would be no detrimental impact to surrounding properties, and whilst this development would undoubtedly attract more vehicle movements to the site, given the existing use of the area and current access from Brooker Road Industrial Estate this is not considered inappropriate. Furthermore, subject to conditions, there is no objection with regards to potential flood risk and contaminated land.

The main objection to this development is the removal of the established woodland on the site. Whilst it is contended by the applicant that this woodland has any amenity value or merit, aside from acting as a screen to the recycling centre, it is considered by Planning Services that the presence of the woodland is a key amenity feature to Town Mead as it provides an important visual backdrop to the sport/recreation ground, is used by dog walkers and other members of the public, and provides both visual and noise screening to this public open land. Furthermore, the impact on existing landscape features is an important consideration in golf related development, as reflected in Local Plan policy RST16 which states that:

Proposed golf courses and driving ranges should be located such that they:
(i) *would not have an adverse effect upon the character or appearance of highly visible landscape.*

and policy RST19 which states:

The design, layout and landscaping of golf courses and golf driving ranges should be such that:

- (i) they are demonstrably based on a thorough appraisal of all existing site features and the sites context in the surrounding landscape; and*
- (iv) as many as possible of the existing landscape features (e.g. hedgerows, woodlands and watercourses) are retained and incorporated into the design of the course.*

In more general terms, policy LL10 states that:

The Council will refuse to grant planning permission for any development which it considers makes inadequate provision for the retention of:

- (i) trees; or*
- (ii) natural features, particularly wildlife habitats such as woodlands, hedgerows, ponds and watercourses.*

It is considered that the proposed development fails to comply with the above policies, as well as various policies relating to safeguarding the character and appearance of urban land, and retaining existing landscaping. Whilst it is appreciated that the development proposes additional boundary landscaping to the golf driving range, this is considered to simply act as mitigation screening for this development and is an inadequate replacement for the loss of the woodland. Furthermore, this fails to comply with policy LL11, which states that "*the Council will: (i) refuse planning permission for any development which makes inadequate provision for landscaping*" and "*(ii) not approve landscaping scheme which: (b) are ineffective because they would be unlikely to retain trees and other existing landscape features or to establish new long-term planting*". Any new landscaping as would take a long period of time to become as established and as visually beneficial as the existing woodland.

The woodland is subject to a Tree Preservation Order, the confirmation of which is elsewhere in this Agenda, which was made due to the threat from this development. Whilst it is accepted that there is no golf driving range within Waltham Abbey, there are other golf facilities within a 5 mile radius, and the previous consent proposed to retain this woodland (presumably as it was then seen as an important landscape/amenity feature). Due to this, it is not considered that there is sufficient benefit from this scheme to justify the removal of this established woodland, and inadequate replacement landscaping proposed.

Conclusion:

The principal of the erection of a golf driving range within Town Mead is considered acceptable, however the previously approved scheme (now lapsed) recognised the importance of the established woodland and would have retained this. The current application proposes the complete removal of this woodland and it is considered that there is insufficient justification and replacement landscaping to overcome the harm from removing this key amenity feature. As such the proposed development would fail to comply with policies CP1, CP2, RST1, RST16, RST19, LL5, LL10 and LL11.