

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Management Committee **Date:** 30 November 2016

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 10.30 pm

Members Present: B Rolfe (Vice-Chairman, in the Chair), H Brady, R Butler, R Jennings, G Chambers, S Heap, H Kauffman, J Knapman, S Kane, C C Pond, J M Whitehouse, P Keska, G Shiell, D Stallan and G Waller

Other Councillors: D Dorrell, H Kane, E Webster and C Whitbread

Apologies: B Sandler, A Boyce, S Jones and A Mitchell

Officers Present: N Richardson (Assistant Director (Development Management)), D Macnab (Deputy Chief Executive and Director of Neighbourhoods), A Hall (Director of Communities), J Warwick (Assistant Community Health & Wellbeing Manager), G J Woodhall (Senior Democratic Services Officer) and P Seager (Chairman's Secretary)

36. WEBCASTING INTRODUCTION

The Senior Democratic Services Officer reminded everyone present that the meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

37. 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, for the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at Council Planning Committee meetings.

38. APPOINTMENT OF VICE CHAIRMAN

As the Chairman, Cllr Sandler, had tendered his apologies for the meeting, and Cllr Rolfe had taken the Chair in his absence as the standing Vice-Chairman of the Committee, nominations were invited from the Committee for the appointment of an interim Vice-Chairman for the duration of the meeting.

Resolved:

(1) That Cllr S Kane be appointed as Vice-Chairman for the duration of the meeting.

39. SUBSTITUTE MEMBERS

The Committee noted the following substitutions for this meeting:

- (a) Cllr Keska for Cllr Mitchell;
- (b) Cllr Shiell for Cllr Jones;
- (c) Cllr Stallan for Cllr Boyce; and
- (d) Cllr Waller for Cllr Sandler.

40. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Member Code of Conduct, Cllrs Chambers, Jennings, and Keska declared a personal interest in the following item of the agenda, by virtue of having been a Member of the Portfolio Holder Advisory Group on Leisure Management. The Councillors had determined that their interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2207/16 Playing Fields & Community Centre, Hillhouse, Ninefields, Waltham Abbey.

(b) Pursuant to the Council's Member Code of Conduct, Cllr Dorrell declared a personal interest in the following item of the agenda, by virtue of being the ward Member for the application site. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2207/16 Playing Fields & Community Centre, Hillhouse, Ninefields, Waltham Abbey.

(c) Pursuant to the Council's Member Code of Conduct, Cllr H Kane declared a personal interest in the following item of the agenda, by virtue of being the Portfolio Holder for Leisure & Community Services. The Councillor had determined that her interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2207/16 Playing Fields & Community Centre, Hillhouse, Ninefields, Waltham Abbey.

(d) Pursuant to the Council's Member Code of Conduct, Cllr S Kane declared a personal interest in the following item of the agenda, by virtue of having attended various meetings in connection with the application and being a Member for the ward adjacent to the application site. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2207/16 Playing Fields & Community Centre, Hillhouse, Ninefields, Waltham Abbey.

(e) Pursuant to the Council's Member Code of Conduct, Cllr C C Pond declared a personal interest in the following item of the agenda, by virtue of being a Member of Essex County Council. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2207/16 Playing Fields & Community Centre, Hillhouse, Ninefields, Waltham Abbey.

(f) Pursuant to the Council's Member Code of Conduct, Cllrs Shiell and Webster declared a personal interest in the following item of the agenda, by virtue of having been a Member of the Portfolio Holder Advisory Group on Leisure Management and having responded to the consultation on the application. The Councillors had determined that their interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2207/16 Playing Fields & Community Centre, Hillhouse, Ninefields, Waltham Abbey.

(g) Pursuant to the Council's Member Code of Conduct, Cllr D Stallan declared a personal interest in the following item of the agenda, by virtue of having been a Member of the Cabinet during initial discussions for this application. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2207/16 Playing Fields & Community Centre, Hillhouse, Ninefields, Waltham Abbey.

(h) Pursuant to the Council's Member Code of Conduct, Cllr G Waller declared a personal interest in the following item of the agenda, by virtue of being a Member of the Cabinet. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2207/16 Playing Fields & Community Centre, Hillhouse, Ninefields, Waltham Abbey.

(i) Pursuant to the Council's Member Code of Conduct, Cllr C Whitbread declared a personal interest in the following item of the agenda, by virtue of being the Leader of Council. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2207/16 Playing Fields & Community Centre, Hillhouse, Ninefields, Waltham Abbey.

(j) Pursuant to the Council's Member Code of Conduct, Cllr P Keska declared a personal interest in the following item of the agenda, by virtue of being a Member of Ongar Town Council. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0035/16 Land adjacent to The Brewhouse, Church Lane, Ongar.

41. MINUTES

Resolved:

(1) That the minutes of the meeting held on 28 September 2016 be taken as read and signed by the Chairman as a correct record.

42. EPF/2207/16 PLAYING FIELDS AND COMMUNITY CENTRE, HILLHOUSE, NINEFIELDS, WALTHAM ABBEY

The Assistant Director of Governance (Development Management) presented a report for an outline application with all matters reserved except access for the erection of a Health Centre Building; 60 Independent Living Older Persons apartments building (Use Class C2 – with a minimum of 6 hours care to be provided per week for each apartment) with a minimum of 40% of the apartments to be provided as affordable housing; Leisure Centre and Swimming Pool building (to

include Fitness Suite and Community Hall); Open Space including a mini soccer grass pitch for use by under 7/8 year olds and footpaths; and ancillary development including three vehicular accesses off Hillhouse, car parking, and SUDs Infrastructure and demolition of the existing Ninefields Community Centre building. This application was before the Committee as it was classed as a large scale major application on Council-owned land.

The Assistant Director reported that the application site was a 3.73 hectare area of land consisting of open space, car parking and the Ninefields Community Centre, located within the Ninefields estate. To the south, there was a brook and public footpath, with residential dwellings to the north, west and south of the site. To the east of the site was a small shopping parade within a pedestrianised square with residential flats above the retail units. Beyond these properties were further open spaces, including school playing fields. Within the site, the playing fields to the north were owned by Essex County Council, while the playing fields to the south, the Community Centre and the car parking area was owned by Epping Forest District Council. The site was not located within the Metropolitan Green Belt or a conservation area, although there were two veteran trees and a public footpath in the southern portion of the site. This was an outline application with all matters reserved except details of access, thus the only considerations for the Committee were the principle of the development plus the access arrangements and its impact on highway safety and the free flow of traffic.

The Assistant Director added that the four standard land contamination planning conditions should have been included on the report, and stated that these would be added if the application was approved. Condition 9 also referred to Cripsey Brook, when in actual fact this should have read Honey Lane Brook.

The Assistant Director stated that Planning Officers had concluded the proposal would provide purpose built facilities to meet the needs of the local community, including specialised Extra Care housing, of which 40% would be affordable housing. The key concern was the loss of part of the existing playing fields. However, 1.58 hectares of recreational ground would be retained as playing fields, the proposal would provide a new Leisure Facility and robust mitigation measures had been requested by Sport England; therefore, it was considered there were sufficient exceptional circumstances to outweigh the potential harm. The Transport Assessment had demonstrated that the additional traffic generated by the development would not adversely impact upon the existing highway network, and adequate off street parking would be provided. This was an outline application and therefore some matters were reserved, but it was felt that the proposed development would not have an unduly detrimental impact upon the amenities of surrounding residents or the character of the area. Consequently, as the benefits of the development was felt to outweigh any potential harm, and all relevant Local Plan Policies and Government Guidance had been complied with, the application was recommended for approval.

The Committee noted the summary of representations received in respect of this application, which included a petition containing 656 signatures objecting to the loss of the playing fields, an objection from the Ninefields Co-Operative Action Group, and a further four letters of objection from residents. There were four letters from residents outlining concerns with the application but not objecting, and Waltham Abbey Town Council had not objected either. A further four objections had been received after the agenda had been published. The Committee heard from an Objector and the Applicant's Agent before proceeding to debate the application.

Cllr Dorrell, one of the Waltham Abbey Paternoster ward Members for the area, felt that the scheme had some merit as the area required regeneration, and the Cllr accepted that this was an outline application. However, whilst the Councillor had no objection to the new Medical Centre and Sports Hall, the current indicative plans would lead to a loss of open green space. Residents had raised concerns regarding overlooking and parking, and the Councillor felt that, overall, the proposal was slightly too large.

A number of the Members of the Committee highlighted that there had been no mention of the housing development at this location in any of the Member Local Plan workshops, only the development of the replacement Sports Centre. Urban green open spaces were important to the wellbeing of local residents, and thousands of homes surrounded the site and used the current green open space. It was also emphasised that there were not many letters in support of the application in the report. These Members felt that the loss of 75% of the current urban green open space was too much, and were not convinced that there was a requirement for further housing to be developed at this location.

Other Members acknowledged the concerns regarding the loss of urban green open space, and the development of the proposed housing being considered too much for the location; however, in return for the loss of the open space, Waltham Abbey would be gaining two new assets in the form of the Medical Centre and the replacement Sports Centre, which would include a new Swimming Pool. It was noted that other towns were losing their facilities, but in this instance the Council was providing replacement facilities. The support for the proposal from Sport England was also emphasised, although further concerns were raised about the provision of only 45 parking spaces for the 60 apartments.

The Assistant Director reminded the Committee that the outline application would not agree the number of parking spaces to be provided for the apartments, and acknowledged that this could be investigated further before the final planning application was received. The Committee was also informed that the housing element was a key part of the application before them. The Director of Neighbourhoods also stated that the £340,000 financial contribution, which formed part of the legal agreement, would be used to provide replacement playing pitches at alternative locations, and would not be used to further develop the Playing Pitch Strategy.

Cllr Webster, also a ward Member for Waltham Abbey Paternoster, reminded the Committee that this was only an outline planning application. Work on the proposal had begun 18 months ago, and the Councillor felt that the majority of residents were then in favour of it. Cllr Webster shared the concerns about the lack of parking provision for the apartments, but also emphasised the urban green open space adjacent to the application site which would be retained. On balance, the Councillor supported the application.

The Director of Neighbourhoods reassured the Committee that the schemes were financially independent of each other; there would be no cross-subsidy for the development of the Sports Centre/Swimming Pool from the development of the apartments. The Director of Communities also stated that Essex County Council had undertaken substantial research into the scheme, and had concluded that 60 units was the minimum required to make the scheme viable.

Decision:

- (1) That planning application EPF/2207/16 at the Playing Fields and Community

Centre in Hillhouse, Ninefields, Waltham Abbey be granted outline permission, subject to the listed conditions and the completion by 1 March 2017 (unless otherwise agreed in writing by the Local Planning Authority) of a Legal Agreement:

- (a) to secure 40% affordable housing as part of the independent living accommodation (Class C2);
 - (b) for this element of the scheme to be provided by a developer listed in Essex County Council's Developer/Provide Panel; and
 - (c) to provide £340,000 as a financial contribution to be used on projects identified through the Playing Pitch Strategy;
- (2) That, should the developer/applicant fail to complete a Section 106 Legal Agreement within the stated time period, authority be delegated 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 the loss of playing fields; and
- (3) That the planning conditions for this proposal be as follows:
1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
 2. (a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) layout;
 - (ii) scale;
 - (iii) appearance; and
 - (iv) landscaping.
 - (b) The reserved matters shall be carried out as approved.
 - (c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
 3. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 01131_PP_04 Rev: P2, 01131_MP_03 Rev: P1, 02218-01 and the letter dated 27 October 2016 from Derek Macnab, Director of Neighbourhoods & Deputy Chief Executive for Epping Forest District Council, regarding a commitment to pay a financial contribution.
 4. Construction of the Leisure Centre development hereby permitted shall not commence until the area shown in Drawing 01131 PP 04 Rev: P2 has been delineated as a mini football pitch with dimensions of 37 x 27 metres with goal posts so that it is available for use as a mini soccer pitch. Notwithstanding the provisions of the Town and

Country Planning (General Permitted Development) Order 1995 (as amended) (or any order amending, revoking or re-enacting that order) that area shall not thereafter be used for any purpose other than as a playing field unless otherwise approved in writing by the Local Planning Authority.

5. The relocation scheme for existing formal users of the playing fields as outlined within the letter dated 15 November 2016 from James Warwick, Assistant Community Health and Wellbeing Manager for Epping Forest District Council, shall be agreed prior to commencement of the development, unless otherwise agreed in writing by the Local Planning Authority.
6. No development shall take place, including any ground works or demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The CMP shall provide for the following all clear of the highway:
 - safe access into the site;
 - 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; and
 - wheel and underbody washing facilities.
7. Prior to the first occupation of the development the access arrangements and visibility splays, as shown in principle on Phil Jones Associates drawing no.02218-01, shall be fully implemented and be retained as such in perpetuity (subject to appropriate detailed design and road safety audit).
8. Prior to first occupation of the development details shall be submitted to and agreed in writing by the Local Planning Authority for an upgrade to the existing surface of footpath no.54 Waltham Abbey, from the footbridge at Hillhouse west to its junction with Mason Way (approx. 245m), and/or possibly improving it to an adopted shared use ped/cycleway 3m wide, the approved scheme shall then be fully implemented.
9. The recommendations and enhancements in sections 8.4, 8.8 and 8.9 of the Preliminary Ecological Assessment dated 26 July 2016 by place services shall be adhered to. These include the following:
 - Specialist nest boxes and three generalist bird boxes shall be incorporated into the development affixed to trees on or adjacent to the site.
 - Any removal of trees, scrub or hedgerows shall be undertaken outside of the bird breeding season (commonly between 1 March and 31 August). If this is not possible, habitat removal shall be supervised by an Ecologist.
 - Suitable reptile habitat along Honey Lane Brook shall be retained and enhanced. Contractors should be made aware of the legislation

protecting reptiles, and as a precautionary measure any habitat clearance shall be carried out when temperatures exceed 10 degrees.

- Tree planting consisting of native species of local provenance should be incorporated into the development (such as oak, field maple, silver birch, alder and aspen). Fruit bearing trees including cherry, hawthorn, guelder rose and rowan should also be included. Planting should be linear and link to off-site habitats where possible.
 - Any hedgerow planting should link to existing, or proposed habitat to ensure habitat connectivity through the site.
 - Tree planting along Honey Lane Brook would help to absorb run-off and any associated pollution.
 - As well as tree planting, additional shrub and marginal plants of local provenance should be introduced. This scheme should be dictated by the soil conditions and jointly designed by a landscape architect / ecologist.
 - Log piles should be introduced to benefit invertebrates and provide habitat for reptiles to shelter under.
 - Some scrub should be left to benefit nesting birds.
 - Litter on the banks and within the stream should be removed.
10. The Location of the proposed Independent Living Apartments, Health Centre and Leisure Centre/Swimming Pool shall be within those areas indicated on drawing ref: 01131_PP_06 Rev: P1.
 11. The development hereby approved shall be carried out in accordance with the Flood Risk and Drainage Impact Assessment Issue 5 dated 15 August 2016, unless otherwise agreed in writing by the Local Planning Authority.
 12. 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.
 13. 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.
 14. 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]

15. 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]

16. 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]

17. 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.

18. 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.

43. EPF/1912/16 EPF/1924/16 WOODLAND CAMP, MANOR ROAD, LAMBOURNE

The Assistant Director of Governance (Development Management) presented a report for two applications at the site: the upgrade and renewal of the recreational facilities on the site to provide short stay all weather accommodation in order to ensure the site's continued use for recreational purposes; and advertisement consent for a proposed new camp site sign next to the site entrance. The applications were before the Committee as they were classed as a large scale major application.

The Assistant Director reported that the site was 17 acres in size and located on the west side of Manor Road, 100 metres south of the junction with New Road. The south and east sections of the site (approximately 40%) were currently in use as a caravan site with a number of timber buildings located near the end of the main access drive. The site contained many mature trees and was well screened from view along Manor Road. The proposal included: the demolition and replacement of the existing central pavilion building; the refurbishment of three existing cabins and provision of caretaker lodgings; the removal of mobile homes/pitches and their replacement with 42 new purpose-designed timber-clad cabins; general landscaping works; and the upgrading of the existing entrance drive to improve safety and security. The proposed new camp signs would be located on each side of the entrance to the camp, 1.5metres x 0.7 metres in size, and externally lit by a low luminance trough light shining down on the face of the signs.

The Assistant Director stated that Planning Officers had concluded the continued recreational use of the site was appropriate in the Metropolitan Green Belt, and the Christian focus of the camp site, making good use of the wooded and tranquil setting, was liable to result in activities of a quieter nature than commonly found on a commercial camp site open to the general public. The appearance and bulk of the timber-clad cabins, providing a more weather resistant form of accommodation, was acceptable in a woodland setting. The proposed signs would not unduly detract from the street scene and were an appropriate form of directional sign to assist visitors in locating the site. Therefore, it was recommended that planning permission be granted for the two applications.

The Assistant Director added that Planning Officers had reconsidered the planning conditions since the publication of the agenda for the meeting. It was felt that some additional wording should be added to condition 6, as it might not be necessary to

conduct all of the listed habitat surveys, such that the applicant should demonstrate that no harm would occur to the listed species during and after development. It was also felt that an extra condition was needed requiring all existing buildings, containers and caravans not shown on the site plan to be removed before the proposed central pavilion was first available for use. And a second additional condition to reflect the phased development of the site was now proposed to limit the number of caravans and cabins on site to a maximum of 60 during development, with all caravans to be removed once the proposed 42 cabins had been constructed.

The Committee noted the summary of representations received in relation to this application, including Lambourne Parish Council and Parish Councillor P Price who both strongly objected to the application, Smart Planning Consultants representing 39 nearby properties who all objected, and a further 17 letters of objection from nearby residents. There were no objections offered by Essex County Council Highways, or by Arboricultural Officers and CountryCare subject to the imposition of conditions protecting trees and implementing the recommendations of the submitted habitat survey. The Committee heard from an Objector, the Parish Council and the Applicant before proceeding to debate the application.

The Committee requested some reassurance that the proposed cabins would not become permanent residences. The Assistant Director confirmed that the applicant would require further planning permission to build houses or use them permanently, in which case this would then be inappropriate development harmful to the Metropolitan Green Belt. Permission was only acceptable in this case because these cabins were replacing a maximum of 60 caravans and were to be used in conjunction with outdoor recreational use only and therefore preserved the openness and thus did not represent inappropriate development in the Green Belt. In addition, the visual impact of the proposal on the surrounding countryside was limited, because this was a well screened site. Although, there was a possibility that the site could be regarded as previously developed land, there would be planning conditions in place to stop permanent occupation on the site and therefore resist this becoming a future housing development. The cabins would also be constructed on stilts, so they would not be considered as being of a permanent nature.

The Committee enquired as to the meaning of 'short stay' in condition 2. The Assistant Director informed the Committee that they could suggest revised wording for condition 2, and reminded the Committee that it had considered a maximum residency of 28 days per year for the recent planning application at Roydon Marina. Cllr Brady opined that such a condition was almost impossible to enforce unless there was a period when all of the cabins had to be empty, and proposed this as an amendment to condition 2 along with a maximum residency of 28 days per annum. Cllr C C Pond further suggested that the applicant should enter into a Legal Agreement under Section 106 of the Town & Country Planning Act 1990, to restrict a single stay on site in a cabin to no more than 28 days and also no more than a total of 56 days per annum to prevent residents moving from one cabin to another, and that there should be no occupation of any of the cabins between 7 January and 7 March each year. The Committee agreed that this would prevent any permanent residency occurring on the site, therefore not be an in principle inappropriate development in the Green Belt and would be enforceable.

Most Members of the Committee felt that the proposed Cabins were of a better design, and would not have more of a harmful visual impact on the Green Belt than the existing caravans. The site was already being used for recreational purposes, although it was acknowledged that the trees on the site were not protected and this could affect the screening of the development if they were removed.

Cllr Kauffman reminded the Committee of the concerns raised by local residents regarding the intensification of the use of the site, and the impact that this would have on the neighbours. The Councillor also felt that the site should be more self-sufficient, and that this development should not classify the site as previously developed land within the Green Belt. Some Members also raised concerns about the amount of hardstanding proposed, and the 111 parking spaces requested as part of the application when there was only a maximum of 42 cabins to be constructed on the site.

The Assistant Director reminded the Committee that it was open to them to determine if the application was large scale and therefore failed to preserve the openness of the Green Belt; if they considered it was, then they could conclude that it would be inappropriate development in the Metropolitan Green Belt.

Decision:

(1) That planning application EPF/1912/16 at Woodland Camp in Manor Road, Lambourne be granted permission, subject to a Section 106 Legal Agreement and 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. With the exception of the caretakers lodge none of the cabins hereby approved shall be occupied by a person for a period of more than 28 days and no person shall occupy any of the cabins for more than 56 days, in any one year and there shall be no occupation of the site at all between the 7th January and 7th March in any one year.
3. Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
5. There shall be no discharge of surface water onto the Highway.
6. The Recommendations (section 5) and the Conclusion (section 6) of SES's Phase 1 Habitat Survey submitted February 2016 shall be followed in full. Reports must be supplied to the Local Planning Authority where appropriate and as recommended in the report. This will include survey work to be submitted and approved before any building works commence on site in respect of the following:
 1. Bats (roosting surveys)
 2. Great Crested Newt
 3. Breeding Birds
 4. Hazel Dormouse (see details)
 5. Invertebrates (phase 1 only)
 6. Reptiles (phase 1 only)
 7. UK BAP / NERC Act mammals and amphibians

Where surveys are not conducted, an explanation and/or mitigation statement should be submitted confirming how no harm shall occur to these species during and post development.

7. Any amplified music to be played on the site shall be confined to the inside of the central pavilion. No outside amplified music shall be played.
 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. No trenches or pipe runs for services and drains required to service the development hereby approved shall be cut or laid otherwise than in accordance with BS5837:2012 (Trees in relation to design, demolition and construction - recommendations), except with the approval of the Local Planning Authority. Any works within the calculated root protection areas shall be fully supervised by an Arboricultural Consultant and a report detailing the work undertaken / supervision shall be sent to the Local Planning Authority within 28 days of the work being undertaken.
 10. The development hereby permitted will be completed strictly in accordance with the approved drawings numbered A-0031, C-033, E-035, 038, 039, B-032, D-034, 024B, 051A, 006, 052A, 005, 3-053, 054, 021A, 003B, 061, 062A, 013A, 001a, 015a, 017A, 023B, 044A, 012a, 016A, 018B, 022A, 004, 055, AT.WC.02,1-041, 2-042, AT.WC01, AT.WC03, 002a, 011A.
 11. When the 42 cabins hereby approved have been constructed all caravans and tents shall have been removed from the site. In addition, once the 42 cabins have been erected no part of the application site, together with the adjoining land owned by the applicants as shown on drawing no. PL.001A, shall thereafter be used for the accommodation of tents and/or caravans.
 12. All buildings, containers, and caravans, to be demolished as shown on plan no. PL.015 Rev A, shall be demolished and/or removed from the site before the central pavilion building hereby approved is first brought into use.
- (2) That the applicant enter in to a Section 106 Legal Agreement with the Local Planning Authority to secure the temporary nature of the accommodation on site and, in accordance with planning condition 2 above, to provide that no cabin be occupied by a person for more than 28 days, or for 56 days in any one calendar year, and that there should be no occupation at all of the site between 7 January and 7 March each year.
- (3) That planning application EPF/1924/16, also at Woodland Camp in Manor Road, Lambourne for Advertisement Consent be granted permission.

44. EPF/0035/16 - LAND ADJ TO THE BREWHOUSE, CHURCH LANE, ONGAR

The Assistant Director of Governance (Development Management) presented a report for the proposed demolition of existing outbuildings and erection of one new dwelling on land adjacent to The Brewhouse in Church Lane, Ongar. The application had been considered by Area Planning Sub-Committee East on 5 October 2016 and granted permission, but four Members of the Sub-Committee stood to refer the application to this Committee under the Minority Reference Rules within the Constitution (Part4, Rule M2 refers).

The Assistant Director reported that the site was part of a property known as The Brewhouse, which was accessed by Church Lane. At the northern end of the site was a building with an open front facing south, constructed of breeze block with a flat metal surfaced roof and three windows to the rear facing north. This building faced on to an enclosed yard, with a wall 2.5 metres in height along the eastern side, a hedge along the western side, and three further buildings along the southern side. On the other side of the hedge was a track leading from Greensted Road to Lavender Farm, part of which was the Essex Way public footpath. The site sloped from south to north and was within the Metropolitan Green Belt. In the vicinity of the site were three listed buildings, of which one – Greensted Hall – was a grade II listed building.

The Assistant Director added that the proposed dwelling would face north and have a chalet bungalow character to its appearance. The front elevation would have one full storey and roof accommodation, with the forward projecting bay appearing to be above ground, whereas the accommodation set further back would be at basement level, terraced into the slope of the ground. This would give the appearance of a one-and-a-half storey building with a detached outbuilding to the front, and the footprint would resemble an inverted 'L'. The main element of the proposed building would appear as a flank wall and would have two windows facing the footpath. The ridge of the gable roof would have an average height of 6.5 metres as seen from the footpath.

The Assistant Director stated that Planning Officers had concluded the site, although within the Metropolitan Green Belt, was previously developed land and the proposal would result in a 15% reduction in volume and a 50% reduction in the built form footprint. The application complied with all the relevant Local Plan Policies and Government Guidance, and was therefore recommended for approval.

The Assistant Director informed the Committee that, since the publication of the agenda, four additional letters of objection had been received from The Old Rectory Greensted Road, Wren Cottage Greensted Road, The Granary Church Lane and Church Barn Church Lane, as well as a Statement of Truth. The Statement asserted that one of the restrictive covenants on the site prevented any commercial or business activity other than that of Market Gardener, Doctor, Dentist, Solicitor or Architect, and not for any purpose other than as a private residence in the occupation of one family. The Statement also claimed that there had been no commercial or business activity on the site since 2000. The Committee were reminded that restrictive covenants were not a planning issue. In addition, it transpired that Greensted Hall Management Limited did not object to the application; their objection was made by one individual on the management committee and not all of the other individuals objected to the application.

The Committee noted the summary of representations received in relation to this application, including Ongar Town Council who had strongly objected to the application. There were seven letters of objection received, including from the West Essex Ramblers, and a further letter outlining concerns with the proposal. Following

the initial consideration of the application at Area Planning Sub-Committee East on 5 October 2016, another two letters of objection from nearby residents had been received plus an additional letter from the Coach House, Greensted Hall who had initially objected to the application. The Committee heard from an Objector, the Town Council and the Applicant's Agent before proceeding to debate the application.

Cllr Waller commented that this was an important and sensitive historical site, and highlighted the comments from Historic England that the application should be determined in accordance with the National Planning Policy Framework (NPPF) following advice from the Council's Conservation Officer. The report had indicated that the Conservation Officer had no objection to the application and had recommended conditions to be applied, whilst if paragraph 134 of the NPPF was considered then the removal of the existing outbuildings would clearly improve the setting of the listed building and the application would not be substantially harmful to it.

Other Members felt that the design of the proposal was sympathetic to the surroundings, and there could have been a much bigger development proposed for the site. The site was some distance from the Church and there were a number of modern barn conversions in the vicinity as well. The outbuildings currently in situ detracted from the listed building and it was felt that the proposed development was modest and appropriate for the setting.

Cllr C C Pond pointed out that the draft Local Plan recently agreed for public consultation had identified much more than a 1.35 year supply of land for housing purposes, and that this argument within the report should not be given any weight in determining the application. There was also no evidence that the outbuildings had been constructed since April 1994 when The Brewhouse became a listed building. Cllr C C Pond requested that condition 5 be made more stringent; this was an important historic site and a physical investigation was required rather than just a desktop exercise. The Assistant Director agreed that condition 5 could be amended as the site would require digging out anyway.

Cllr J M Whitehouse opined that the site levels were important as this would determine the relative height of the proposed new building to The Brewhouse. The Assistant Director stated that a condition could be added to deal with the site levels as this had been implemented for other applications in the past.

The Assistant Director added that the report had been misleading when quoting a case in Dartford in 2015 regarding Green Belt development. Planning Officers had considered that the outbuildings to be removed had originally been used for business purposes rather than curtilage, and therefore was previously developed land in the Green Belt.

Decision:

(1) That planning application EPF/0035/16 at Land adjacent to The Brewhouse in Church Lane, Ongar 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:
1588.25 Location Plan at 1:2500
1588.25A Site Plan at 1:500

1588.24A
1588.23A
1588.20
1588.CC
1588.22A
1588.26
Heritage Statement
Design & Access/Planning Statement
Arboricultural Impact Assessment with drawing OS 1092-15.2
Revision A

3. The existing built form on the site, as shown on the site plan and as referred to in the Design & Access/Planning Statement, shall be demolished concurrently with construction of any part of the house hereby approved. No part of the existing built form on the site as shown on the site plan and as referred to in the Design & Access/Planning Statement shall remain above ground level, prior to first occupation of the house hereby approved.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development 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.
5. At least 48 hours prior notice shall be given to the Archaeological Advisory Group of Essex County Council of the date works will be commenced on this site or any part thereof, and persons authorised shall be afforded access for inspection of the site, and for carrying out works of excavation for the purpose of recording any features thereon of historical or archaeological significance.
6. 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.
7. 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.
8. Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.
9. 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.

10. 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.
11. 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.]

12. 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.]

13. 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.]

14. 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.
15. 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.
16. Additional drawings that show details of proposed new window, doors, structural alterations, eaves, verges, and cill, to be used 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 the works. The works shall be implemented in accordance with such approved details and permanently retained as such.

17. The public's rights and ease of passage over Public Footpath no.50 Ongar shall be maintained free and unobstructed at all times.
18. 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.

45. ANY OTHER BUSINESS

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

46. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there was no other business for consideration which necessitated the exclusion of the public and press.

CHAIRMAN

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