

Committee Agenda



**Epping Forest
District Council**

Area Plans Subcommittee D Wednesday, 22nd February, 2006

Place: Council Chamber, Civic Offices, High Street, Epping
Room: Council Chamber
Time: 7.30 pm
Democratic Services Officer Adrian Hendry, Research and Democratic Services
Tel: 01992 564246 email: ahendry@eppingforestdc.gov.uk

Members:

Councillors Ms S Stavrou (Chairman), Mrs P Smith (Vice-Chairman), Mrs D Borton, Mrs P Brooks, R Chidley, J Demetriou, R D'Souza, Mrs R Gadsby, R Haines, Mrs J Lea, L McKnight, P McMillan, Mrs M Sartin and D Spinks

A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 6.30 P.M. IN COMMITTEE ROOM 1 ON THE DAY OF THE SUB-COMMITTEE.

1. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 7 - 8)

General advice to people attending the meeting is attached together with a plan showing the location of the meeting.

2. MINUTES (Pages 9 - 18)

To confirm the minutes of the last meeting of the Sub-Committee held on 25 January 2006 as a correct record (attached).

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

(Head of Research and Democratic Services) To declare interests in any item on this agenda.

5. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

6. EPF/640/04 - ABBEY MILLS, HIGHBRIDGE STREET, WALTHAM ABBEY (Pages 19 - 32)**Subject:**

Planning application EPF/640/04 – demolition of existing building and erection of 1 three storey block containing fifteen flats and 192sq metres of B1 floorspace and 1 two storey block containing six flats with associated access, parking and amenity space. At Abbey Mills, Highbridge Street, Waltham Abbey.

Recommendation/Decision Required:

That members consider amending the requirements of the legal agreement imposed when the application was originally considered in August 2005. Namely in respect of drainage issues and how vehicles exit from the site.

Report:

Members will recall that this application was considered back in August 2005 at which time it was agreed to grant planning consent subject to conditions and subject to the applicants first entering into a legal agreement under Section 106 of the Town and Country Planning Act.

The legal agreement considered necessary by Members contained two aspects, which it is now considered should not be a requirement of granting consent.

The first of these was originally suggested by the case officer following advice from Thames Water that they did not know whether the capacity of the sewerage system in the locality was sufficient to meet the demand that the new development would place on it, and it required the applicants to:

Investigate the ability of the existing sewerage system to dispose of the foul and surface water for this development and in the event that these investigations show that there is insufficient capacity available to secure the provision of adequate foul and

surface water drainage in consultation with the sewerage undertaker for the whole of the development prior to the commencement of the development, such drainage shall be secured where appropriate by means of a public sewer requisition pursuant to Section 98 to 101 of the Water Industry Act 1991

Since the decision, the applicants have provided additional information to Thames Water and they (Thames Water) have carried out their own further investigation and have confirmed that they are now satisfied that the existing sewerage infrastructure is adequate for the proposed development.

There is therefore no longer a need for this to form part of the legal agreement.

The second element was required by Members at the Committee meeting as a result of disquiet about the safety of vehicles turning right out of the site, and required the applicants to:

'Carry out a safety audit and traffic impact assessment on the impact of traffic turning right out of the site. Should it be demonstrated to be necessary, submit, for approval to the Local Planning Authority proposals for restricting vehicles from turning right out of the site onto Highbridge Street and provide for the implementation of the approved scheme at no cost to the Highway Authority prior to the first occupation of the flats.'

Since the decision to include this as part of the legal agreement, the applicants have been in liaison with Essex County Council Highways. County highways have taken into account the position of the access close to the roundabout and the pedestrian crossing, but have to also take into account the distance that people would have to travel before being able to turn round, if forced to only exit left, and the fact that the existing use would have generated considerable numbers of traffic movements including larger vehicles. The matter has been fully considered and County Highways have stated, categorically, that they do not consider Traffic Impact Assessment to be necessary and indeed that they would not support any proposals to restrict right turning from the site, as it would be unnecessary, unworkable and unenforceable. They confirm, as stated in the original report to committee that the existing arrangements shown on the application drawing are perfectly acceptable.

It is considered therefore that there is no justification for insisting on a safety audit and traffic impact assessment.

CONCLUSION:

In the light of this additional information it is considered that it would be unreasonable to require these two elements to be enshrined in the suggested Legal Agreement as they require the applicants to carry out considerable work, with subsequent time and cost implications, to no consequence.

Members are therefore asked to amend the earlier decision and grant planning consent for the development subject to the same conditions as previously agreed, and subject to the applicant first entering into a legal agreement under Section 106 of the town and Country Planning Act (within 12 months) to:

1. Provide for, at no cost to the Highway Authority, (a) the removal of the existing access and layby/parking area to the front of the existing building and the formation of a new bell-mouth access to include 2 kerbed radii each with a dropped kerb/tactile paving crossing point and a 90m x 2.4m x 90m visibility spay; (b) the upgrading of the current Essex County Council standards of the

westbound bus stop located to the west of the proposal site immediately before the A121 Highbridge Street/bypass/Beaulieu Drive traffic signal controlled junction; (c) a bus promotion and marketing campaign, which shall include among other issues, free season ticket and timetable information, as well as publicity by for example poster and leaflet.

2. Provide an education, contribution of £25,809, index linked to April 2005 costs using the PUBSEC Index, towards the cost of 3 additional primary school places needed as a result of the development of 21 flats.

3. But that the 106 agreement should not include the other two elements previously requested.

The previous report to committee and minutes of that meeting are attached as an Appendix for information.

7. DEVELOPMENT CONTROL (Pages 33 - 56)

(Head of Planning and Economic Development) To consider planning applications as set out in the attached schedule

Background Papers: (i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule. (ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

8. DELEGATED DECISIONS

(Head of Planning and Economic Development) Schedules of planning applications determined by the Head of Planning and Economic Development under delegated powers since the last meeting of a Plans Subcommittee may be inspected in the Members Room or at the Planning and Economic Development Information Desk at the Civic Offices, Epping.

9. EXCLUSION OF PUBLIC AND PRESS

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the paragraph(s) of Part 1 of Schedule 12A of the Act indicated:

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

To resolve that the press and public be excluded from the meeting during the consideration of the following items which are confidential under Section 100(A)(2) of the Local Government Act 1972:

Agenda Item No	Subject
Nil	Nil

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.