

Committee Agenda



**Epping Forest
District Council**

Area Plans Subcommittee D Wednesday, 22nd March, 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 - 14)

To confirm the minutes of the last meeting of the Sub-Committee held on 22 February 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. OPENING TIMES OF THE TESCO STORE, SEWARDSTONE ROAD, WALTHAM ABBEY**RECOMMENDATION:**

That the committee confirm that the opening times agreed on a trial basis be retained permanently.

Report

On 6/7/05 the Sub Committee gave approval to opening hours of this new store, and the associated petrol filling station, loading bay, and recycling area, on a 3 month trial basis. This trial period was considered desirable so as to gauge the effect that the store, and particularly its opening hours, would have on the amenity of nearby residents. In addition Tesco's had originally proposed 24 hour trading on 5 nights a week, and this trial period would assist in the Committee's assessment of any proposal by Tesco's to extend its hours of operation beyond those operating in the first three months.

Tesco's in fact do not propose to vary opening times, and therefore they propose that the hours of opening and operations pertaining to the first three months are retained on a permanent basis. These are:-

Retail Store – open between 8am and 11pm Monday to Friday, Saturday 8am to 10pm, Sunday 11am to 5pm.

Store Service Yard – to take deliveries between 7am to 9pm Mondays to Saturdays, but with one delivery allowed at night between 9pm and 10.30pm. On Sundays to take deliveries between 9am and 6pm.

Petrol Filling Station (PFS) – open to the public at the same times as the retail store, except on Sundays when it will be open 11am to 9pm. Deliveries to the PFS to be between 7.30am and 9pm Monday to Saturday, and between 11am and 5pm on Sundays.

Recycling Area – open to the public between 8am and 9pm Monday to Saturday, and between 11am and 5pm on Sundays. Emptying of this recycling

area to take place between 8am and 6.30 pm on Monday to Friday, between 8am and 1pm on Saturdays, and not at all on Sundays.

Consultation

Some 200 neighbours were consulted on the above hours of trading and operations. Neighbours were also informed that comments made on other issues relating to the operation of the store would be relayed to Tesco. 6 replies were received to this consultation, plus a letter from Councillor D'Souza following a meeting he had with 15 residents.

No objections or adverse comments were received with regard to the current (and proposed) hours of store trading. The trading hours are considered to be modest in their extent, and they are recommended for approval on a permanent basis.

With regard to related operations concerns have been received, via Councillor D'Souza's meeting with residents, that vehicles are delivering to the store's service yard before 8am on a regular basis. However, in fact the approved times for the trial period was that deliveries could occur from 7am onwards Mondays to Saturdays, with the exception of one delivery which could take place between 6am and 7am.

This issue was subject of considerable previous negotiation between Council officers and Tesco. It is acknowledged that some nuisance may be caused, but it is also true to say that no direct complaint has been received from residents on early morning deliveries, either since the store opened on 7/7/05, or in response to the consultation letter sent out asking for comments on opening and operating times. In this context the hours of deliveries to the service yard are considered acceptable and are recommended for approval on a permanent basis. However, related concerns of incorrect routing of vehicles, and 'unauthorised' parking of delivery vehicles, have been raised with Tesco, and they have responded in a positive manner to these concerns. Finally, the opening times of the petrol filling station, deliveries to it, and the opening times of the recycling store, have not been contentious, and are also recommended for approval on a permanent basis.

Other Issues Raised In Response To Consultations

The Council, as planning authority, has powers to control hours of trading, and related times of operations, but it cannot direct that Tesco carry out measures to deal with other issues raised through the recent consultation with residents. Nevertheless all responses received have been forwarded to Tesco for their comments and possible action. Some of the issues raised are as follows:

Trolley management

Despite trolleys being fitted with wheel locking devices complaints have been received that trolleys are left outside of the site in Howard Close, and also in Sewardstone Road next to the pedestrian walkway to the store's front entrance. At Howard Close Tesco have agreed to erect a barrier and chicane so as to make it far more difficult to push a trolley through, whilst retaining sufficient room for bicycles and prams to enter and leave the site. In addition Tesco plan to introduce a similar arrangement for the pedestrian walkway in Sewardstone Road.

Anti social behaviour in the car park and by store entrance

Complaints have been received of youths skidding their cars in the car park, of assembling in the car park in their cars or motorbikes, with car stereos being played

loudly, general loutish behaviour and vandalism of trolleys and assembly of youngsters outside the store entrance. It is clear that this form of behaviour has adversely affected the amenity of some residents. The store does have CCTV cameras and security staff on site, but it would appear that to date these have not provided an adequate deterrence. Some activities occur after the store is closed at night. Whilst there is a barrier (next to the service yard) that could be lowered across the access road to the car park this would not stop access of people on motorcycles and bicycles. Moreover, to date the police have informed the Tesco's store manager, Mr. Jeremy Butwell, that they will not enter the site if the barrier is down. The problems caused by anti social behaviour had been raised with Carol Staff, the Council's anti social behaviour coordinator. She has met both the store manager and the local beat police officer, and meetings between the 3 bodies are to take place with a view to youths being spoken to directly, and names and addresses of owners of vehicles being obtained in order to deter repeat offences. The type of anti social behaviour experienced in the car park is clearly part of a wide-ranging issue, and the Government is considering measures, e.g. sponsorship of additional community police officers, to tackle the issue on a national basis. Residents who have complained about the Tesco's car park have been given the respective contact numbers of both Carol Staff and the local police officer, and it is to be hoped that more coordinated action will reduce the problems caused by anti social activities.

Lighting of the store and petrol filling station

In response to concerns about light pollution Tesco's are investigating whether the lights on the petrol filling station forecourt can be turned off or down once trading ceases, and they will inform officers of the outcome before the Committee meets on 22/3/06. With regard to blanking out of 8 further glazing panels on the north elevation Tesco's are of the view that this would be detrimental to the appearance of the store. It should be noted that Tesco's have already voluntarily blanked out some 6 panels on the north and west elevation following a series of meetings held in May/June 2005, designed to address light pollution concerns of residents at 1-6 the Green, and 11 and 12 Sewardstone Road.

It is emphasised, however, that these latter points are not ones that the Council has any powers of enforcement under Planning Legislation, but have been passed onto to Tesco's for their own action.

7. DEVELOPMENT CONTROL (Pages 15 - 28)

(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.