

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 8 June 2010
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.30 pm
High Street, Epping

Members Present: B Sandler (Chairman), G Mohindra (Vice-Chairman), A Boyce, Mrs P Brooks, K Chana, D Dodeja, C Finn, Mrs R Gadsby, A Green, J Knapman, J Markham, Mrs M McEwen, H Ulkun and J Wyatt

Other Councillors: Mrs P Smith

Apologies: J Hart and R Morgan

Officers Present: S G Hill (Senior Democratic Services Officer), N Richardson (Assistant Director (Development Control)) and M Jenkins (Democratic Services Assistant)

1. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive 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.

2. MINUTES

Resolved:

That the minutes of the meeting held on 6 April 2010 be taken as read and signed by the Chairman as a correct record.

3. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The following substitutes were noted:

Councillor J Knapman for Councillor J Hart

4. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Councillors B Sandler, J Knapman, K Chana, and G Mohindra declared a personal interest in item 8 of the agenda (EPF/2361/09 – Site at 212 Manor Road, Chigwell) by virtue of being local Parish Councillors. The Councillors had determined that their interest was not prejudicial and would stay in the meeting for the consideration of the application and voting thereon.

5. ANY OTHER BUSINESS

There was no further business for consideration at the meeting.

6. PLANNING APPLICATION EPF/2361/09 – REDEVELOPMENT OF LAND FORMERLY IN USE AS A GARDEN CENTRE AT 212 MANOR ROAD, CHIGWELL TO PROVIDE 21 FLATS 80% OF WHICH WILL BE AFFORDABLE HOUSING. (REVISED APPLICATION)

The Committee considered an application referred to it by Area Planning Subcommittee South with a recommendation that permission be granted for the redevelopment of land at 212 Manor Road, Chigwell to provide 21 flats, 80% of which being affordable housing. The subcommittee had felt that the application put forward special circumstances to merit departure from Metropolitan Green Belt policy and the development plan. The special circumstances were (i) its sustainable location opposite a tube station and bus routes; (ii) the level of affordable housing proposed; and (iii) the site was previously developed land.

Members heard from an objector to the proposals.

The Committee concurred with the view of the Subcommittee and considered that the proposed development fitted the Streetscene in the road and had minimal impact on the Metropolitan Green Belt as the site was screened. Members were persuaded by the argument of its sustainable location and proposals for affordable housing.

Officers suggested an additional condition to ensure the provision of the underground parking scheme and heads of term of a proposed legal agreement which were agreed by members. It was noted that the application would need to be referred to the Government Office as a departure from the development plan.

Resolved:

That planning application EPF/2361/09 at the Garden Centre 212 Manor Road, Chigwell be granted subject to:

- (a) The applications referral to the Government Office for the East of England as a Departure from the Development Plan;
- (b) The prior completion of a legal agreement under Section 106 of the Town and County Planning Act within 9 months of the date of the resolution to grant planning permission to secure the following:
 - The development is not to be commenced until the access road (which is subject to approval under planning application EPF/1399/09 relating to the adjacent site) has been constructed to an agreed standard;
 - The amount, tenure, delivery and occupancy of the affordable housing;
 - Provision of a financial contribution towards street lighting improvements within the vicinity of the site and the provision of public transport vouchers to the future occupants of the dwellings;
 - Provision of a financial contribution towards school places within the local area; and
 - Provision of a financial contribution towards the re-opening of a Post Office facility in Manor Road.

(c) The permission being subject to the following planning conditions:

1. The development hereby permitted must be begun not later than the expiration of five years beginning with the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

3. All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the 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.

Reason: In the interests of the amenities of noise sensitive properties.

4. Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety.

5. Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing 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.

Reason: To enable appropriate consideration to be given to the impact of the intended development upon adjacent properties.

6. Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

Reason:- Since the site has been identified as being potentially contaminated and to protect human health, the environment, surface water, groundwater and the amenity of the area.

7. Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.

Reason:- In the interests of visual amenity.

8. All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to control any alteration to levels or spreading of material not indicated on the approved plans in the interests of amenity and the protection of natural features.

9. Prior to first occupation of the building hereby approved the proposed window openings identified on the approved drawings (CMEF/09/04 revA and CMEF/09/05 rev.A shall be fitted with obscured glass and have fixed frames up to a height of 1.7 metres above finished floor level, and shall be permanently retained in that condition.

Reason:- To prevent the overlooking of neighbouring properties.

10. The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing tree is potentially maintained by the provision of an adequate replacement tree.

11. The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority. The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development.

12. Prior to the commencement of the development hereby approved, details of external lighting within the development shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details. No additional external lighting shall be installed with the development at any time thereafter without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and to protect the character of the Metropolitan Green Belt.

13. Notwithstanding the detail submitted, prior to the commencement of the development hereby approved, elevational details of the proposed refuse stores shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details and the refuse stores shall be available for use prior to the first occupation of any dwelling within the development.

Reason: In the interest of visual amenity and to ensure that adequate provision is made for the storage of refuse within the site.

14. No development shall commence until details of a means of vehicular access, to an adoptable highway standard has been agreed and created onto Manor Road.

Reason: In the interest of highway safety.

15. Before first occupation, the proposed car parking in the basement shall be laid out and remain available for the parking of vehicles thereafter

Reason: To ensure that the development makes suitable provision for the parking of vehicles within the site.

7. PLANNING APPLICATION EPF/1893/09 -TYLERS CROSS NURSERY, EPPING ROAD, NAZEING, ESSEX EN9 2DH - SUBDIVISION OF EXISTING PITCH TO PROVIDE 2 ADDITIONAL PITCHES FOR GYPSY/TRAVELLER OCCUPATION AND USE OF EXISTING BUILDING AS DAY ROOM.

The Committee gave consideration to an application for the subdivision of an existing pitch at Tylers Cross Nursery, Epping Road, Nazeing to provide 2 additional pitches for Gypsy/Traveller occupation and the use of an existing building as a day room.

The Committee noted recent letters from the Government minister giving notice of the abolition of regional strategies and its effect on the determination of these applications.

The Committee noted that the site had been at the location for a long time and the proposals had no impact on the character of the Metropolitan Green Belt. The officers suggested a further condition regarding the pitch boundaries which was accepted by members.

Resolved:

That planning application EPF/1893/09 at Tylers Cross Nursery, Epping Road, Nazeing be granted subject to the following conditions which correlate directly with those attached to the original consent:

- (1) The use hereby permitted shall be carried on only by the children of Mr Breaker and their dependants;
- (2) No more than one lorry parking space per pitch shall be provided and no such space shall be used for parking a Heavy Goods Vehicle. Subject thereto, no part of the development hereby permitted shall be used for any business or open storage purposes
- (3) The number of mobile homes/caravans per pitch hereby permitted shall be limited to two, one of which shall be a touring caravan;
- (4) The day room use hereby permitted shall not at any time be used as sleeping accommodation or occupied as an independent unit; and
- (5) Before the development hereby permitted commences, details of pitch boundaries, including any demarcation such as fencing etc, shall be submitted to and agreed in writing by the Local Planning Authority. The details as agreed shall be implemented onsite before the first occupation of the new pitches and maintained thereafter unless otherwise agreed in writing.

Reason: To safeguard the openness of the Green Belt and in the interests of the amenities of future occupiers.

8. **PLANNING APPLICATION EPF/1892/09 - SPRINGFIELDS, TYLERS CROSS NURSERY, EPPING ROAD, NAZEING, ESSEX EN9 2DH - VARIATION OF CONDITION 3 OF EPF/0960/98 (ALLOWED AT APPEAL) TO PERMIT ALTERATIONS TO PITCH BOUNDARIES AND SITING OF 2 ADDITIONAL MOBILE HOMES/CARAVANS FOR RESIDENTIAL PURPOSES FOR GYPSY FAMILY.**

The Committee gave consideration to an application for the subdivision of an existing pitch at Tylers Cross Nursery, Epping Road, Nazeing to vary condition 3 of EPF/0960/98 which had been allowed on appeal. The variation sought alterations to pitch boundaries and siting of 3 additional mobile homes/caravans.

The committee granted the application which had the effect of altering the previously granted permission and concurred with the application considered under the previous item.

Resolved:

That planning application EPF/1892/09 at Tylers Cross Nursery, Epping Road, Nazeing be granted which has the effect of varying condition (3) of EPF/0960/98 to read:

“(3) The number of mobile homes/caravans per pitch hereby permitted shall be limited to two, one of which shall be a touring caravan, with the exception of the extended pitch known as Springfields which may be limited to five mobile homes/caravans, of which at least two shall be a touring caravan.”

CHAIRMAN