

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 11 February 2015
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.15 pm
High Street, Epping

Members Present: B Sandler (Chairman), J Hart (Vice-Chairman), A Boyce, Mrs H Brady, R Butler, Mrs S Jones, H Kauffman, J Lea, C C Pond, J M Whitehouse, A Mitchell MBE and G Shiell

Other Councillors: -

Apologies: B Rolfe, R Jennings, J Knapman and Ms Y Knight

Officers Present: J Shingler (Principal Planning Officer), G J Woodhall (Democratic Services Officer) and R Perrin (Democratic Services Assistant)

34. WEBCASTING INTRODUCTION

The Democratic Services Officer 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.

35. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Committee, in relation to the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at Council Planning meetings.

36. ELECTION OF VICE-CHAIRMAN

In the absence of the Vice-Chairman, who had tendered his apologies, the Chairman requested nominations for a Vice-Chairman for the duration of the meeting.

Resolved:

(1) That Councillor J Hart be appointed Vice-Chairman of the Committee for the duration of the meeting.

37. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted the following substitutions for this meeting:

- (i) Councillor A Mitchell for Councillor Y Knight; and
- (ii) Councillor G Shiell for Councillor B Rolfe.

38. MINUTES OF THE LAST MEETING**Resolved:**

(1) That the minutes of the meeting held on 3 December 2014, previously circulated, be taken as read and signed by the Chairman as a correct record, subject to the following amendment:

- (a) amending the decision for minute 33 (Tottenham Hotspur Training Ground, Luxborough Lane, Chigwell) to state that the financial contribution of £50,000 for a mini-bus service across Chigwell should be made to Chigwell Parish Council.

39. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors A Boyce, H Brady, J Hart, S Jones, C C Pond and B Sandler declared a personal interest in the following item of the agenda by virtue of the applicant being a fellow Member of the Council. The Councillors had determined that their interest was not pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2853/14 Pine Lodge Riding Centre, Lippitts Hill, Waltham Abbey.

(b) Pursuant to the Council's Code of Member Conduct, Councillor H Brady declared a further personal interest in the following item of the agenda by virtue of having worked for one day a week at the Riding School when it was under different ownership 20 years ago. The Councillor had determined that her interest was not pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2853/14 Pine Lodge Riding Centre, Lippitts Hill, Waltham Abbey.

40. CHIMES GARDEN CENTRE, OLD NAZEING ROAD, NAZEING - PLANNING APPLICATION EPF/0206/14

The Principal Planning Officer presented a report on the proposed demolition of an existing garden centre/commercial buildings and the erection of 43 dwellings with associated parking and landscaping, at Chimes Garden Centre in Old Nazeing Road, Nazeing.

The Principal Planning Officer advised the Committee that the application site was approximately 2.5 hectares in area, and was located to the south of the residential area comprising Riverside Avenue and Great Meadow. The northern boundary of the site was flanked by gardens of residential properties; the western boundary was formed by the River Lee Navigation; and there was open land to the south and east. The site was wholly within the Metropolitan Green Belt and the Lea Valley Regional Park, but was not a conservation area.

The Principal Planning Officer stated that the proposal was to remove all the existing buildings and hard standing from the site, and to redevelop the site with 43 two-storey and two-and-a-half-storey detached and semi-detached properties in a simple layout around a central estate road accessed via Old Nazeing Road. The plans indicated the building of 2 3-bed, 22 4-bed, 9 5-bed, 9 6-bed and 1 8-bed properties on the site.

The Principal Planning Officer reported that the main issue to consider was that the site lay wholly within the Metropolitan Green Belt. As the site had been previously

developed, the main consideration was whether the development would have a greater impact upon the openness of the Green Belt. There were also housing issues to consider, including the lack of a Five-Year Supply of Housing document as part of the Council's Local Plan, the lack of affordable housing proposed for the site and the purchase of the former Total Garage site in Nazeing from the Parish Council to provide low cost housing at this site as planning permission had already been granted for 6 properties to be built there. Other issues included potential flood risk as most of the site was within a Flood Zone 2 and the remainder of the site was within a Flood Zone 3; contamination, as more than half of the site was a landfill site; layout and design; the impact on neighbouring amenity; the recording and investigation of any archaeological deposits; the results of the ecological studies performed at the site; highways and parking issues, including the proposed access to the site and parking within the site; a contribution towards the costs of increased education provision in the area; the impact on the Lee Valley Regional Park; and the sustainability of development at the proposed site.

The Principal Planning Officer presented the conclusions reached by Planning Officers. It was acknowledged that the application had some merit, including the provision of quality, attractive housing close to Nazeing and the resolution of the ongoing enforcement issues concerning the site, and the provision of a further six affordable dwellings on the former Total Garage site in the centre of Nazeing. However, the development would have a significant adverse impact on the openness and character of the Green Belt, and was therefore considered inappropriate development. It failed to provide any affordable housing on site, without any good reason being put forward, and the financial contribution proposed to provide affordable housing elsewhere in the District was not considered appropriate given the lack of available sites throughout the District. Additionally, the proposal included the construction of dwellings within a Flood Zone 3, contrary to professional advice, and the application was therefore recommended for refusal by the Director of Governance.

The Principal Planning Officer drew the Committee's attention to the addendum report from the Director of Communities concerning the proposed Section 106 Agreement for the development. Following lengthy and detailed negotiations, agreement had been reached whereby the applicant would provide a contribution of £1million for the provision of affordable housing elsewhere in the District, and prior to commencing any development at the Chimes Garden Centre site the applicant would purchase the former Total Garage site in Nazeing from the Parish Council, which already had planning permission for 6 2-bed homes, and enter into a signed Development Agreement with one of the Council's Preferred Housing Association Partners to provide the six dwellings as affordable social rented units available for applicants from the Council's Housing Register. With this combined proposal, the objection on the basis of inadequate affordable housing provision on site would have been overcome. However, since these negotiations, the applicant had suggested an alternative of building the six approved houses on the former Total Garage site and offering them to local people to purchase at a discount, instead of providing social rented accommodation (affordable housing).

The Committee was reminded that this planning application had been considered by Area Plans Sub-Committee West on 28 January 2015 and had been referred to the Committee with a recommendation to grant planning permission with 26 conditions attached. The Sub-Committee had felt that the proposed development would result in significant improvements to the character and visual amenity of the area and would help to meet the current housing need on previously developed land in a relatively sustainable location. It was considered that the benefits in removing a problematic and unsightly site would outweigh the harm to the openness of Green Belt resulting

from the development. However, the Director of Governance had maintained that the recommendation of Officers should be that planning permission should be refused, for the reasons outlined above.

The Committee noted the summary of representations, which included 172 signed copies of a standard letter supporting the application, 7 further letters of support, 18 letters opposing the application, and 2 letters requesting further conditions be applied if planning permission was granted.

The Principal Planning Officer informed the Committee that the applicant had offered to provide the six dwellings to be built on the former Total Garage site in Nazeing at 15% below market value to residents of the District, rather than to provide truly affordable social rented accommodation through a Housing Association. An additional condition, 27, should be added - if the application was approved - to remove Permitted Development Rights for extensions, outbuildings and hard standings for all 43 proposed properties on the site. Finally, if the Committee granted planning consent for the application, then it would have to be referred to the National Planning Casework Unit as it contravened the Council's Green Belt policies and the National Planning Policy Framework.

The Committee heard from an objector, the Parish Council and the applicant before proceeding to debate the application.

A local Member for Loughton Broadway commented that some of the land adjacent to the River Lee had not been previously developed and the site was susceptible to surface water flooding. Although the site was within walking distance of Broxbourne Railway Station, the Member had serious doubts about allowing development in the Green Belt on non-developed land that was situated within a Flood Risk Zone 3. The local Member for Morton and Fyfield added that he would be happy to support development on a brownfield site, but not development on a former landfill site.

The Principal Planning Officer explained that Flood Risk Zone 2 indicated a 1-in-a-1000 chance of flooding occurring; Flood Risk Zone 3 indicated a 1-in-a-100 chance of flooding occurring. It was also highlighted that dwellings reserved for local residents would encompass any individual currently living within the District. There had been a chicken farm on the eastern side of the site but this had been cleared by the Lee Valley Regional Park Authority five years ago.

A local Member for Epping Hemnall felt that the application offered no justification for development on Green Belt land, and no justification for not providing any affordable housing as part of the development. It was acknowledged that some flooding issues could be mitigated, but there had been no explanation for the link between this application and the former Total Garage site in the centre of Nazeing. A local Member for Loughton St Mary's was concerned that the site had been allowed to deteriorate to provide a reason for its development, and felt that development should be restricted to the northern part of the site. The local Member for Passingford agreed as it would be foolish to build homes on land with a high risk of flooding, and also highlighted the biodiversity issues within the report as well as the objection from the Lee Valley Regional Park Authority. A local Member for Waltham Abbey Honey Lane also concurred with the view that development should be restricted to the northern part of the site.

However, a local Member for Waltham Abbey North East stated that the District desperately needed new houses to be built and there were very few areas in Nazeing suitable for development. The flooding and contamination issues could all be mitigated. The Chairman also offered his support for the application on this basis and

that it would be development on a predominantly brownfield site. The Chairman also highlighted the £1million contribution towards building affordable housing within the District from the applicant, the high community gain for Nazeing from the development of the former Total Garage site, and the educational gains as well from the Section 106 Agreement. Members were requested to consider the wider benefits for the District from the scheme.

The local Member for Epping Hemnall stated that these arguments were equally applicable to many other sites across the District and that these were not special circumstances to justify development in the Green Belt. It was also highlighted that the contribution to educational provision from the Section 106 Agreement was to compensate for the additional strain that would be placed upon local schools from the development. The Member proposed refusal of the application for the four reasons set out in the original Officer report. This proposal was seconded by the local Member for Loughton Broadway, who also supported the proposed way forward to redevelop the northern sector of the site only.

Resolved:

(1) That planning application EPF/0206/14 at Chimes Garden Centre in Old Nazeing Road, Nazeing be refused permission for the following reasons:

1. The proposed development included "more vulnerable" development located within Flood Zone 3. The development did not provide wider sustainability benefits that outweighed the flood risk and did not therefore pass the Exceptions Test. As such the proposal was contrary to paragraph 102 in the National Planning Policy Framework (NPPF).
2. The development, due to the amount of built form that would intrude into the southern half of the site which was currently free of buildings, would have a significantly greater impact on the openness of the Green Belt than the existing development and as such was inappropriate and by definition harmful. The development was therefore contrary to policy GB2A of the adopted Local Plan and Alterations and to the NPPF.
3. The proposal failed to provide on site affordable housing despite such provision being financially viable and the site being suitable for such development, as such the development was contrary to policies H5A, H6A, and H7A of the adopted Local Plan and Alterations, and paragraph 50 of the NPPF.
4. By reason of the site's location beyond the statutory walking distance to a secondary school, the proposal would generate an additional cost to the Local Education Authority, Essex County Council, for transporting children to secondary school. However, the proposal did not include any mechanism to meet those additional costs. Since the proposal failed to properly address this matter, it was not a sustainable form of development and was consequently contrary to policies CP9(iii) and I1A of the Adopted Local Plan and Alterations, which were consistent with the National Planning Policy Framework.

(2) That the applicant be informed of the following as a proposed way forward for the site:

1. That the redevelopment of the northern part of the site could be acceptable, as this would avoid the Flood Risk Zone 3, most of the former landfill site and would likely to be acceptable in Green Belt terms; and
2. That any proposed scheme should include an appropriate element of affordable housing. Although it was acknowledged that this location was not acceptable for high density housing, a suitable development which respected the character of the area could be achieved.

41. PINE LODGE RIDING CENTRE, LIPPITTS HILL, WALTHAM ABBEY - PLANNING APPLICATION EPF/2853/14

The Principal Planning Officer presented a report on the planning application, EPF/2853/14, at Pine Lodge Riding Centre, Lippitts Hill in Waltham Abbey. The application was before the Committee as the applicant was a serving District Councillor for Waltham Abbey High Beech.

The Principal Planning Officer stated that the application site was located on the south-west side of Lippitts Hill, and was currently a riding centre with stabling and an arena. The residential properties of Springfield Farmhouse (itself a Grade II Listed Building) were to the east of the site, as was Pine Lodge itself which was in the ownership of the applicant. There were other equestrian facilities to the south-west and north of the site, which had a long history of stable and equestrian use. The application proposed the removal of all the existing buildings and the construction of five detached houses with associated garages, arranged around a central courtyard. Access would be via an existing access track to the east of the main access to the Farmhouse and Pine Lodge.

The Principal Planning Officer highlighted the main issues to be considered for the application. These were whether the development was appropriate in the Green Belt, the design of the development, the impact on the setting of the Listed Building (Springfield Farmhouse) and on residential amenity, parking and highway safety, sustainability and land drainage matters. After considering all these issues, Officers had concluded that the proposed development was in accordance with the adopted policies of the Local Plan and Alterations, and the National Planning Policy Framework, and was therefore recommended for approval.

The Committee noted the summary of representations, which included two letters of support, three letters opposing the development, and two letters offering no objection. In addition, representations had been received from the County Conservation Officer, who felt that the proposed development would not have a detrimental impact upon the Listed Building nearby, and the County Highways Officer, who indicated the proposed development would generate significantly less vehicle movements and would reduce the movement of larger vehicles to the site for the benefit of all highway users. The Principal Planning Officer informed the Committee of the receipt of a late representation, which supported the proposed development but suggested the wording of condition 11 be revised to strengthen the future use of the remaining stables and outbuildings for non-commercial purposes.

The Committee heard from an objector, who was the former owner of the site and had sold it to the applicant, and the applicant's agent before proceeding to debate the application.

A local Member for Loughton Broadway was pleased with the design of the proposed dwellings, although there were one or two street scene issues and concerns expressed about the remaining farm buildings being converted to homes in the

future. The Member suggested that the removal of permitted development rights would be appropriate for the proposed dwellings at this site, and that an archaeological survey of the site should be undertaken prior to the commencement of any construction works.

The Principal Planning Officer was not certain if an archaeological survey would be necessary on the site, but would seek advice from Essex County Council Heritage Officers.

A local Member for Waltham Abbey North East would support the application, despite the proximity of the helicopter airfield, as the five houses would be very welcome for local families seeking accommodation. The houses would not be seen from the road, as they were well set back and would be screened by the trees. This area had already been developed, with stables and hard standing having been built.

In response to questions from the Members present, the Principal Planning Officer stated that there were no grounds for negotiating a Section 106 Agreement in this instance. Additionally, as the site was previously developed land and the proposed development did not impact upon the openness of the Green Belt, there was no need for special circumstances to justify the development.

The local Member for Passingford argued passionately that this location was the perfect position for riding horses through the Forest, and that it was a great shame for the Riding Lodge to be replaced with houses. The Member felt that the nearby historic Farmhouse should not be set next to five houses, and was also not enamoured with the design of the three larger houses. The proposed access lane was a fairly recent addition to the landscape. Other Members highlighted that the current use of the site for stables and equestrian activities was entirely appropriate for the Green Belt, and that the site was very close to the Forest itself. Although it was acknowledged that the nearby helicopter base impinged upon the tranquillity of the location, but this would be a consideration for the potential buyers of the new houses – caveat emptor!

The Chairman opined that the proposal was an attractive development which would improve the area. The proposed houses were well screened from the road and that he would support the proposal.

Resolved:

(1) That planning application EPF/2853/14 at Pine Lodge Riding Centre in Lippitts Hill, Waltham Abbey be granted permission subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1435/1, 2, 3, 4, 5A, 6, 7, 8, 9, 10, 11, 12 and 3382/1
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, 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 and 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.

5. 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.

6. 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.

7. 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.

8. 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:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- measures to control the emission of dust and dirt during construction, including wheel washing; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

9. No bonfires shall be permitted on site throughout the demolition and construction phase of the development.

10. 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.

11. On implementation of the residential development hereby approved, none of the stables, outbuildings, open manege or any land within the area edged blue on the drawing numbered 3382/1 hereby approved, owned by the applicant or any successor in title, shall at any time be used for any commercial equestrian use, including DIY livery or any other business use whatsoever. Any stabling of horses in the remaining stables or buildings within the land so identified on drawing number 3382/1, shall be for the private and personal use of the owner of the said land.

12. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

13. 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.

14. 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.

15. 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.

16. 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]

17. 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]

18. 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, 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]

19. 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.

20. 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.

21. 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 Classes A, B and E of Part 1 of schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

(2) That advice be sought from Essex County Council Heritage Officers as to whether an archaeological survey was necessary at the site prior to the commencement of any development.

42. ANY OTHER BUSINESS

The Committee noted that there was no other urgent business for consideration.

CHAIRMAN

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