

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

- Committee:** District Development Control Committee    **Date:** 10 October 2006
- Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 - 9.55 pm
- Members Present:** B Sandler (Chairman), Mrs D Borton, M Colling, Mrs H Harding, D Kelly, P McMillan, Mrs P Richardson, Mrs P Smith, P Turpin, Mrs L Wagland and K Wright
- Other Councillors:** Mrs D Collins, R Frankel, Mrs A Grigg, D Stallan and C Whitbread
- Apologies:** Mrs R Gadsby, J Hart and J Markham
- Officers Present:** B Land (Assistant Head of Planning and Economic Development), P Sutton (Asst Head of Planning Services (Forward Planning & Environment)), A Wintle (Planning Officer), S King (Forward Planning Assistant), J Boreham (Assistant Public Relations and Information Officer) and S G Hill (Senior Democratic Services Officer)
- By invitation** P Dawson (Essex County Council Built Environment Branch) and Ms E Herr (Essex County Council Built Environment Branch)
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### **14. APPOINTMENT OF VICE CHAIRMAN**

**RESOLVED:**

That, in the absence of the Vice Chairman, Councillor D Kelly be appointed as Vice Chairman for the duration of the meeting.

### **15. MINUTES**

**RESOLVED:**

That the minutes of the meeting held on 8 August 2006 be taken as read and signed by the Chairman as a correct record.

### **16. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

It was noted that no substitutes had been appointed for this meeting.

### **17. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor K Wright declared a personal interest in EPF/1387/06 (Ongar and District Sports Club), by virtue of being a member of Ongar Town Council which leased the land to Ongar and District Sports Club. The Councillor had determined that his interest was prejudicial and indicated that he proposed to leave the meeting for the duration of the item.

(b) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in EPF/1030/06 (Former North Weald Parade Ground, Merlin Way, North Weald) by virtue of being (i) the Housing Portfolio Holder, (ii) a member of North Weald Parish Council; and (iii) a governor of a local school. The member indicated that he had not taken part in any decision making process on the application and indicated that he proposed to stay in the meeting and take part in the debate on those items.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Mrs a Grigg declared a personal interest in EPF/1030/06 (Former North Weald Parade Ground, Merlin Way, North Weald) by virtue of being a member of North Weald Parish Council. The member indicated that she had not taken part in any decision making process on the application and indicated that she proposed to stay in the meeting and take part in the debate on those items.

#### **18. ANY OTHER BUSINESS**

It was noted that there was no other urgent business for consideration at the meeting

#### **19. EPF/1374/06 - HIGH HOUSE FARM, STAPLEFORD ROAD, STAPLEFORD ABBOTTS**

The Committee considered an application that had been referred by Area Plans Sub-Committee C with the recommendation that outline planning permission be granted for the demolition of agricultural/industrial complex and the erection of 6 new dwellings and 1 replacement dwelling at High House Farm, Stapleford Road, Stapleford Abbots.

The Committee noted that the main issue in determining the application concerned whether very special circumstances existed in this case, which should allow an exception to be made to Green Belt policy.

When considering this submission, the Area Plans Sub Committee had agreed with the Planning Officers report that very special circumstances existed in this case as it was proposed to:

- (i) Remove 2,408 square metres of former agriculture buildings in disrepair and larger area of hardstanding with an 18 year history of industrial use;
- (ii) To repair and regrade land built up from unauthorised tipping over the years;
- (iii) To introduce new and improved footpath routes at the site;
- (iv) To gift 1.5 hectares of the applicants land to the Parish Council for use as a future possible village green;
- (v) The erection on the site of a Parish Room and car park for the local Parish Council; and
- (vi) A financial contribution of £100,000 to affordable housing needs in the area.

The Committee noted that should they be minded to grant planning permission, it would be subject to planning conditions and would need to be referred to the Government Office for the East of England because it represented a departure from the Local Plan in allowing residential development in the Green Belt.

The Committee viewed the proposed development plans and heard representation from the local Parish Council.

The Committee agreed that the proposed development was of good design as illustrated in the outlined plans. They also agreed that the package of benefits along with the reduction in built floor space and improvements to the landscape represented very special circumstances in this case sufficient to outweigh the principle of inappropriate development in the Green Belt.

The Committee asked that Area Planning Subcommittee C be asked to consider the detailed application when submitted rather than this being dealt with under delegated powers by officers.

**RESOLVED:**

That outline planning application EPF/1374/06 – High House Farm, Stapleford Road, Stapleford Abbots be granted subject to:

- (a) The conditions listed below; and
- (b) Area Planning Subcommittee 'C' being asked to consider the detailed planning application, when received.

**Planning Conditions:**

- (1) Application for the approval of details reserved by this permission must be made not later than the expiration of three years from the date of this notice. The development hereby permitted must be begun not later than the expiration of two years from the date of the final approval of the details reserved by this permission or, in the case of approval on different dates, the final approval of the last matter approved.
- (2) The development hereby permitted shall only be carried out in accordance with detailed plans and particulars, which shall have previously been submitted to and approved by the Local Planning Authority. Such details shall show the siting, design, landscaping and external appearance of the building(s) thereto.
- (3) The final layout of the proposed development shall adhere to the principles of the illustrative layout plan (ama dwg. ref 02.159/5) as submitted with this outline application.
- (4) Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- (5) Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- (6) Before the commencement of the development, or of any works on the site and concurrently with the detailed design plans, a full tree and site survey shall be submitted to the Local Planning Authority. The submitted

details shall include, as appropriate, the following information at a legible scale:

- (a) Reference number, species, location, girth or stem diameter and accurately planned crown spread, of all trees with a stem diameter with 100mm or greater on or adjacent to the site; and
- (b) An assessment of their condition and value;
- (c) Details of existing levels, including contours where appropriate, and any proposed changes of level across the site;
- (d) Location, spread and other relevant details of relevant hedgerows, hedges and other significant areas of vegetation;
- (e) Location and dimensions of existing watercourses, drainage channels and other aquatic features with water, invert and bank levels as appropriate;
- (f) Trees, or other features to be removed which shall be clearly and separately identified on the plans.
- (g) Existing boundary treatments and forms of enclosure;
- (h) Existing structures, services and other artefacts, including hard surfaces;
- (i) Indication of land use, roads or other means of access, structures and natural features on land adjoining the development site; and
- (j) Route of existing footpaths and public rights of way on and adjoining the site.

(7) Before any works commence on site, and concurrently with the detailed design plans, an Ecological Survey of the site, or any part thereof identified by the Local Planning Authority, shall be carried out and submitted to the Local Planning Authority with an assessment of the impact of the proposed development and any appropriate measures of alleviation. Development shall be undertaken only in accordance with the agreed measures.

(8) The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site.

The Arboricultural Method Statement shall indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS.3998: 1989).

The Arboricultural Method Statement shall include a scheme for the inspection and supervision of the tree protection measures. The scheme shall be appropriate to the scale and duration of the works and may include details of personnel induction and awareness of arboricultural matters; identification of individual responsibilities and key personnel; a statement of delegated powers; frequency, dates and times of inspections and reporting, and procedures for dealing with variations and incidents. The scheme of

inspection and supervision shall be administered by a suitable person, approved by the local planning authority but instructed by the applicant.

(9) No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub, or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree 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.

(10) 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) have been submitted to an approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These 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 vehicle artefacts and structures, including signs and lighting and functional services above and below ground. 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.

(11) No development shall take place, including site clearance or other preparatory work, until all details relevant to the implementation of hard and soft landscape works and tree planting, hereafter called the Landscape Method Statement, have been submitted to the LPA, and the development shall not commence until the Landscape Method Statement has been approved by the LPA in writing. All landscape works shall be undertaken in accordance with the approved details, unless the LPA has given its prior written consent to any variation.

The Landscape Method Statement shall include as appropriate, protection of the planting areas, where appropriate by fencing, during construction; preparation of the whole planting environment, particularly to provide adequate drainage; and the provision which is to be made for weed control,

plant handling and protection, watering, mulching, and the staking, tying and protection of trees. The Landscape Method Statement shall also normally include provision for maintenance for the period of establishment, including weeding, watering and formative pruning, and the removal of stakes and ties. Provision shall be made for replacement of any plant, including replacements, that are removed, are uprooted, or which die or fail to thrive, for a period of five years from their planting, in the first available season and at the same place, with an equivalent plant, unless the LPA has given its prior written consent to any variation.

All hard and soft landscape works shall be completed prior to the occupation or use of any part of the development, unless the LPA has given its prior written consent to a programme of implementation. The hard and soft landscape works, including tree planting, shall be carried out strictly in accordance with any approved timetable.

The Landscape Method Statement shall state the provision, which is to be made for supervision of the full programme of works, including site preparation, planting, subsequent management and replacement of failed plants.

(12) Before the occupation or use of any phase or part of the development, whichever is the soonest, a Landscape Management Plan (LMP) shall be submitted to and approved by the LPA.

The LMP shall contain a statement of the long-term aims and objectives covering all elements of the implementation of the agreed landscape scheme and full details of all management and establishment operations over a five-year period, unless otherwise agreed in writing by the LPA. It shall also include details of the relevant management, and supervisory responsibilities.

The LMP shall also include provision for a review to be undertaken before the end of the five-year period. A revised LMP shall be submitted for the agreement of the LPA before five years has expired. The revised details shall make similar provisions for the long-term maintenance and management of the landscape scheme. The revised scheme shall also make provision for revision and updating.

The provisions of the LMP, and subsequent revisions shall be adhered to and any variation shall have been agreed beforehand in writing by the LPA. No trees, shrubs, hedges or other plants shall be removed for the duration of the Landscape Management Scheme or its revisions, without the prior written approval of the LPA. Any trees, shrubs, hedges or other plants being so removed shall be replaced in the first available planting season by an equivalent replacement or replacements to the satisfaction of the LPA. Management of the landscape scheme in accordance with the LMP or their agreed revisions shall not cease before the duration of the use of the development unless agreed in writing by the LPA.

(13) Prior to commencement of development, including demolition or 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 LPA and the completed phase 1 investigation shall be submitted to the LPA 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 LPA before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the LPA prior to any remediation works being carried out.

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

(14) A flood risk assessment 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 programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained.

(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 development 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.

(16) Details of sustainable buildings construction, drainage, water storage/recycling and energy efficient services shall be submitted to and approved in writing by the Local Planning Authority before work commences on site. The details as agreed shall be carried out thereafter.

(17) This permission is subject to a unilateral undertaking, which has been submitted by the applicant as part of this planning application, and no development shall take place until measures to enable the provision of an affordable housing contribution, improvements to Footpaths and landscaping of the site area including that marked blue on drawing no. 02.159/04, provision of a Parish Room building and associated car parking area and village green, necessitated by this development are secured with the local planning authority.

(18) Before work commences on the site, details of existing and proposed site levels shall be submitted and agreed in writing by the Local Planning authority. The details as agreed shall be carried out thereafter and include removal from the site of all existing hardstanding areas associated with the current former agricultural buildings on the site, as shown on drawing no. 02.159/7, and re-grading of that part of the site used formerly for unauthorised tipping. This work shall be carried out before first construction of the residential development hereby approved.

Reason: To repair and enhance the visual quality of the landscape.

**20. EPF/1030/06 - FORMER NORTH WEALD PARADE GROUND, MERLIN WAY, NORTH WEALD**

The Committee considered a reserved matters application for the development of the Former Parade Ground site at Merlin Way, North Weald. The application sought the approval of a total of 141 units of mixed type on the site comprising one, two, three and four bedroomed houses and apartments together with associated roads, parking, ancillary buildings and landscaped areas.

The committee noted that the proposed mix of heights of building proposed and that the site layout and density of the development that was higher than indicated at outline stage. It was also noted that as part of the outline scheme the issues of the access road, education contributions and affordable housing had already been agreed and subject to a section 106 agreement.

The committee viewed the proposed plans of the development and heard representation from an objector, the parish council and the applicant.

The members of the committee expressed their concerns that the proposed levels of development were far too dense for the site and excessive and inappropriate for the location next to residential areas of North Weald. Additionally the proposed height of some of the flat buildings (3 and 4 story elements) was excessive and immediately adjoining existing two storey residential houses. The terraced effect created gave the proposal a cramped urban appearance. Additionally it was considered that the density proposed meant that there was insufficient open space and was therefore contrary to local plan policies.. The overall view of members was that the application was an over development of the site and was out of character with its surroundings.

They determined that the application should be refused for those reasons.

**RESOLVED:**

That planning application EPF/1030/06 at the Former Parade Gound, Merlin Way, North Weald be refused for the following reasons:

(1) The proposals represent overdevelopment of the site at a density considered to be excessive and inappropriate for this location, incompatible with the adjacent residential area and resulting in a development that is out of context with its surroundings and with inadequate private and public open amenity space and landscaping, and is thus contrary to policies BE1 and H4 of the adopted Replacement Structure Plan and policies H3A, DBE1, DBE7, DBE8 and LL11 of the adopted Local Plan; and

(2) The proposed development, by reason of: (i) the scale, location, bulk and appearance of the flatted accommodation particularly at the northern edge of the site, (ii) an inadequate variety of different street forms and (iii) a failure to adequately relate built form to the spaces between them, results in a bland, unattractive and character-less environment and is thereby contrary to policy H4 of the adopted Replacement Structure Plan and policies DBE1, DBE3 and DBE5 of the adopted Local Plan.

**21. EPF/1387/06 - ONGAR AND DISTRICT SPORTS CLUB, LOVE LANE, ONGAR - EXTENSION TO PROVIDE SHOWER FACILITIES TO EXISTING CLUB**



The Committee considered an application for the extension of the Ongar and District Sports Club to provide shower facilities at the club. The application had been referred to the Committee, as Area Planning Subcommittee 'C' had been inquorate due to declarations of interest made by members of that Subcommittee at a meeting on 30 August 2006.

The Committee considered the proposed plans of the extension and a letter of objection made by a neighbour and a representation made by Ongar Town Council.

The Committee considered that the application should be granted subject to conditions.

**RESOLVED:**

That planning application EPF/1387/06 for the extension of Ongar and District Sports Club be approved 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 the permission notice; and
- (2) Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

**22. ESSEX DESIGN GUIDE - URBAN PLACE SUPPLEMENT**

The Committee received a presentation by Officers of the County Council on the proposed Urban Place Supplement (UPS) which was intended to provide guidance that would help deliver a consistently higher standard of environmentally and contextually sensitive design within Essex.

The UPS had been initiated by Essex County Council because of concern that higher density urban developments in the county were not creating places that presented an attractive public realm and were often out of context with their surroundings.

In addition, there was recognition that sustainability issues in development needed to be addressed. The growth proposed for Essex in coming years meant that it was vital to grasp the opportunity to raise standards so that growth could be harnessed to enhance the County. Although the UPS was particularly applicable to higher density, modern urban developments, some aspects of it would be applicable to all new developments.

The Committee noted that due to the current position of the East of England Plan it would be some time before the Council's design policies were reviewed (and updated as necessary). It was therefore appropriate that the Council continued to use the Essex Design Guide and its proposed Supplement to guide urban design policy decisions in the short term. The Urban Place Supplement would be used as a Supplementary Planning Document once confirmed in line with regulation and would also help to ensure that suitable design principles were implemented if large-scale development was required as a result of the final version of the East of England Plan.

The proposed UPS was structured around the three main themes of 'Building in Context', 'Design Quality' and 'Sustainable Development and supplemented policies DBE1, DBE3, DBE4, DBE5 and DBE6 of the 1998 Epping Forest District Local Plan. The committee received a presentation that included examples of good design based around these three main principles.

A technical working group had now produced a draft supplement through a process of collaboration through a series of workshops run as part of the Essex Design Initiative (EDI) following which a wide-ranging technical consultation had been undertaken.

This consultation had informed the second draft of the Urban Place Supplement which was now being consulted upon.

Public consultation on the draft would be carried out in Epping Forest District for a six-week period during October and November 2006.

All responses would be returned directly to Essex County Council and, it was proposed that an Assessment Board would consider consultation responses, both for the Urban Place Supplement and the Sustainability Appraisal. This Board would comprise representatives of both County and District Councils who, together with the Sustainability Appraisal adviser, would examine responses received from all sources and decide on what, if any, changes should be made to the draft UPS document.

Members sought answers to the following questions:

(a) What would be the economic consequences of introducing this supplement? It was noted that Officers at the County were drawing up scenarios that would look at the cost of future development.

(b) How did the Council envisage the UPS's use to achieve best practice? It was noted that the UPS would have the status of Supplementary Planning Guidance.

(c) What approach was being taken to recycling on such sites? In response, officers stated that it was envisaged that each home would have facilities to recycle.

In general comments members indicated that the UPS contained a lot of best practice that developers could take on board in designing future development. Members commented that under-croft parking was a good idea but was an expensive option.

Members noted that the consultation period started on 16 October 2006 and were encouraged to submit their comments directly to the County Council.

**RESOLVED:**

(1) That the report and presentation to be given by Essex County Council officers be noted; and

(2) That proposals for the Portfolio Holder for Planning & Economic Development for consultation on the Urban Place Supplement be noted.

**23. THE CANCELLATION OF ARTICLE 4 DIRECTION ON O.E. 6977, WALTHAM ROAD, BUMBLES GREEN, NAZEING**

The Committee received a report updating members on the status of a number of Article 4 Directions restricting the normal operation of permitted development rights at a number of sites in the district.

Following a Development Committee meeting on 18 July 1996 it had been decided that the Article 4 Directions on the following properties could be cancelled:

<b>Site</b>	<b>date issued:</b>
"Hoecroft", Land North of Hoe Lane, Nazeing	28.02.52
"The Elms", Coopers Hill, Marden Ash	05.12.56
"Little Cutlands", St. Leonards Road, Nazeing	31.05.57
"Dahl", Stondon Road, Nine Ashes, High Ongar	22.10.57
"Harlow Park Nursery", Potter Street, North Weald	05.03.58
"Theydon Mount Nursery", Theydon Mount	05.08.58
Rear of "Countisbury" (Mossford Green Nursery and Lillicroft Nursery), Abridge Road, Theydon Bois	07.05.65
23 Woodland Way, Theydon Bois	26.07.65
23-77 (odds) Woburn Avenue, Theydon Bois	23.08.65
Whitlocks Cottages (site of), Bournebridge Lane, Stapleford Abbotts	29.06.66
O.E. 6977, Waltham Road, Bumbles Green, Nazeing	26.11.81

Members noted that these cancellations had now all been completed except for the site at Waltham Road. After investigation it was discovered that the Article 4 Direction for the site at Waltham Road had never been confirmed. It did not appear on the Local Land Charges register and there were no sealed copies in the files. Since this Direction was never confirmed, it no longer existed and revocation (cancellation) was not required.

Other Article 4 directions would continue in force, as they were still required.

**RESOLVED:**

- (1) That the progress made in respect of the cancellation of certain Article 4 directions be noted; and
- (2) That the position in respect of one particular Article 4 Direction (O.E. 6977, Waltham Road, Bumbles Green, Nazeing), be noted

**24. DISTRICT DEVELOPMENT CONTROL COMMITTEE/AREA PLANS SUB-COMMITTEES - TERMS OF REFERENCE AND HEAD OF PLANNING AND ECONOMIC DEVELOPMENT - DELEGATED AUTHORITY**

The Committee considered a report that dealt with recommended changes to the terms of reference of the Committee and the Area Plans Sub-Committees in relation to those applications submitted by members or family or other associates. It also recommended changes to the delegated authorities exercised by the Head of Planning and Economic Development in two instances.

Members expressed concerns that the proposed changes to the current arrangements would prove impractical to implement as the definitions proposed were not well defined and open to different interpretation.

The Committee agreed that in their current form the proposals should not be submitted to Council for adoption.

**RESOLVED:**

(1) That proposals for changes to the terms of reference of both the Area Planning Subcommittees and this committee in relation to applications made by a Councillor or officer or former Councillor or former officer (or their close friends, partners, business associates including relatives) not be submitted to Council for approval;

(2) That in light of (1) above proposals for the amendment of Delegated Authority P4 (Planning Applications) (pages D38-9 of the Constitution) are not recommended to council for approval.

**CHAIRMAN**