

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 28 January 2015
West

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.55 pm
High Street, Epping

Members Present: Ms Y Knight (Chairman), A Mitchell MBE (Vice-Chairman), R Bassett, R Butler, D Dorrell, Mrs R Gadsby, Ms H Kane, Mrs J Lea, Mrs M Sartin, Ms G Shiell, Ms S Stavrou, A Watts and Mrs E Webster

Other Councillors:

Apologies: R Glozier

Officers Present: J Shingler (Principal Planning Officer), P Seager (Chairman's Secretary) and R Perrin (Democratic Services Assistant)

51. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

52. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

53. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 17 December 2014 be taken as read and signed by the Chairman as a correct record.

54. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors S Stavrou and M Sartin declared a non-pecuniary interest in the following item of the agenda by virtue of being the District Council representative on the Lee Valley Regional Park Authority. The Councillors indicated that they would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0206/14 Chimes Gaden Centre, Old Nazeing Road, Broxbourne

- EPF/2319/14 Leaside Nursery, Sedge Green, Nazeing

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs R Gadsby declared a non-pecuniary interest in the following items of the agenda by virtue of being the Essex County Council representative on the Lee Valley Regional Park Authority. The Councillor indicated that she would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/0206/14 Chimes Gaden Centre, Old Nazeing Road, Broxbourne
- EPF/2319/14 Leaside Nursery, Sedge Green, Nazeing

(c) Pursuant to the Council's Code of Member Conduct, Councillors R Bassett and Y Knight declared a non-pecuniary interest in the following item of the agenda by virtue of living within village of Nazeing. The Councillors indicated that they would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/0206/14 Chimes Gaden Centre, Old Nazeing Road, Broxbourne
- EPF/2319/14 Leaside Nursery, Sedge Green, Nazeing.

55. ANY OTHER BUSINESS

It was reported that there was no urgent business for consideration at the meeting.

56. DEVELOPMENT CONTROL

The Sub-Committee considered a schedule of applications for planning permission.

RESOLVED:

That, Planning applications numbered 1 – 5 be determined as set out in the annex to these minutes.

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/0204/14
SITE ADDRESS:	Land off Hoe Lane (nr Burleigh Nursery/Ridge House Nursery/Spinney Nursery Nazeing Essex EN9 2RJ
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Demolition of nursery glasshouses and commercial sheds and construction of 10 no. detached five bed houses with associated amenity space, off-street parking, vehicle crossovers and landscaping
DECISION:	Withdrawn from Agenda

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=559337

Report Item No: 2

APPLICATION No:	EPF/0206/14
SITE ADDRESS:	Chimes Garden Centre Old Nazeing Road Broxbourne Essex EN10 6RJ
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Demolition of existing garden centre/commercial buildings and erection of 43 dwellings with associated parking and landscaping
DECISION:	Referred to District Development Control Committee with recommendation to Grant (with conditions) subject to Legal Agreement

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=559339

The officer corrected references in the report on pages 44 and 48 to the owner of the site being prosecuted for non compliance with the untidy land notice. This is incorrect as in fact the owner has appealed the notice and this is to be held in the Magistrates Court.

The officer summarised 3 additional neighbour letters that were received from Cranmore, Riverside Avenue; Magnolia House, Riverside Avenue and 32 Great Meadow.

Members considered that the proposed development would result in significant improvements to the character and visual amenity of the area and would help meet current housing need on previously developed land in a relatively sustainable location. They considered that the benefits of the proposal in removing a currently problematic and unsightly site, were sufficient to outweigh the harm to the openness of the Green Belt that would result from the development.

In addition, the Committee considered that suitable conditions could be imposed to ensure that the dwellings would not be at risk of flooding and that the development would not increase the risk of flooding elsewhere and that therefore the development was acceptable in flooding terms.

Whilst recognising that the Council normally seeks to provide on site affordable housing they considered that the package of benefits towards the provision of both affordable and low cost housing within the District was appropriate and sufficient to overcome the normal on site requirement.

Recommendation to District Development Control Committee:

Members recommended that planning permission be granted subject to the applicant first entering into a legal agreement and subject to conditions to be put forward by the planning officer.

The proposed legal agreement is to:

- Secure the provision of a £1 million contribution towards the provision of affordable housing off site,

- To purchase the Total Garage Site in Nazeing, from the Parish Council at a price of £750,000, to fully implement the existing planning consent for 6 houses at the site, and to offer those houses for sale to local residents of the District at a 10% below market value, and
- To provide a contribution of £141,530 towards Secondary School Provision and £32,702 towards school transport (both index linked to April 2014 costs)

Report Item No: 3

APPLICATION No:	EPF/2319/14
SITE ADDRESS:	Leaside Nursery Sedge Green Nazeing Essex EN9 2PA
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Demolition of existing nursery/commercial buildings and erection of 17no. B1/B2/B8 commercial units with ancillary parking
DECISION:	Deferred

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=568930

Members considered that there was merit in the application and that provided the units to be used for B2 purposes were restricted by condition to those furthest from residential properties, they did not consider that the proposal would be harmful to amenity.

They therefore deferred the application to enable the applicant to address the sequential test and the contaminated land issues.

Report Item No: 4

APPLICATION No:	EPF/2535/14
SITE ADDRESS:	Land at Barnfield Epping Road Roydon Essex CM19 5DP
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Clearance of all commercial buildings, structures, storage containers, bunds and the erection of 12 no. 4/5 bed detached dwellings and 11 no. affordable houses (6 x 2 bed & 5 x 3 bed) - (Revised application to EPF/0632/14)
DECISION:	Agreed to Grant Permission (With Conditions) subject to Legal Agreement

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=570130

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 11212-S001, 11212-S002, 11212-P100-A, 11212-P101, 11212-P005-A, 11212-P006-A, 11212-P007-A, 11212-P008, 11212-P009-A, 11212-P010, 11212-P011
- 3 No development shall have taken place until samples 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. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 Additional drawings that show details of proposed new windows, doors, eaves, verges, fascias, and cills, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions or outbuildings generally permitted by virtue of Class A, B or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to 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.
- 7 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 8 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 9 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 10 No development shall take place until details of 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.
- 11 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 12 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and

approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

- 13 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

Reason:- To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

- 14 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]

- 15 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 16 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.
- 17 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 18 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 19 No bonfires shall be permitted on site throughout the demolition and construction phase of the development.
- 20 Prior to first occupation of the proposed development the following highway works and access to the site shall be implemented, as shown in principle on drawing no.11212-P100 Rev A, with all details being agreed with the Highway Authority to include:
- 2.4 metre x 120 metre visibility splay clear to ground level to the south of the new access.
 - 2.4 metre x 65 metre visibility splay clear to ground level to the north of the new access.
 - The provision of a bellmouth access with minimum radii of 6m.
 - All footways to be a minimum of 1.5 metres wide.
 - The junction to the affordable housing shall be provided with, in either direction, 2.4m x 25m visibility splays clear to ground level.

- 21 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, to be approved by Essex County Council.
- 22 Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to the Local Planning Authority.
- 23 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 24 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 25 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

And the completion by the 11th March 2015 (unless otherwise agreed by Planning Performance Agreement) of a legal agreement under section 106 of the Town and Country Planning Act to secure a financial contribution of £167,942 towards primary and secondary school provision and to secure 48% affordable housing. In the event that the developer/applicant fails to complete a Section 106 Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would not comply with Local Plan policies regarding the provision of affordable housing and that it would cause harm to local education services by generating additional demand that cannot be accommodated within existing capacity.

Report Item No: 5

APPLICATION No:	EPF/2690/14
SITE ADDRESS:	Warwick House Bumbles Green Nazeing Waltham Abbey Essex EN9 2SD
PARISH:	Nazeing
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Erection of new detached dwelling
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=571031

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 11390-S001-A and 11390-P010A
- 3 No development shall have taken place until samples 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. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 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.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 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 Class A, B, C and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 7 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.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 9 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 10 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.
- 11 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 12 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 13 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.