



***District Development Control Committee
Wednesday, 3rd October, 2012***

You are invited to attend the next meeting of **District Development Control Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 3rd October, 2012
at 7.30 pm .**

**Derek Macnab
Acting Chief Executive**

**Democratic Services
Officer**

Simon Hill, The Office of the Chief Executive
Tel: 01992 564249 Email:
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Members:

Councillors B Sandler (Chairman), A Boyce (Vice-Chairman), C Finn, J Hart, Mrs S Jones, J Knapman, Ms Y Knight, J Markham, R Morgan, J Philip, Mrs C Pond, Mrs P Smith, Ms S Watson, J M Whitehouse and J Wyatt

**A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP
SPOKESPERSONS OF THE-COMMITTEE, AT 6.30 P.M.
IN COMMITTEE ROOM 1 PRIOR TO THE MEETING**

SUBSTITUTE NOMINATION DEADLINE:

18:30

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chief Executive will read the following announcement:

“This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber's lower seating area you consent to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer"

2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 6)

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

3. APOLOGIES FOR ABSENCE

4. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

6. MINUTES (Pages 7 - 28)

To confirm the minutes of the last meeting of the Committee held on 8 August 2012 (attached).

7. PLANNING APPLICATION EPF/2577/11 - ERECTION OF A TWO STOREY DETACHED DWELLING AND COMMUNITY NATURE RESERVE.- SPARKS FARM, 185 NINE ASHES ROAD, HIGH ONGAR (Pages 29 - 38)

(Director of Planning and Economic Development) To consider the attached report.

8. PLANNING APPLICATION: EPF/0899/12 THE SCOUT ASSOCIATION, GILWELL PARK, WALTHAM ABBEY - RESIDENTIAL BUILDING (INTERNATIONAL STAFF LODGE) WHICH INCLUDES SOCIAL AND SERVICE SPACES AND DEMOLITION OF TWO MAINTENANCE BUILDINGS. (Pages 39 - 50)

(Director of Planning and Economic Development) To consider the attached report.

9. PLANNING APPLICATION REF EPF/1340/12 - REMOVAL OF CONDITION 8 OF PLANNING PERMISSION EPF/2300/11. (ERECTION OF REPLACEMENT WORKSHOP AND RESURFACING EXISTING YARD) REGARDING POSITION OF FENCING.- BROOKSIDE GARAGE, GRAVEL LANE, CHIGWELL (Pages 51 - 56)

(Director of Planning and Economic Development) – To consider the attached report.

10. PROPOSED FIELDS LOCK POWER STATION, RATTY'S LANE, HODDESDON, HERTS - APPLICATION FOR A DEVELOPMENT CONSENT ORDER TO THE PLANNING INSPECTORATE (REF: EN010046) FOR A RAIL-LINKED POWER STATION (Pages 57 - 66)

(Director of Planning and Economic Development) To consider the attached report.

11. : PLANNING APPLICATION EPF/1907/10 LAND REAR OF OAKLEY HALL, HOE LANE, NAZEING. DEMOLITION OF GLASSHOUSE AND SUNDRY STRUCTURES AND ERECTION OF 50 BED CARE HOME WITH ASSOCIATED ANCILLARY PARKING AND LANDSCAPING - EXTENSION OF TIME TO ENABLE COMPLETION OF SECTION 106 AGREEMENT. (Pages 67 - 78)

(Director of Planning & Economic Development) To consider the attached report.

12. 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.

13. EXCLUSION OF PUBLIC AND PRESS

Exclusion: 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 following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: 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 and 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.

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

Further Information?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 8 August 2012
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.30 pm
High Street, Epping

Members Present: B Sandler (Chairman), C Finn, J Hart, Mrs S Jones, Ms Y Knight, J Markham, Mrs M McEwen, R Morgan, J Philip, Mrs C Pond, D Stallan, Ms S Watson, J M Whitehouse and J Wyatt

Other

Councillors: K Avey

Apologies: A Boyce, J Knapman and Mrs P Smith

Officers Present: S Solon (Principal Planning Officer), R Rose (Senior Lawyer), S G Hill (Senior Democratic Services Officer) and R Perrin (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. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor Stallan was substituting for Councillor and Councillor McEwan was substituting for Councillor Smith at the meeting.

3. VICE CHAIRMAN FOR THE MEETING

Resolved:

That Councillor Morgan, in the absence of Councillor Boyce, be appointed as Vice Chairman for the meeting.

4. DECLARATIONS OF INTEREST

(a) Councillor Phillip declared a Disclosable Pecuniary Interest in item 13 – Chigwell School under paragraph 6.2 of the Code of Conduct and indicated that he proposed to leave the meeting for the duration of the discussion and voting on that item.

(b) The following Councillors declared a non-pecuniary interests.

(i) Councillor Morgan in item 7 (Rolls Farm Barn, Magdalen Laver) as he knew the applicant and objector;

(ii) Councillor Pon in item 9 (29 The Broadway, Loughton) as a member of the Loughton Residents Association; and

(iii) Councillor McEwen in item 7 (Rolls Farm Barn, Magdalen Laver) as she knew the applicant.

5. MINUTES

Resolved:

That the minutes of the meeting held on 11 April 2012 be taken as read and signed by the Chairman as a correct record.

6. **PLANNING APPLICATION EPF/2552/11- ROLLS FARM BARN, HASTINGWOOD ROAD, MAGDALEN LAVER, ONGAR ESSEX, CM50EN -ERECTION OF 2 NEW BUILDINGS TO ACCOMMODATE INSECT BREEDING AND STORAGE ASSOCIATED WITH PEREGRINE LIVEFOODS LTD (REVISED APPLICATION)**

The Committee considered an application referred to it by Area Plans Subcommittee East following their meeting on 9 May 2012 with a recommendation to grant planning permission.

The Planning Officer reported that since that meeting, the Council had received views on the application from English Heritage relating to the effect on Wynters Armourie, a Grade II* listed building which was also a Scheduled Ancient Monument. The officer advised therefore that the planning application should be considered afresh by the Committee.

The application sought approval for the erection of two additional buildings in connection with an existing insect breeding business on the site. One was an extension to the existing building on the site to provide further breeding rooms and the second, separate building to be used for storage of feed, packaging and other equipment associated with the business.

The officer reported the views of English Heritage who were of the view that the harm to the adjacent Wynters Armourie was 'less than substantial' and that the approval should only be granted if the Council concluded that the public benefits arising from the proposal outweighed any harm to the setting of the listed building.

The officer reported that there would be no noise or disturbance associated with the development, it avoided further lorry movements created by consolidating the business on one site and these would be less than an agricultural use. Essex County Council had raised no objection as Highway Authority.

Members were asked to consider the very special circumstances put forward by the applicant outlined in the report and the wish to consolidate their business onto one site. On balance the officers were recommending that permission be granted subject to conditions.

The Committee noted advice from the Council's legal officer that an objector had put the Council on notice that they proposed to seek a Judicial Review of any decision to grant permission. Officers had already determined that an Environmental Impact Assessment was not required and in any event was not before the committee to determine. The Committee also noted the status of a further related Judicial Review.

The Committee heard representations from an objector and the applicant.

The Committee questioned whether the workforce came from the local area. The Planning Officer confirmed that from figures given by the applicant that the business had 99 employees, 48% of which came from Harlow, 38 came from the south of Harlow.

The Committee were of the view that the application met the test of very special circumstances rehearsed in the report to members which outweighed the harm to the Metropolitan Green Belt and any other harm, in summary:

- (i) The business was now an established and successful business in redundant buildings at Rolls Farm.
- (ii) The business needed to expand and they had considered relocating to a larger site or a split into two sites but neither of these options was sustainable or cost effective.
- (iii) The business wanted to remain in the District and had been searching for a site for 3 years but no such site had been forthcoming,
- (iv) The nature of the breeding activity was such that it required a site away from traditional industrial premises, preventing contamination of the breeding insect colony.
- (v) The siting of the warehouse and storage area within the site was likely reduce traffic movements compared to if they operated from a split site
- (vi) The stability that expansion of the existing site would create makes financial sense with economies of scale.
- (vii) The site was an important local employer largely of unskilled labour. 34% of the current workforce was under 25. This sector had traditionally high unemployment.
- (viii) The Peregrine Foods use of existing buildings at Rolls Farm was an important diversification of the farm following the move out of potato growing which had ceased to be profitable.

The Committee also gave weight to Officer advice that there were significant strong linkages between the applicants business and other businesses within the District.

The committee therefore concurred with the view of the Subcommittee that the application should be granted subject to conditions. They noted that the application would also be required to be referred to the National Planning Casework Unit for consideration.

Resolved:

That planning application EPF/2552/11 at Rolls Farm Barns, Magdalen Laver be granted 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) No construction works above ground level shall have taken place until documentary and photographic details 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.

(3) No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details within the first planting season following the commencement of any construction works. 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 in writing.

(4) The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of staff and visitors vehicles.

(5) This consent shall inure for the benefit of Peregrine Livefoods only and the buildings hereby approved shall be used only for the purposes set out within the application. That is breeding of insects, within the extension to barns 1 to 3 and storage and staff welfare facilities ancillary or incidental to the wider use of the site by Peregrine Foods for insect breeding, in Building 8.

(6) Should the buildings hereby approved cease to be used for the purposes set out in Condition 5 above for a period in excess of six months then the buildings shall be demolished and all resulting materials shall be removed from the land.

(7) No external lighting shall be erected at the site in connection with this development without the prior written approval of the Local Planning Authority.

(8) There shall be no external storage at the site in connection with the business operations of Peregrine Livefoods Ltd.

(9) There shall be no deliveries to or despatches from the site outside of the hours of 07:30 hrs – 19:00 hrs Monday to Friday and 08:00 hrs- 13:00 hrs on Saturdays and Sundays.

(10) The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Unnumbered site Location Plan, 1101 3A, 4, 5A, 6A, 7, 8, 9, and unnumbered landscaping scheme.

7. PLANNING APPLICATION EPF/0848/12 - ABBEY VIEW PRODUCE LTD, GALLEY HILL, WALTHAM ABBEY - EXTENSION OF EXISTING PACKHOUSE, ASSOCIATED DRAINAGE IMPROVEMENTS AND LANDSCAPING

The Committee considered an application for the extension of an existing pack house at Abbey View Produce, Galley Hill, Waltham Abbey. The application had been referred from Area Plans West with a recommendation to grant permission, subject to condition.

Members heard from the applicants agents in support of the proposals.

Members supported the application, located between other premises on the site, limiting its impact on the green belt. Members also supported the views of the Plans Subcommittee that very special circumstances existed in this case which would outweigh the harm to the Metropolitan Green Belt. In summary these were:

- (i) The support the proposal provided to the nursery business on the site and locally;
- (ii) Its limited impact on openness; and
- (iii) No objections being made by the Local Parish Council or the local community.

The committee therefore concurred with the view of the Subcommittee that the application should be granted subject to conditions. They noted that the application would also be required to be referred to the National Planning Casework Unit for consideration.

Resolved:

That the committee agrees the recommendation of the Area Plans Subcommittee East to grant planning 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.

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

- (2) The development hereby permitted will be completed strictly in accordance with the approved drawings No's: 3060/1-7

Reason: To ensure the proposal is built in accordance with the approved drawings.

- (3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development.

- (4) The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Statement dated April 2012, reference 231/2011 by EAS and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off to the calculated Greenfield run-off rate for the site.
2. Provision of on site surface water storage to attenuate all events up to and including the 1 in 100 year critical storm event, including a 30% allowance for climate change.
3. Surface water attenuation to be provided through the existing reed pond.

The mitigation measures shall be fully implemented prior to occupation of the building and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

(5) The landscape scheme shall be carried out in accordance with Tim Moya Associates Soft Landscape Specification, Method Statement and Landscape drawing number 210607-P-01 dated July 2011. 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 in writing.

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.

(6) The packing and processing of foodstuffs other than those grown on this nursery shall not take place other than between the hours of 7am to 7pm Monday to Fridays and 7am to 1pm on Saturdays and Sundays and at no other times.

Reason: To safeguard the amenities of the area.

(7) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 8 Class A shall be undertaken without the prior written permission of the Local Planning Authority.

Reason: The specific circumstances of this site warrant the Local Planning Authority having control over any further development in the interests of keeping the Green Belt open.

(8) The development hereby approved shall form part of a mixed use of the site for horticultural purposes and for the packing, processing and distribution of foodstuffs (in accordance with condition 9 below) and shall not replace, supersede or otherwise operate separately from the commercial growing of horticultural crops from this nursery.

Reason: This site is within the Metropolitan Green Belt and permission has been granted because of the very special circumstances in this case.

(9) The packing and processing facilities hereby approved shall be used solely for the handling of fresh horticultural products and shall not be used for the handling of any other goods or foodstuffs.

Reason: The site is within the Metropolitan Green Belt where there is a presumption against development unless required essentially for the purpose of agriculture, forestry or for other recognised Green Belt purposes.

Permission is granted in this case in the light of the very special horticultural justification.

(10) 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 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]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(11) 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]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(12) 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]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(13) Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation 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.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(14) 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.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. PLANNING APPLICATION EPF/0339/12 - 29 THE BROADWAY, LOUGHTON, ESSEX, IG10 3SP - CHANGE OF USE FROM A1 RETAIL TO A2 FINANCIAL AND PROFESSIONAL SERVICES

The Committee considered an application referred by Area Plans Subcommittee South with a recommendation contrary to officer views that the application should be granted.

The application sought the change of use of the application site from A1 Retail to A2 Financial and Professional Services uses.

The Subcommittee had felt that The Broadway had a low level of vacant shop premises and a low proportion of non-retail frontage, such that the use of the application site for purposes within Use Class A2 would be harmful to the vitality and viability of The Broadway as a shopping area.

The Committee, however, concurred with the view of officers had the use met local plan policy TC4 and resolved to grant planning permission as recommended by Officers subject to the imposition of a planning condition restricting the consent to the benefit of the applicant in order that the use of the premises would revert to retail use in the longer term in the interests of maintaining the vitality and viability of the Broadway shopping area.

Resolved:

That planning application EPF/0339/12 at 29 The Broadway, Loughton be granted 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 the permission notice; and
- (2) The consent shall inure solely for the benefit of the applicant 'Instant Cash Loans Ltd' and for no other person or persons.

9. PLANNING APPLICATION EPF/0268/12 - 121 THEYDON PARK ROAD, THEYDON BOIS. - DEMOLITION OF RECREATION CHALET AND ERECTION OF SINGLE STOREY EXTENSION TO BUNGALOW

The Committee considered and approved an application referred by Area Plans Subcommittee East on 6 June 2012 for the demolition of a recreation chalet and erection of a single story extension for an adjacent bungalow. It was noted that the permission included a Section 106 agreement. The Committee were of the view that the application met the test of very special circumstances rehearsed in the report to members.

Resolved:

That, subject to the completion, within 6 months of a resolution to grant planning permission, of an agreement under Section 106 requiring land registered under titles for 121 Theydon Park Road and St Leonards, Theydon Park Road to not be sold separately and prohibiting the construction of buildings on land registered under the title for St Leonards, planning application EPF/0268/12 be granted 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 extension hereby approved shall not be commenced until the recreational chalet at St Leonards and shown to be removed on the approved plans has been completely demolished above ground level.
- (3) Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- (4) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions, roof enlargements and outbuildings generally permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken to the house at 121 Theydon Park Road or within its curtilage as outlined in red and blue in the approved plans without the prior written permission of the Local Planning Authority.

10. PLANNING APPLICATION EPF/2543/11- NINE ASHES FARM, ROOKERY ROAD, HIGH ONGAR- CHANGE OF USE FROM AGRICULTURAL TO USE FOR RESIDENTIAL PURPOSES (USE CLASS C3A) AND FOR THE CONSTRUCTION OF 8 SEMI DETACHED THREE BEDROOM HOUSES. DEMOLITION OF EXISTING REDUNDANT BUILDINGS ON THE SITE.

The Committee considered an application referred by Area Plans Subcommittee East at their meeting on 9 May 2012 seeking the grant of planning permission at Nine Ashes Farm, High Ongar. The application sought the construction of eight semi detached houses on the site of disused agricultural buildings.

The committee noted the application history of the site and the previous rejection of B1, B2 and B8 uses and for a more intensified residential proposal. The Committee noted that the applicant had also now agreed the wording of a Unilateral Undertaking with the Council's legal officers which set out financial contributions towards off-site affordable housing and highways works.

The Committee heard from the applicants agent and from the Local Parish Council, who were supporting the current proposals.

Members of the Subcommittee were of the view that material planning considerations existed that were of sufficient weight to amount to very special circumstances in favour of granting planning permission. They included:

- The situation of the site within the built up enclave of Nine Ashes
- That the proposal would improve the openness of the Green Belt by substantially reducing the volume of built form on the land, setting the new built form away from the road and breaking it up to facilitate views through it to open fields rear of the site.
- That the reuse of the existing buildings for employment purposes had been previously found excessively harmful, especially to the living conditions of neighbouring houses.

Members of the committee noted the unusually strong local support for the proposed development.

The committee therefore concurred with the view of the Subcommittee that the application should be granted subject to conditions and the completion of the Unilateral Undertaking. They noted that the application would also be required to be referred to the National Planning Casework Unit for consideration.

Resolved:

That subject to the views of the Secretary of State following referral to the National Planning Casework Unit and a completed Unilateral Undertaking to secure:

- (a) a commuted sum of £16,000 towards off site affordable housing; and
- (b) a contribution of £4,000 towards highways works'

Planning application EPF/2543/11 be granted 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) No construction works above ground level shall have taken place until documentary and photographic details 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.
- (3) The development hereby permitted will be completed strictly in accordance with the approved drawings nos: ETW 01 rev.A; ETW 03 rev.A; ETW 04 rev.D; ETW 10 rev.F; and ETW 20 rev.B
- (4) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no side extensions generally permitted by virtue of Part 1, Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- (5) 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.
- (6) 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]

(7) 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]

(8) 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]

(9) Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation 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.

(10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction, including wheel washing.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

(11) 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 an 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.

(12) Prior to occupation of the proposed development, the Developer shall submit and have approval in writing from the Local Planning Authority a Travel information and Marketing Scheme for sustainable transport . The developer shall be responsible thereafter for the provision and implementation of the scheme in accordance with the approved details.

(13) The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

11. PLANNING APPLICATION EPF/2613/11 - GREENACRES FARM, BOURNEBRIDGE LANE, STAPLEFORD ABBOTTS - DEMOLITION OF EXISTING BUNGALOW, DOMESTIC OUTBUILDINGS, B1 OFFICE BUILDING, B1/B8 WORKSHOP/STORAGE BUILDINGS, AND CESSATION OF OPEN STORAGE USE; AND THE ERECTION OF TWO, TWO STOREY DETACHED HOUSES

The Committee considered and approved an application referred by Area Plans Subcommittee East on 4 July 2012 for the demolition of an existing bungalow, outbuildings and associated buildings, cessation of outside storage uses in favour of the erection of two detached house on the application site.

It was noted that the proposals included two Unilateral Undertakings not to implement two certificates of lawful development on the site, a large two storey front extension to the main dwelling house and a further large outbuilding.

The Committee were of the view that the application met the test of very special circumstances rehearsed in the report to members.

Resolved:

That the Committee agrees the recommendation of Area Plans Committee East to grant planning permission subject to:

(a) The signing of a unilateral undertaking to prevent an outbuilding being erected in the rear garden of the main dwelling on the site. This outbuilding was certified as a lawful development under application reference EPF/CLD/1057/08, and:-

(b) 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.

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

(2) No construction works above ground level shall have taken place until documentary and photographic details 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.

(3) 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.

(4) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B, C, and E shall be undertaken to the two new dwellings hereby approved, or to the existing main

dwelling to be retained on the site, without the prior written permission of the Local Planning Authority.

Reason:- The specific circumstances of this Green Belt site warrant the Local Planning Authority having control over any further development.

(5) No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its 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 trees are safeguarded.

(6) 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 planting on the west boundary of the site), 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.

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.

(7) Details of the sustainable drainage system to be used on this site shall be submitted to and approved by the local planning authority before any works commence on site, and once approved these details shall be implemented in full on site.

Reason - To ensure surface water is disposed of in an appropriate manner.

(8) All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

(9) 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 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]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(10) 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]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(11) 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]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(12) Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation 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.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(13) 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.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(14) The area of the site annotated on plan number 2472-3A as 'restored to open Green Belt' shall remain in use as agricultural land and shall not be used for any other purpose, including use as domestic gardens.

Reason - To avoid urban encroachment that would impinge on the openness of the Green Belt.

(15) The two dwellings hereby approved shall not be occupied before the buildings shown to be removed in this application are demolished and the land made good. Similarly all outside storage, including containers, shall be removed from the site and the the land made good before the dwellings hereby approved are occupied.

Reason - To safeguard the openness of the Green Belt, and to ensure the appearance of the site is improved.

12. PLANNING APPLICATION EPF/1016/12 -CHIGWELL SCHOOL, HIGH ROAD, CHIGWELL - DEMOLITION OF EXISTING GROUNDS YARD BUILDINGS AND BUNGALOW AT THE SANDON SITE AND CONSTRUCTION OF A NEW SINGLE-STOREY PRE-PREP SCHOOL BUILDING AND ASSOCIATED SOFT AND HARD LANDSCAPING WORKS. RECONFIGURATION OF EXISTING DRAMA CENTRE CAR PARK TO PROVIDE AN ADDITIONAL 4 PARKING SPACES AND NEW EXTENSION TO PROVIDE AN ADDITIONAL 20 PARKING SPACES FOR PUPIL DROP-OFF/COLLECTION.

The Committee considered and approved an application referred by Area Plans Subcommittee South for the demolition of buildings within the Chigwell School boundary to construct a single storey preparatory school.

The Committee concurred with the view of the Area Plans Subcommittee that, in this case, very special circumstances existed sufficient to outweigh the usual policy of restraint in the Metropolitan Green Belt. In summary the committee were of the view that these circumstances were:

- the demand for additional school places within the local area;
- previously unsuccessful proposals for the conversion of an existing building (The Grange, High Road, Chigwell) outside of the Green belt to meet this need;
- guidance within the NPPF, which includes a presumption in favour of sustainable development and the encouragement for greater provision/choice in relation to school places; and
- the application site, although located within the Green Belt, it is previously developed and would be viewed within the context of existing buildings and the all weather pitch and somewhat screened by existing/retained vegetation.

The Committee voted to grant permission with conditions accordingly.

Resolved:

That planning application EPF/1016/12 at Chigwell School, Chigwell be granted 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 building and car park extension hereby approved shall be constructed using the external finishes listed in the submitted planning

application form, unless otherwise agreed in writing by the Local Planning Authority.

(3) The development hereby permitted will be completed strictly in accordance with the approved drawings nos:

BH&M drawing nos. 2662 A001; A010; A011; A100; A110; A130; A131; A150; A160; A400; A500;

LUC drawing nos. 3673.01 100 rev. E; 3673.01 101 rev. A; 201 rev. A; 202 re. A.

CTP drawing A1079 500

(4) No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

(5) 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.

(6) If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

(7) The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

(8) All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

(9) The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of staff, parent and visitors' vehicles.

(10) Notwithstanding the detail shown on the approved plans, prior to the commencement of development, details of a covered cycle/scooter storage facility shall be submitted to the Local Planning Authority for approval in writing. The approved facility shall be provided prior to the first occupation of the school hereby approved.

(11) The development shall proceed in accordance with the recommendations contained within the submitted Ecological Appraisal, Nocturnal Bat Roost Surveys (Preliminary Report 2012) and Daytime Bat Inspection Survey Report. In addition, prior to the first occupation of the school, at least 5 bird and 5 bat boxes shall be installed within the site.

13. DIRECT ACTION - OLD FORESTERS SITE, OFF ABRIDGE ROAD, THEYDON BOIS

The Committee noted that, following the serving of Enforcement Notices in 2008, and subsequent successful prosecution of the owners against the unlawful siting of a building, a caravan and a portable building on the Old Foresters Site, Theydon Bois, officers were now seeking authority to take direct action to comply with the notices.

The Committee noted the long enforcement history of the site and the Council's powers to take action to secure compliance with extant Enforcement Notices.

In approving the proposed action, it was noted that the Cabinet would be required to approve the resources required to take such action and in relation to this particular case, requested a report be prepared for the next meeting of Cabinet on 10 September 2012.

Members considered it unusual that Officers had to seek Committee authority to exercise powers under Section 172 of the Act in addition to having to then seek Cabinet authority for associated expenditure. They concluded the process resulted in an avoidable delay in securing compliance with effective enforcement notices and requested this procedural issue be considered in a report to Overview and Scrutiny Committee.

Resolved:

- (1) That, subject to Cabinet approval to incur associated expenditure, authority be given to the Director of Planning and Economic Development to take direct action under Section 178 of the Town & Country Planning Act 1990 (as amended) on one or more occasions to secure compliance with the requirements of the Planning Enforcement Notice issued under Section 172 of the Town and Country Planning Act 1990 (as amended) on 21 August 2008 covering the Old Forresters Site, off Abridge Road, Theydon Bois; and
- (2) That the Overview and Scrutiny Committee be asked to review the delegation and procedure relating to proposals for direct action in enforcement cases.

14. ANY OTHER BUSINESS

It was noted that there was no further items of business to be considered at the meeting.

CHAIRMAN

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Report to District Development Control Committee



**Epping Forest
District Council**

Date of meeting:

Subject: Erection of a two storey detached dwelling and Community Nature Reserve.- Sparks Farm, 185 Nine Ashes Road, High Ongar

**Officer contact for further information: Stephan Solon Ext 4018
Committee Secretary: S Hill Ext 4249**

Recommendation(s):

That conditional planning permission be granted subject to the completion, within 6 months, of an agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the formation of a Community Nature Reserve accessible by members of the public and maintained by the owners of the proposed house in accordance with a Nature Conservation Management Plan.

Report Detail

1. (Director of Planning Economic Development) This application was considered by the Area Plans Sub-Committee East at their meeting on 29 August 2012. Whilst being sympathetic to the scheme, Members were concerned that insufficient information was provided regarding the S106 agreement and were worried that a S106 agreement would not ensure the retention of a publicly accessible nature reserve in the long term. They therefore referred the application to this Committee with a recommendation that planning permission be granted subject to legal advice being given regarding the validity and enforceability of the proposed planning obligation and its suitability as a mechanism to secure long term benefits.
2. This was put to the applicants agent with a request that a Unilateral Undertaking be prepared for the Councils Solicitor to consider prior to presenting the application to this Committee. However, there was insufficient time for that work to be completed in time for the committee meeting scheduled for 3 October 2012 and the applicant found it unreasonable for a decision on his application to be delayed until the following scheduled meeting of this Committee: 30 January 2013. Her agent therefore requested the application be reported to this meeting and submitted the following statement in further support of the application:

“Essentially the Community Nature Reserve provides free public access via existing Rights of Way to a designated Essex Local Wildlife Site and ensures its protection and conservation for many generations to come. It may be visited therefore by local Schools, nature enthusiasts, birdwatchers, ecologists, local people or walkers and we hope it will become a valued amenity for the local Community.

This is a unique opportunity for the conserving and enhancing of a rare damp grassland containing rare and declining plants and the conservation of protected species such as the Great Crested Newt along with the possibility of providing for the passive public enjoyment of the natural beauty and wildlife

habitats associated with the meadows. The main aim is to optimise the value for wildlife and plants whilst allowing public access to the Site.

You will see in the Management Plan how the aim is to increase the bio-diversity of the Site and how - through the safeguarding of semi-natural habitat and the provision of bat and barn owl boxes to encourage roosting, and appropriate feeding grounds etc - bats, owls, newts, reptiles and badgers along with birds on the declining red and amber lists will all be encouraged to take up residence on the Site.

However one or two Members seemed to express concerns about the Section 106 Agreement and perhaps I could address those and provide some reassurance as follows:

1. The Applicant will be pleased to be part of a Section 106 Agreement and to pay the Council's legal costs.
2. The Applicant will also pay all costs for the initial set-up, improvement and construction costs of the Community Nature Reserve and its ongoing upkeep and maintenance in perpetuity in accordance with the Nature Conservation Management Plan prepared by the Ecologist, Susan Deakin.
3. The Applicant will provide and maintain stiles, fences and gates for public access and in addition provide and maintain informal mown paths, boardwalks, wayfaring signs and an interpretation board all at no cost to your Council.

If I could just finally emphasise again, as stated in the Management Plan, that the primary aim is to optimise the nature conservation interest of the Wildlife Site whilst enabling it to function as a visually attractive recreational resource for public access at no cost to the Council. It is important that the Site becomes ecologically sustainable, healthy and vigorous and is properly maintained and managed for the foreseeable future for all to visit and enjoy.”

3. There has been no opportunity to consult the Council's solicitor in advance of the deadline for reports to this agenda. However, it is clear that the only mechanism within the Town and Country Planning Act that a Local Planning Authority can use to secure off-site benefits of matters that require a greater degree of enforceability than a planning condition is a Planning Obligation; i.e. a S106 agreement. It remains officers opinion that the proposed S106 agreement would meet all the tests for such agreements and is therefore fit for purpose. Further advice on this matter will be provided verbally to the Committee. The original report to the Area Plans East Sub-Committee is reproduced below.

Extract from Area Planning Subcommittee East 29 August 2012

Report Item No: 6

APPLICATION No:	EPF/2577/11
SITE ADDRESS:	Sparks Farm 185 Nine Ashes Road High Ongar Ongar Essex
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mrs Pauline Bearman
DESCRIPTION OF PROPOSAL:	Erection of a two storey detached dwelling and Community Nature Reserve.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=533837

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: 1268 01A, 1268 04B and 956/03, 956/04, 956/05, 956/06, 956/07, 956/08, 956/09, 956/10 and 956/11.
- 3 The development hereby approved shall not be commenced until a detailed methodology for amphibian and reptile mitigation including capture effort and removal together with a relevant plan in respect of the application site and adjoining land in the applicant's ownership as indicated on drawing number 1268 01A have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved methodology.
- 4 The development hereby approved shall not be commenced until a detailed description of "appropriate measures" that should be adopted if bats are found in trees, as referred to in section 6.8 of the ecological survey included with the application, have been submitted to and approved in writing by the Local Planning Authority in respect of the application site and adjoining land in the applicants ownership as indicated on drawing number 1268 01A . The development shall be carried out in accordance with the approved measures.
- 5 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.

- 6 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule) in respect of the application site and adjoining land in the applicants ownership as indicated on drawing number 1268 01A, have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. 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 in writing.
- 7 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas within the application site and adjoining land in the applicants ownership as indicated on drawing number 1268 01A shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The landscape management plan shall be carried out as approved.
- 8 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 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]
- 9 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]

- 10 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]
- 11 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.
- 12 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.
- 13 No work to construct the house hereby approved shall take place until all the buildings shown on drawing number 956/10 have been demolished and all resulting debris removed from the application site and adjoining land in the applicants ownership, as identified on drawing number 1268 01A.
- 14 No construction works above ground level shall have taken place until documentary and photographic details 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.
- 15 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions, roof enlargements, buildings and means of enclosure generally permitted by virtue of Classes A, B and E of Part

1, Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

Subject to the completion, within 6 months, of an agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the formation of a Community Nature Reserve accessible by members of the public and maintained by the owners of the proposed house in accordance with a Nature Conservation Management Plan.

This application is before this Committee since it is an application contrary to the provisions of an approved draft Development Plan or Development Plan, and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(a))

Description of Site:

The site is to the southwest of Nine Ashes within the Metropolitan Green Belt. It comprises some 1.5 hectares of land that are dominated by redundant agricultural buildings. The site is within a landholding of some 7 hectares. Immediately to the north of the site and within the applicant's ownership is a recently adopted Essex Local Wildlife site. The Local Wildlife site together with the application site is covered by an Area Tree Preservation Order. The site is not in a conservation area and is not within the setting of any listed building.

The site is accessed from a narrow unmade road west of Nine Ashes. There is open countryside to the north, west, and south of the application site. The existing buildings at the farm can be seen from a number of public places along Nine Ashes Road, but at other points the site does benefit from natural screening.

The ground level is undulating but dips considerably towards the northern end where it leads on to the Local Wildlife site. A drain runs to the north side of the buildings and a public footpath crosses land to the south of the site. The Local Wildlife site is presently accessed at its northern end via the local rights of way network.

The character of the wider area of Nine Ashes is a pattern of ribbon development that is rural in appearance. The street scene is made up mostly of detached bungalows and one and a half storey buildings.

Description of Proposal:

Permission is sought to erect a new detached two-storey dwelling with associated car parking area and to change the use of land from agricultural into residential. To enable this, all existing buildings within the site would be removed or demolished. The plans also show an extensive landscape plan for the site.

The proposed 5-bedroom dwelling will be 21.4 metres at its widest point by 11.3 metres at its deepest point. The highest ridge point will be 8.4 metres and to the top of the chimney stack 9.8m. Its external appearance will be mock Tudor with decorative gable projections on all four elevations. It provides kitchen, dining, study, TV/ living room at ground floor level with 5 bedrooms at the first floor level. The new dwelling will be sited some 200 metres from the edge of Nine Ashes Road.

For the purposes of the application, the statement describes the new dwelling as an 'Eco house'. The applicant has offered to create a community nature reserve on the Essex Local Wildlife site. The nature reserve would be managed in accordance with a nature conservation management plan at the applicant's cost. There would be free public access to the proposed nature reserve.

Relevant History:

- EPF/1488/02 Outline application for the erection of four detached houses and affordable housing (numbers to be agreed). Refused
- EFP/0485/04 Outline application for single detached dwelling in connection with holding. Refused and subsequent appeal dismissed on the basis that there was no agricultural justification for the dwelling
- EPF/0401/09 and EPF/0634/09 Raising of ground levels to north of site and re-routing footpath to south of site. Withdrawn
- EPF/685/10 Raising of ground levels to north of site, re-routing public footpath to south of site (Revised application) Refused.
- EPF/0701/10 Use of land for stationing of a mobile home with agricultural tie, and provision of associated gravel access road. Refused
- EPF/0684/10 Change of use of land to residential and erection of two-storey detached dwelling. Refused on the basis of harm to the green belt and poor sustainability.

Policies Applied:

- CP2 – Protecting the quality of the built environment
- CP3 – New development
- GB2A – Development in the green belt
- GB7A – Conspicuous development
- DBE 1 - Impact on new buildings on surroundings
- DBE4 – Development within the green belt
- DBE6 - Parking for new residential developments
- DBE8 – Private amenity
- DBE 9 - Neighbour Amenity
- ST1, ST2, ST4 and ST6 – Highway safety and car parking
- LL2 and LL10 – Landscaping
- NC4 – Protection of established habitats

Summary of Representations

The occupants of 10 neighbouring properties were consulted and a site notice displayed. The following responses were received:

PETITION IN SUPPORT – Letter signed by 10 neighbours in support of the application.
(Berry farm, 202, 206, 208, 199, 236, 189, 212, 214, 210 Nine Ashes Road)

236 NINE ASHES ROAD - Proposal will complement the area and improve the site. The site is presently an eyesore. Nine Ashes is a rural community, as such affordable housing is not supported. The proposal is in full sympathy to the wildlife and nature in the locality.

HIGH ONGAR PARISH COUNCIL Supports – Support this application, provided the house is in keeping with the neighbourhood and that no further development of the site be permitted in the future.

Issues and Considerations:

Main Issues:

The proposed house is inappropriate development in the Green Belt and as such is contrary to Local Plan policy GB2A. Unlike national planning policy as set out in the National Planning Policy Framework, policy GB2A makes no allowance for the demonstration of very special circumstances. The house proposed is the same as that proposed under application

EPF/0684/10. The main matters to consider are the consequences for the openness of the Green Belt and the degree of weight to be attached to the proposal to create a community nature reserve on a recently designated Essex Local Wildlife site.

The proposal involves the erection of a large detached two-storey dwelling on a site where there is presently no residential use. The proposal would also result in one fifth of the approximately 7 hectare landholding becoming residential curtilage. The house would clearly be harmful to the interests of openness but as a consequence of the demolition of considerable existing buildings, some of which are very large, the development would overall result in a significant improvement in the openness of the application site. That improvement in openness would be apparent from publically accessible vantage points. However, whilst the present buildings are very large, since they are agricultural buildings they are appropriate within the rural context of the site. Notwithstanding their appropriate appearance, the improvement in openness and visual amenity arising from this proposal is a material consideration of significant weight. The rationale for reaching that conclusion is supported by the fact that the buildings have not been used for agriculture for many years and there is no realistic prospect of them being reused for that purpose.

In addition to the benefits to openness, which would have been secured by the previously refused proposal, the current proposal also includes the formation of a community nature reserve at no public cost to which the public would have free access. This can be secured by a planning obligation and this has been offered by the applicant. The Council's Tree and Landscape officer advises this proposal is of benefit since it would secure a management plan in order to conserve and allow access to an area important for wildlife. That position is reflected in the advice of the Countrycare manager and reference is made to the presence of veteran trees, bats, GC newts, grass snakes, and diverse meadow/ grassland habitats. Having regard to expert advice on the proposal to create a community nature reserve, this new dimension to the proposal is also a material consideration of significant weight.

Other Matters:

Design and appearance

The design and the appearance of the proposed new dwelling is a large and imposing building. It adopts a number of projecting gables and a mock-Tudor facade. It would be much larger in scale than houses typically found in Nine Ashes but its siting is to some degree remote from established residential development and consequently its scale would not form a sharp visual contrast with such development. Of itself the design is not unattractive and although inappropriate in Green Belt terms, would overall respect the character of the locality.

Neighbours amenity

The new dwelling will be sited some 200 metres from the edge of the road, this is a generous distance from any of the immediate neighbouring dwellings. Due to its siting the proposed new dwelling would not result in any overlooking, loss of light or other harm to the amenities of neighbouring occupiers.

Sustainability

As with any house situated in a rural location it will be car dependant. However, it is well related to existing residential development in Nine Ashes and would be no less sustainable in terms of its location.

The applicant makes the case that the proposal is for an eco-house. While the proposal would no doubt be constructed to a high standard, insufficient information has been submitted to demonstrate the house would be any more sustainable than any other house constructed in

accordance with the present Building Regulations. Consequently little turns on the applicant's claim.

Road safety

The Highway Authority are satisfied that the applicant has demonstrated the proposed traffic generation will be less than the permitted use of the site and does not object to the proposal because it does not result in any highway safety concerns. The parking arrangement for the proposal is acceptable.

Conclusion:

The proposed development would have an acceptable appearance, would cause no harm to the interests of amenity and would be no less sustainable than any other modern house constructed within the built up enclave of Nine Ashes. It is inappropriate development in the Green Belt and by definition harmful to it. However, the significance of the improvement in the openness of the Green Belt that would arise from the proposal together with the nature conservation and landscape benefits offered is very great. Moreover, the benefits to the interests of nature conservation can only be secured in connection with this proposal since the Essex Local Wildlife site on which the proposed community nature reserve would be created is entirely within land in the applicant's ownership. It could not be secured anywhere else. This set of circumstances is sufficiently unique that they would not readily be repeated on any other Green Belt site.

Having balanced all the material considerations the benefits to openness and nature conservation arising from this particular proposal amount to very special circumstances that outweigh the harm it would cause by reason of inappropriateness. It is therefore recommended that planning permission be granted subject to appropriate conditions and the completion of a planning obligation to secure the nature conservation benefits of the proposal.

Since adopted planning policy does not allow for very special circumstances the grant of planning permission would be contrary to policy. Therefore, if the Sub-Committee accepts the recommendation to grant planning permission it will be necessary to refer the application to the District Development Control Committee for its consideration.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

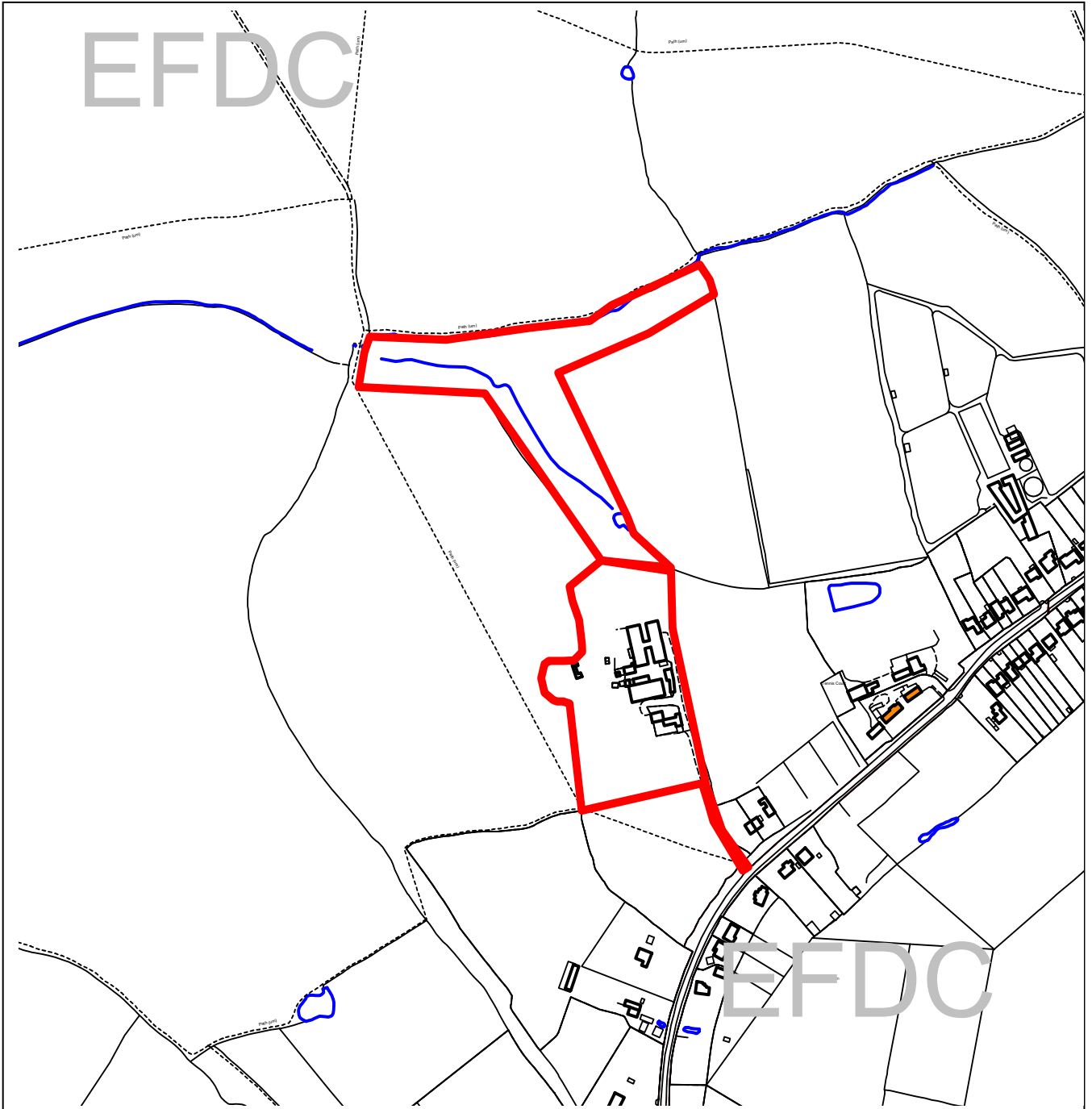
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	6
Application Number:	EPF/2577/11
Site Name:	Sparks Farm, 185 Nine Ashes Road High Ongar,
Scale of Plot:	1/5000

Report to District Development Control Committee

Date of meeting: 3 October 2012

Subject: Planning Application: EPF/0899/12 The Scout Association, Gilwell Park, Waltham Abbey - Residential building (International Staff Lodge) which includes social and service spaces and demolition of two maintenance buildings.



**Epping Forest
District Council**

**Officer contact for further information: D Duffin Ext 4336
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the committee agrees the recommendation of the Area Plans Sub Committee West to grant planning 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.

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

(2) The development hereby permitted will be completed strictly in accordance with the approved drawings nos: FO-001, FO-002 ex, FO-002 pro, FO-100, HO -001, A3-101, A3-102, TCP_01, TPP_01.

Reason: To ensure the proposal is built in accordance with the approved drawings.

(3) Materials to be used for the external finishes of the proposed development, shall be as detailed on the submitted plans and particulars, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To safeguard the visual amenities of the locality.

(4) No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting and works to the proposed mound) 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 (including planting details included at section 5.3 of the submitted Ecological

Survey). 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.

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.

(5) 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.

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 trees are safeguarded.

(6) 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.

Reason:- To ensure satisfactory provision and disposal of foul and surface water in the interests of public health.

(7) Prior to commencement of development details of bird and bat boxes shall be submitted to the Local Planning Authority for approval. The proposed boxes shall be installed on trees within the site prior to the site clearance.

Reason:- In the interests of providing alternative roosting options for birds and bats within the site.

(8) No development shall take place until details of further bat and reptile survey works, as stated in para.5.1. of the Ecological Scoping Survey Report by Greenlink Ecology Ltd, accompanying this application, have been submitted to and approved in writing by the Local Planning Authority. If these surveys reveal that these protected species are likely to be affected, then before the development proposal commences on site, appropriate mitigation proposed shall be submitted to and approved in writing by the Local Planning Authority, including any timetable for mitigation to be carried out.

Reason: To minimise the impact on biodiversity at and within the vicinity of the proposed building.

Report Detail:

1. (Director of Planning and Economic Development) This proposal has been referred from the Area Plans Sub Committee West with a recommendation of approval, following their meeting held on 12/09/12 because in principal it is contrary to Green Belt in the Local Plan. The officer's report to committee carried a recommendation to grant planning permission.

2. The report prepared for the Area Planning Committee is attached to this report.

3. Area Plans Sub-Committee West agreed with the officer's conclusion that the development was in principle inappropriate development within the Metropolitan Green Belt but also agreed that there were very special circumstances which would outweigh any harm. This being;

- That the applicant was the Scout Association and that therefore the proposed development was to aid the activities of a registered charity. The proposed development would ensure that the site remained in operation for the benefit of the local community and further afield. Furthermore the proposed development would help in ensure that the majority of the site remained open thus limiting impact on the open character of the Metropolitan Green Belt.

The committee however thought it important to highlight that the very special circumstances required for such development only existed because the applicant was a charitable organisation and went on record to say that this should not set any precedent for other similar development within the boundaries of the Green Belt.

4. Officers reported that despite being contrary to Green Belt policy, there are a number of merits with regards to the proposal, chiefly the benefits that the use of the site bring to the local community. There is some concern about the potential presence of protected species at the site but this can be mitigated by appropriate conditions and informatives.

5. Should the committee grant consent it should be subject to the conditions listed above. The proposal will then need to be forwarded to the National Planning Casework Unit for a final decision of whether this needs to be considered by a Planning Inspector.

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Report Item No: 1

APPLICATION No:	EPF/0899/12
SITE ADDRESS:	The Scout Association Gilwell Park London E4 7QW
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	The Scout Association
DESCRIPTION OF PROPOSAL:	Residential building (International Staff Lodge) which includes social and service spaces and demolition of two maintenance buildings.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537370

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: FO-001, FO-002 ex, FO-002 pro, FO-100, HO -001, A3-101, A3-102, TCP_01, TPP_01.
- 3 Materials to be used for the external finishes of the proposed development, shall be as detailed on the submitted plans and particulars, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting and works to the proposed mound) 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 (including planting details included at section 5.3 of the submitted Ecological Survey). If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the

Local Planning Authority gives its written consent to any variation.

- 5 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.
- 6 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.
- 7 Prior to commencement of development details of bird and bat boxes shall be submitted to the Local Planning Authority for approval. The proposed boxes shall be installed on trees within the site prior to the site clearance.
- 8 No development shall take place until details of further bat and reptile survey works, as stated in para.5.1. of the Ecological Scoping Survey Report by Greenlink Ecology Ltd, accompanying this application, have been submitted to and approved in writing by the Local Planning Authority. If these surveys reveal that these protected species are likely to be affected, then before the development proposal commences on site, appropriate mitigation proposed shall be submitted to and approved in writing by the Local Planning Authority, including any timetable for mitigation to be carried out.

Reason: To minimise the impact on biodiversity at and within the vicinity of the proposed building.

This application is before this Committee since it is an application contrary to the provisions of an approved Development Plan, and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(a)) and;

Since it is an application for major commercial development (e.g. developments of significant scale and/or wide concern) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(c)).

Description of Site:

Gilwell Park Scout Association Headquarters covers a relatively large site area and is within the boundaries of the Metropolitan Green Belt. The wider site contains a large number of preserved trees. The wider site also includes a wide array of buildings which are in various uses associated with the use of the site as a scouting recreational facility. The focal building, The White House, is a listed building. The site is accessed off Daws Hill.

The site of the proposed building works is accessed along a tree lined drive which has buildings on either side (Wilson Way). This site is irregular shaped and contains two existing structures and is used as a maintenance yard. A maintenance building faces Wilson Way; this is an elongated structure which is generally low set. The site also contains a small, open sided, corrugated storage building. There are no preserved trees within the maintenance yard and it is covered in a loose stoned hardstanding. A grassed bund exists to the south west of the yard.

Description of Proposal:

The applicant seeks planning consent to construct a large accommodation building for volunteers with the Scout Association within the maintenance yard. The existing buildings in the yard area would be demolished and the yard's current use for maintenance purposes discontinued. The building would be part single part two storey with both sections joined by a single storey link.

The two storey element would measure approximately 28.0m wide by 12.0m deep with an eaves height of 5.0m and a ridge height of 8.6m. The single storey building would measure approximately 16.0m wide and would have a depth of 13.0m and a ridge height of 3.3m. Both sections would be joined by a single storey link 10.m x 9.0m with a ridge height of 2.9m.

The two storey section would be used as an accommodation unit with bedrooms over two floors. The single storey element would contain a "social" section housing a kitchen/dining area and T.V. room etc. The proposal suggests a mix of external materials in the proposed finish.

Relevant History:

There is an extensive history to the site the most relevant and recent being;

EPF/1000/01 - Outline application for replacing existing facilities with new and provision of new residential and ablution facilities. Grant permission (with conditions) - 07/11/2001.

EPF/1383/01 - Erection of replacement ablution block. Grant permission - 30/11/2001.

RES/EPF/0271/02 - Approval of details of residential blocks following outline permission EPF/1000/1. Grant permission – 27/07/12.

EPF/1475/07 - New single storey building to form dormitories for 60 people and meeting and ancillary areas. (Alterations to building approved in 2002). Grant permission with conditions - 09/10/2007.

EPF/0852/08 - Construction of a single storey accommodation lodge, providing overnight accommodation for 50 people in two self contained wings with a central communal facility and ancillary services. Grant permission with conditions – 19/06/08.

EPF/1284/10 - New ablution block for main camp site and extension/improvement of the existing car park area at main entrance to the site. Grant permission with conditions - 23/09/2010.

Policies Applied:

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

NC3 – Replacement of Lost Habitat

NC4 – Protection of Established Habitat

HC12 – Setting of a Listed Building

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

DBE9 – Loss of Amenity

U2A – Development in Flood Risk Areas

U3B – Sustainable Drainage Systems

CP1 – Achieving Sustainable Development Objectives

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

CP4 – Energy Conservation

CP5 – Sustainable Building

LL2 – Inappropriate Rural Development

LL10 – Adequate provision for Landscape Retention

LL11 – Landscaping Schemes
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking
RST1 – Recreational, Sporting and Tourist Facilities

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

SUMMARY OF REPRESENTATIONS:

1 neighbour consulted and site notice displayed – No replies received.

WALTHAM ABBEY TOWN COUNCIL: No Objection.

Issues and Considerations:

The main issues to consider is the site's location within the Metropolitan Green Belt and issues with regards to design, amenity, land drainage, highways, ecology and landscaping. The comments of consultees and national and local planning policy are other material considerations.

Green Belt Considerations

The site is within the Metropolitan Green Belt and both national and local policy outlines appropriate forms of development in such areas. This includes small scale buildings necessary for outdoor recreation. The use of the wider site is for outdoor recreation; however the proposed building could not be considered small scale. It is therefore considered that the use is technically inappropriate in a Green Belt location and therefore the applicant must demonstrate very special circumstances. This point is recognised by the applicant and a number of special circumstances have been put forward.

The applicant firstly states that there is a need to improve and upgrade the facilities on the site in order to increase the amount of volunteers that can use the site. The use of the site is laudable and offers an outlet for the recreational needs of local schools and youth organisations. The site generally makes a positive contribution to the community it serves. There is nothing to suggest that this application is not borne out of genuine need to improve the operations of the site. Gilwell Park, although containing quite a number of buildings, does keep a large tract of the Green Belt in open recreational use. It is therefore considered that the general principle of this development amounts to very special circumstances warranting a justifiable deviation from Green Belt policy.

Part of the building would be two-storey and would thus have the potential to harm the open character of the Green Belt. However the wider site is well screened by trees and vegetation and this would to some degree reduce impact. The maintenance yard is also relatively well screened and is part demarcated by a grassed bund to the south east. The plans include details to amend the bund to form a mound which would provide a further screen and this can be secured as part of the landscaping conditions which would be attached to any approved scheme. The single storey building would not appear particularly prominent from the surrounding countryside. The proposed design would not appear out of place in a Green Belt setting and is generally consistent with other buildings at the site. Therefore impact on the open character of the Green Belt would be to an acceptable level.

Design/Listed Building

The proposed building would be split over two levels which would reduce its bulk and scale somewhat. The use of differing materials, particularly at first and second floor level of the two storey building, would further reduce impact and provide some interest to the exterior finish. The use of appropriate materials for the external finish can be agreed by condition. The structure has very much been designed for its intended purposes and as such would appear suitable in design terms within the confines of an outdoor recreation site which receives relatively high numbers of visitors to accommodate. The building's purposes are functional, yet an attempt has been made to provide a good quality design in order to meet this functional need. It is therefore considered the design is acceptable. The proposed building is well separated from the listed building and would have no impact on its setting.

Amenity

The site is long established for use as a recreational facility, it covers a wide area, and as such there would be no impact on amenity.

Highways

Essex County Council Highways Section has no objection to the proposed development and it is not contrary to adopted local transport policies.

Land Drainage

The site is partly within the Epping Forest flood risk assessment zone and is of a size to avoid generating additional surface run off. The applicant is proposing to deal with surface water run off by sustainable drainage systems. Further details of this are required and this can be agreed by condition.

Sustainable Building

A number of sustainable construction methods are proposed including solar panels. The Local Planning Authority aims to promote such practices and as such this characteristic of the development is acceptable.

Tree Issues

An extensive survey and TPO was made at Gilwell in 2006. The Trees section of the Council are aware of the long term plans to develop in this area and consequently no TPO'd trees will be affected by this proposal. The submitted tree report clearly demonstrates that the proposal could be implemented without a detrimental effect on trees (given suitable protection) and there are no objections subject to conditions ensuring tree protection and further details of a landscaping scheme, including works to the bund.

Ecology Considerations

A full ecological survey of the site was carried out by Greenlink Ecology Limited on 29/03/12. The survey did identify evidence and/or potential for legally protected species to be present at parts of the site. Including bats, reptiles and breeding birds which could be impacted upon by the proposed works, if present. The recommendation was therefore for more survey work to be carried out for bats and reptiles to determine the requirement for mitigation measures in relation to these species. Mitigation measures are proposed with regards to the loss of the potential bird breeding habitat and enhancement measures are also proposed through new planting of native and non native species. The Countryside section of the Council therefore recommends that the application is

refused until further survey work has been carried out. Natural England have advised that if protected species are using the site then more survey work is likely to be necessary or that appropriate mitigation should be secured by condition.

The loss of the bird breeding habitat can be secured by advising the applicant that the proposed works should be carried out outside the bird breeding season (March – August). If this is not possible an experienced Ecological Clerk of Works should be consulted prior to the commencement of the works. The habitat enhancement can be secured as part of the landscaping condition which will be attached to any agreed scheme.

There is at least the potential for both reptiles and bats to be present at the site although this was not readily apparent during the site survey work. Both native reptiles and bats enjoy special protection under wildlife legislation and it is an offence to recklessly endanger or kill such species. However it is considered that the issue can be dealt with by suitable conditions and informatives. Bat boxes could be agreed by condition both on the proposed building and/or within the site on suitable trees. An informative can be attached to the planning permission advising the applicant of their duty to show care and consideration to all protected species which may be present at the site, during the construction phase of the development. The applicant has carried out the appropriate survey work and is aware of its findings and due diligence should be present when the site clearance work is carried out.

Conclusion:

The proposed development represents a proposal which is inappropriate in Green Belt terms. However the case for very special circumstances has been made and accepted. There are a number of merits with regards to the proposal, chiefly the benefits that the use of the site bring to the local community. There is some concern about the potential presence of protected species at the site but this can be mitigated by appropriate conditions and informatives. Therefore it is considered that the proposal is acceptable in planning terms and is recommended for approval with conditions.

N.B: An Area Plans West Committee approval will require the application to be heard before District Development Control Committee and subsequently the National Planning Casework Unit owing to the size of the proposal and the fact that it is classed as inappropriate Green Belt development.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

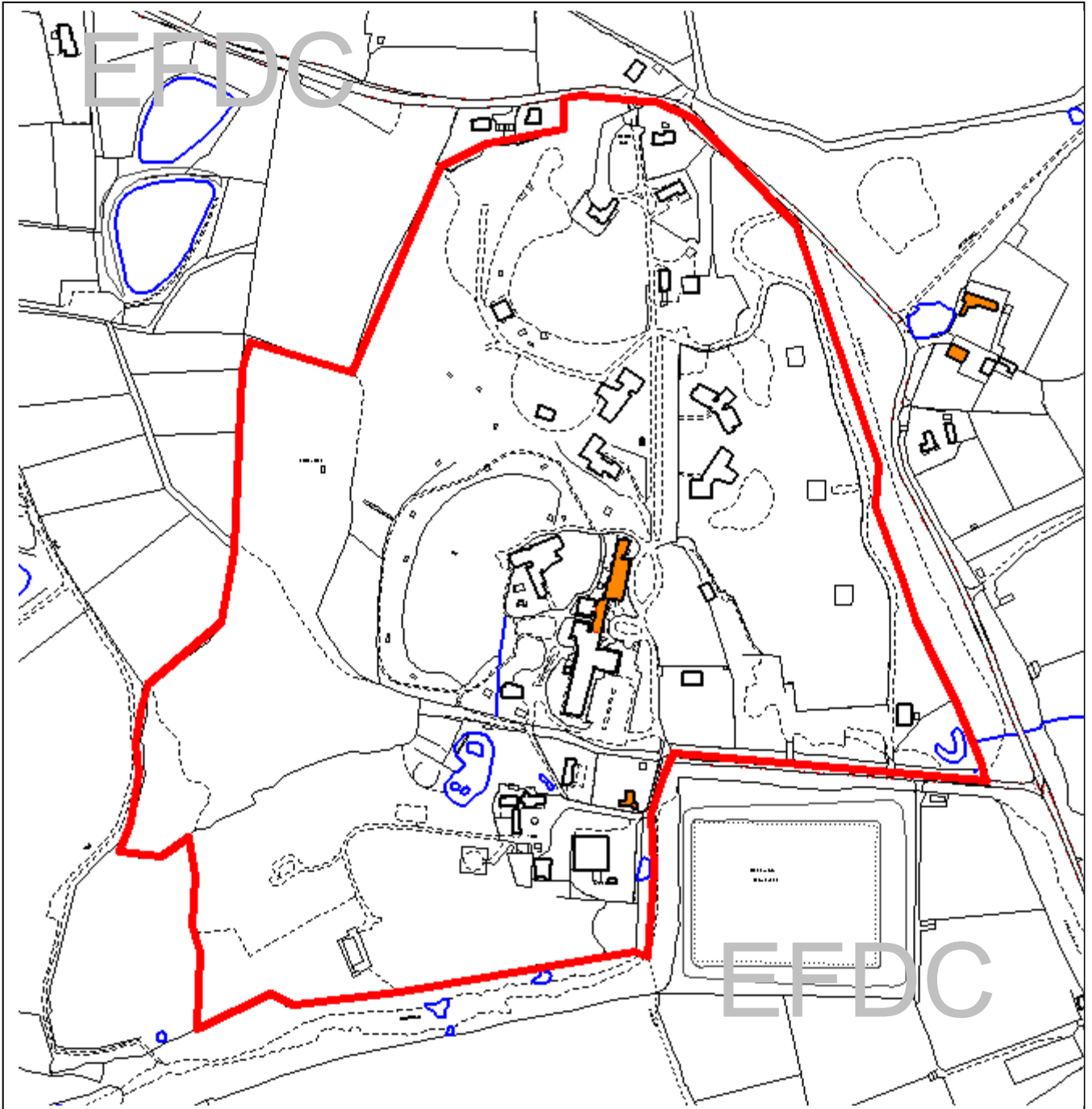
***Planning Application Case Officer: Dominic Duffin
Direct Line Telephone Number: 01992 56433***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	1
Application Number:	EPF/0899/12
Site Name:	The Scout Association, Gilwell Park London, E4 7QW
Scale of Plot:	1/5000

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Report to District Development Control Committee

Date of meeting: 3 October 2012

Subject: Planning Application ref EPF/1340/12 - Removal of condition 8 of planning permission EPF/2300/11. (Erection of replacement workshop and resurfacing existing yard) regarding position of fencing.- Brookside Garage, Gravel Lane, Chigwell



**Epping Forest
District Council**

**Officer contact for further information: Stephan Solon Ext 4018
Committee Secretary: Simon Hill Ext 4249**

Recommendation(s):

That planning permission be granted 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. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order with or without modification) no further buildings or extensions to existing buildings shall be erected (other than those expressly authorised by this permission).**
- 3. Within three months of the new building being erected, the existing workshop (shown cross-hatched on drawing no. JTS/7419/02) shall be demolished.**
- 4. The maintenance and repair of vehicles, including works associated with undertaking MOT's, shall not be undertaken in the open hard areas of the site as indicated as diagonally hatched on drawing no. JTS/7419/03.**
- 5. No construction works above ground level shall have taken place until documentary and photographic details 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.**
- 6. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.**
- 7. All construction/demolition works and ancillary operations, including vehicle movements on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.**
- 8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no works to erect, construct,**

improve or alter any gate, fence wall or other means of enclosure of the site adjacent to Gravel Lane permitted by virtue of Class A of Part 2 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

Report Detail:

1. This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g)). It is also before this Committee since the recommendation conflicts with a previous resolution of a Committee (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(i))

Description of Site:

2. The site as a whole covers an area of approximately 1.2 hectares of land and lies east of Gravel Lane, Chigwell. It operates as commercial premises, trading as Brookside Motor Garage. The premises form part of a small cluster of ribbon development along Gravel Lane and immediate neighbouring site Taylors Cottages, forms a row of residential properties. The site accommodates an existing rectangular workshop building and two detached brick buildings. There is a small trailer and an open timber shed further east into the site accessed across a narrow bridge. East of the site lies a large area of existing hardstanding used as open storage for motor vehicles. The site is within the Metropolitan Green Belt.
3. A fence with attached gate enclose the site boundary with Gravel Lane. The fence is chain-link supported by 6 slim steel posts. It is approximately 1m high. The gate is an open metal frame that is of the same height as the fence. Land levels on the site drop away gently from the carriageway.
4. Planning permission has been given to erect as replacement workshop building in a similar position to that existing on site, ref EPF/2300/11. The development has not been implemented. The decision to give planning permission was taken the Councils District Development Control Committee on 11 April 2012. In making its decision the Committee added conditions to those suggested by Officers. The additional conditions included a condition that sought measures to improve visibility splays at the entrance to the site, condition 8.

Description of Proposal:

5. It is proposed to remove condition 8 from planning permission EPF/2300/11
6. The condition states:

“Prior to commencement of development, the existing fencing at the front of the site shall be removed or set back from the carriageway edge by a minimum of 2.4 metres. Thereafter the 2.4m strip between the carriageway edge and the new fenceline shall remain clear of any obstruction to vision.”
7. The stated reason for the condition is:

“To improve sight lines when exiting the site in the interests of highway safety.”

Relevant History:

EPF/2300/11 . Erection of replacement workshop and resurfacing existing yard.
Approved on 11 April 2012 following consideration by the District Development Control Committee.

Policies Applied:

ST4 Road Safety

NPPF

Summary of Representations:

8. The occupants of 5 neighbouring properties were consulted but no response was received.
9. Chigwell Parish Council: The Council objects to the removal of condition 8 on the grounds it serves a highway safety purpose and improves aesthetics.

Issues and Considerations:

10. The main issue to be considered is whether or not the condition continues to meet the tests set out in Circular 11/95, i.e. that the condition is:
 - i. necessary;
 - ii. relevant to planning;
 - iii. relevant to the development to be permitted;
 - iv. enforceable;
 - v. precise; and
 - vi. reasonable in all other respects.
11. Condition 8 deals with matters relevant to planning. It is relevant to the development permitted insofar as the fence required to be removed or set back is adjacent to the access to the site off the highway. There is no question that the condition is enforceable and precise.

Need for the condition:

12. This heading concerns the planning merits of the proposal. The stated reason for attaching the condition solely related to the matter of highway safety. In the circumstances, notwithstanding the basis for the Parish Council's objection, the only planning issue to assess is the consequences of the proposal for the interests of highway safety. It is not open to the Council to give weight to the matter of design since that is not related to the stated reason for the condition.
13. Essex County Council as Highway Authority for the locality was consulted on the proposal. The advice of the Highway Authority is:
14. "The Highway Authority would not wish to raise an objection to this proposal subject to a mechanism that precludes the applicant from erecting a more solid boundary feature along the site frontage within 2.4m of the carriageway, further to the existing post and wire fence which, although far from ideal, can at least be seen through allowing some visibility along Gravel Lane."
15. Although the advice is clear, further discussion with traffic engineers giving advice for the Highway Authority has taken place to ensure it is clearly understood. In assessing the

proposal the engineers have given weight to the fact that the approved workshop building is a very similar size to that existing and consequently would not generate any additional vehicle movements to and from the site using the vehicular access. It is therefore concluded that since the proposal would be no more harmful than the existing situation, it is not necessary to require the removal or resiting of the existing fence in order for the approved development to take place. However, it is necessary to take steps to ensure the visibility at the vehicular access to the site is not made worse in the future.

16. In relation to future works, the only works that could take place without the need for planning permission from the District Council are the fixing of solid panels to the existing fence or the erection of a replacement means of enclosure up to 1m high. Such an enclosure could be a solid structure. It is open to the District Council to impose a condition on any planning permission given removing permitted development rights for such development. As a consequence any alteration or replacement of the fence would require planning permission and therefore come under the District Councils control. When assessing the merits of any such proposal the matter of highway safety would be a material consideration and the District will be able to resist any development harmful to that interest.
17. On the matter of necessity therefore, there is no need for the condition as set out since an alternative condition removing permitted development rights for the alteration of the existing fence or the erection of any replacement would properly deal with the matter of highway safety.

Reasonableness

18. Condition 8 deals with a planning matter that is relevant to the development. It would not impose an onerous requirement on the business operating from the site since the resulting loss of parking and turning area adjacent to the vehicular access as a consequence of compliance with the condition is offset by ample space available elsewhere on the site. The functioning of the business would not be seriously affected by compliance with the condition. However, since the matter of highway safety can properly be addressed by the imposition of a condition removing permitted development rights, compliance with which would be much less onerous than compliance with the existing condition, condition 8 is found to impose an unreasonable obligation on the business operating from the site.

Procedural Matters

19. It is open to the Council to impose a replacement condition removing permitted development rights as discussed above rather than agree the removal of condition 8 as proposed. In that case or in the case of any consent given to remove the condition it will be necessary to issue a decision repeating all other conditions on the planning permission since the consent will amount to a new planning permission for the approved workshop building.

Conclusion:

20. Since an alternative condition that would properly deal with the matter of highway safety could be imposed on the planning permission for the workshop condition 8 fails the tests of necessity and reasonableness. It is therefore recommended that consent be given subject to a replacement condition removing permitted development rights to alter or replace the means of enclosure of the application site on its boundary with Gravel Lane.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Stephan Solon

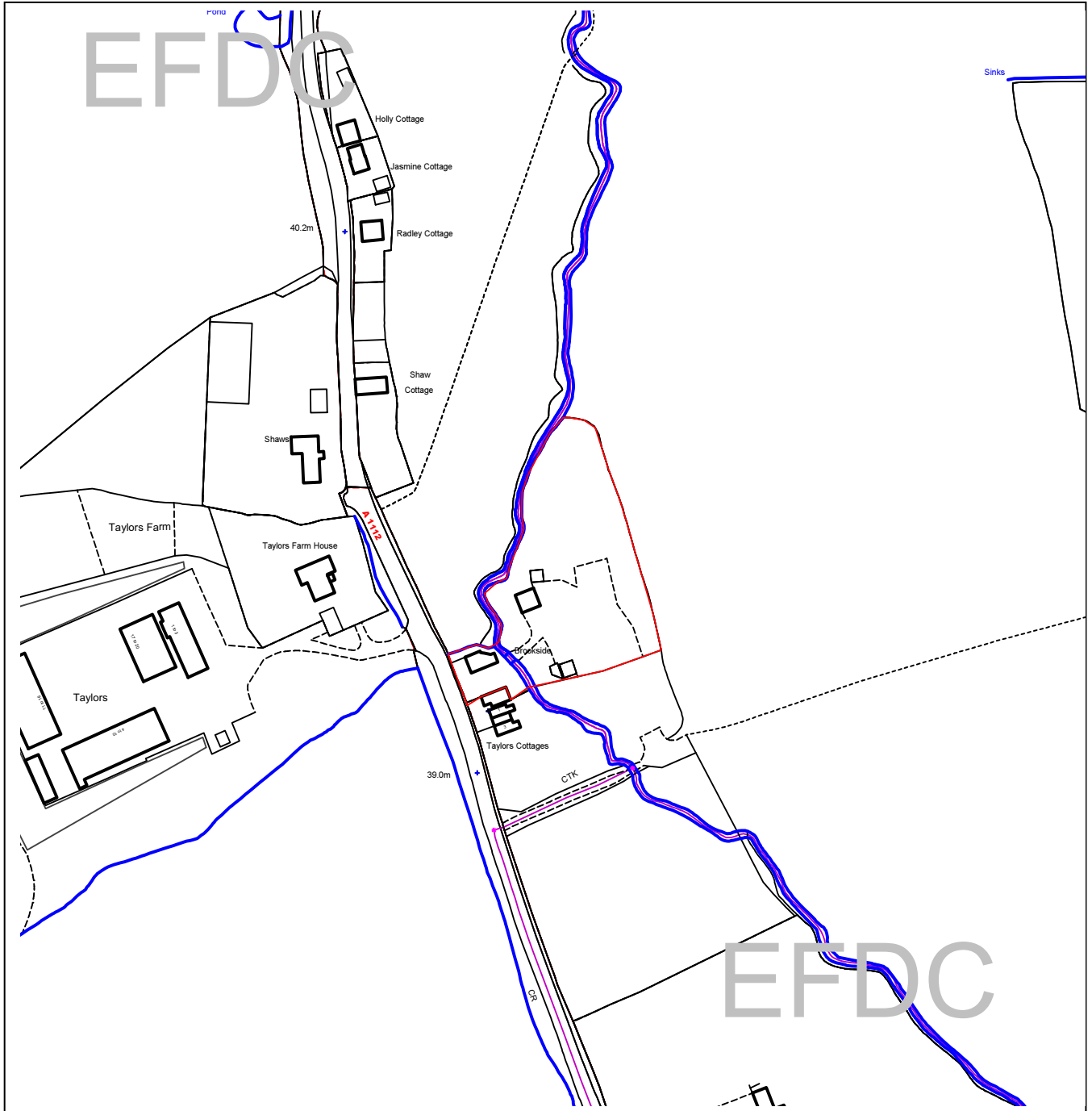
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Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	3
Application Number:	EPF/2300/11
Site Name:	Brookside Garage, Gravel Lane Chigwell, IG7 6DQ
Scale of Plot:	1/2500

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Report to District Development Control Committee



**Epping Forest
District Council**

Date of meeting: 3rd October 2012

Subject: Proposed Fieldes Lock Power Station, Ratty's Lane, Hoddesdon, Herts – Application for a Development Consent Order to the Planning Inspectorate (Ref: EN010046) for a Rail-Linked Power Station

**Officer contact for further information: Nigel Richardson (01992) 564110
Committee Secretary: S Hill Ext 4249**

Recommendation:

- (1) That the Committee consider the Council's response to the current consultation on an application for a Development Consent Order for the proposed Fieldes Lock Power Station; and**
- (2) That the Director for Planning and Economic Development be authorised to submit the response based upon the members views expressed at the meeting.**

Report Detail:

Introduction

1. (director of Planning and Economic Development) Veolia Environmental Services (UK) Plc (Veolia) has made an application for a Development Consent Order (DCO) to the Secretary of State for Energy and Climate Change, to construct and operate a rail-linked power station at land off Ratty's Lane in Hoddesdon, covering an area of approximately 5.6 hectares, currently occupied by an aggregates depot and rail siding owned by Lafarge. The proposed power station would have an electrical output capacity in excess of 50 Mega Watts (54.5 Mega Watts) and therefore falls within the definition of a "Nationally Significant Infrastructure Project" (NSIP). Such projects are not decided by the local planning authority, but by The Secretary of State via The Planning Inspectorate, who, after consultation and assessment, consider that the development is acceptable, would issue a Development Consent Order (DCO's).
2. Pre-application was carried out in two phases of public consultation and Epping Forest DC made comments at the time, particularly in regard of air quality, noise, visual impact and road traffic.
3. Local Authorities in whose areas applications for NSIP's are submitted are invited to produce a Local Impact Report (LIR). The Planning Act 2008 requires that the Examination Authority (and Secretary of State) must have regard to the LIR in determining applications for DCO's. However, before this is produced, there is an opportunity for those interested to make representations direct to the Planning Inspectorate between 17 September and 19 October 2012.

4. Whilst the site is all within the administrative area of Broxbourne Borough Council, it is close to the western boundary of Epping Forest District Council and comments can be made at this stage to the Planning Inspectorate, hence the purpose of this report.

Location

5. The site is adjacent the existing gas-fired Rye House Power Station and the West Anglia Main Line railway (London to Cambridge), within an existing industrial estate. The eastern side of the site is within a few metres of the River Lee and agricultural land, some of which is part of the Lee Valley Regional Park within the Green Belt area of Epping Forest District Council (EFDC). Road access is from an existing entrance from Ratty's Lane, which leads to the A10 via Essex Road and Dinant Link Road. There is also an existing road link off Ratty's Lane into Essex Road south into Dobbs Weir Road and therefore into Epping Forest DC.

6. The nearest residential property to the site is Lock Keepers Cottage, which lies approximately 20m from the eastern boundary beyond a lock on a channel of the River Lee, still within the administrative boundary of Broxbourne Borough Council, and properties in Glen Faba Road, in Epping Forest DC. Long term and visitor moorings are also present in the vicinity of the site.

Details of the Proposal

7. The proposed development will principally comprise infrastructure to receive, store and combust Solid Recovery Fuel (SRF). Veolia is seeking to build and operate the proposed development for two purposes:

- To manage residual waste
- To generate electricity, including electricity from renewable and low carbon fuel sources and gas for use in the UK

8. Veolia's intended primary source of SRF is from the North London Waste Authority Fuel Use Contract. However, Veolia is one of two bidders for this and therefore in order for the proposed development to be commercially viable in the event that Veolia does not win the contract, Veolia require a facility that can source SRF from a sub-regional area, in this case, Hertfordshire, Essex and North London.

9. On the site, this will consist of a main Power Station building, flue gas treatment equipment and air cooled condensers. It is designed to combust between 256,000 and 416,000 tonnes of Solid Recovered Fuel (SRF) in combination with natural gas, to produce electricity and heat. The application states that a minimum of 90% of the SRF will arrive to the site by rail (up to 2 x 22 wagon trains a day) from the redevelopment of existing on-site rail sidings and be unloaded by automated overhead cranes for the unloading of containers from trains. Up to 10% will be delivered by road from HGV's. To support the operation of the facility, the proposed development will also include electrical and gas connection infrastructure, site drainage, weighbridges, a gate house, traffic circulation roads, parking area and a storm attenuation pond, landscaping works including tree planting and retention of trees on the eastern boundary and temporary construction lay down area.

10. There will be one main building on the site, located on the northern half of the site, which will be metal-clad and polycarbonate recycled material for the exterior. It will be a maximum of 47m high, but predominantly 35m in height, 55m wide and 110m long. This will also include a Visitor Centre, and SRF storage bunker and automated crane system to move SRF onto the combustion process lines, a boiler house, turbine hall, weighbridges and an enclosed tipping hall for SRF to be received by road. Steel, matt light grey, twin exhaust

chimney stacks for the discharge of the cleaned flue gases will rise from the roof at a height of 85m above ground level and a lower height stack of 55m high (for discharge from the boiler), all with an external diameter of around 2.5m.

11. Soft landscaping for the site is in the main the retention of the majority of the existing group of trees on the eastern side (facing EFDC) and enhanced with new native woodland planting.

12. Other works outside the core site and part of the proposed development include upgrading of the site access road (Ratty's Lane).

13. The facility will be staffed by approximately 45 people and operate 24 hours a day, 7 days a week. It is expected that there will be up to 2 SRF deliveries by train a day from Monday to Saturday. Construction of the site is expected to take 30 months to complete with the facility expected to be ready for reception and processing of material in 2016.

National Policy Context

14. The government's response to the urgent national need for large scale new energy infrastructure (to be brought forward in the next 10-15 years) was to bring forward an amendment to the planning system, via the 2008 Planning Act and associated National Planning Statement on Energy. To deal with National Significant Infrastructure Projects, the Secretary of State must decide the application in accordance with any relevant national policy statement unless, among other matters, the adverse impact of the development would outweigh its benefits. National Policy Statement EN-1 (NPS EN-1) states that, along with the relevant technological specific NPS, EN-1 is the primary basis for decisions and should start with the presumption in favour of granting consent to applications for energy NSIPs. NPS EN-1 also recognises that in relation to the need for significant amounts of new large scale energy infrastructure, there will be some significant residual adverse impacts.

Local Policy Context – Epping Forest

15. Although the proposed development lies within Broxbourne Borough and Hertfordshire County, the proposed development would to some extent be viewed from this part of Epping Forest administrative area. The following policies from the Local Plan are therefore relevant:

- CP2 - seeks to protect and improve the quality of the rural and building environment.
- CP3 - expects the scale and nature of new development to be consistent with the principles of sustainability and respect the character and environment of the locality.
- CP4 - requires new development to incorporate principles of energy conservation.
- DBE1- buildings to respect their setting.
- DBE2 and DBE9- new buildings to not be detrimental upon the amenity or use of existing neighbouring or surrounding properties.
- RST24 – Development adjacent Lee Valley Regional Park to have regard to the importance of the park for leisure, recreation and nature conservation.

Veolia's case for The Proposed Development

1. It will have the capacity to generate 54.5MW of energy, including low carbon and renewable energy and will reduce the amount of waste landfilled and reliance on fossil fuel energy, thereby cutting greenhouse gases.
2. It will contribute to the management of residual waste through energy recovery either from North London or from the sub-regional area.

3. An assessment of potential alternative sites concludes that the Fieldes Lock Site to be an appropriate location in terms of least adverse environmental effects. It relies heavily on the proposed use of sustainable transport (rail), is within an existing industrial estate, adjacent to an existing power station, already has a road access and a planning permission allowing up to 200 (each way) heavy goods vehicles per day.
4. It proposes improvements to access arrangements to the River Lee tow path.

Planning Issues affecting Epping Forest District Council

16. There was two phases of consultation in 2011 and 2012 prior to the submission of this application. Whilst a significant number consulted considered this to be a suitable location, the local community raised concerns over the routing of HGV's, the visual impact of the facility (predominantly the impact of the increased height of the chimney stacks and the proposals for screening the site) and the potential impact on local air quality and human health. Officers of this Council raised similar concerns.

Vehicular Access and Traffic

17. Access has been the determining factor for locating the proposed development at this site. As already stated above, the majority of the SRF will arrive by rail from an existing siding within the site. It also benefits from having an existing road access which is being used by HGV's as part of Lafarge's aggregate operation.

18. HGV's will deliver SRF and materials to treat process emissions and will transport some residual material from the site for recycling and final disposal. The site though is close to the A10 approximately 3kms west of the site and the applicants state that this is the direction where HGV's will travel. During the operation of the power station, HGV traffic will be managed to occur outside of morning (8am-9am) and afternoon (5pm-6pm) peak hours. A Transport Assessment that forms part of the application concludes that there will be an overall reduction in total traffic associated with this site, comprising 32 fewer HGV movements per day and 4 more staff car movements per day in comparison to the existing use of the site.

19. For the construction phase, Veolia are proposing a Construction Travel Plan to ensure traffic will occur outside the peak morning and afternoon hours. Other measures proposed include Travel Plans to reduce the level of vehicular traffic, employment of local people where possible to reduce the need for long commutes, use of fully enclosed or sheeted vehicles to reduce the amount of dust and use of appropriate signage for all vehicles in line with a routing strategy.

20. Traffic levels on the local highway network should therefore not increase. However, there is a good possibility that HGV traffic could also travel south and then west into Dobbs Weir Road and hence along road routes within Epping Forest DC. 21. Local experience is that HGV traffic currently also use this route and has been a source of nuisance to residents along Dobbs Weir Road in area of the district where there is not only the Broxbourne Industrial Estate but also glasshouse and industrial businesses that generate their own associated traffic movements. Concerns have been raised that there are no measures to stop HGV's ignoring the road weight limit at Dobbs Weir and how will Veolia ensure that HGV's will use the correct route to the A10?

22. Veolia have taken these concerns into account and state that they will monitor and enforce the route and take action. Training will be given to drivers to ensure they understand the reasoning behind the agreed routes, such as minimising disturbance to local residents. They will use Automated Number Plate recognition (ANPR) to control vehicular entry and

therefore have number plate details and times of all vehicles using the facility so that they can monitor the situation. If vehicles associated with the facility are reported to be using the Dobbs Weir bridge or other unauthorised routes Veolia will warn the drivers and the driver's employers that they are not complying with contract. Sanctions against companies whose drivers disregard routing agreements are yet to be defined in supply contracts but Veolia is confident in its ability to insist on suppliers using agreed routes.

23. A Draft Development Consent Order has been submitted as part of the application and includes suggested conditions to be attached requiring a Construction Traffic Management Plan (covering routing, signage, notices, daily movements of HGV's), hours of operation, travel plan, no more than 10% of waste be delivered by road and not exceed 46 HGV movements a day.

24. In addition, the supporting documents include a statement on proposed Heads of Terms for an agreement pursuant to s106 of the town and Country Planning Act 1990. This includes among other matters prevention of HGV's from using Dobb's Weir bridge route as well as provision of signage (showing pedestrian crossing) where a public footpath meets Essex Road and continues into the Lee Valley Regional Park. Furthermore, the agreement states that a Community Liaison Group, which has been set up (and currently includes District Cllr Bassett and Cllr Mary Sartin as well as representatives of Roydon Parish Council and Nazeing Parish Council) will continue to be convened and hosted by Veolia during the operational life of the development.

25. It would appear, to an extent, therefore that this issue has been addressed and measures would be put in place to limit the impact of HGV movements on the local road network in this part of Epping Forest DC. However, it should be noted that whilst an ANPR would be provided at the site, the previously suggested ANPR camera on Dobbs Weir Road is not part of the statement on the Heads of Terms. The benefit of this would be to capture any HGV movement whether or not part of the application site. Further discussions should therefore take place with the relevant Highways Authority on this provision and monitoring.

Amenity - Visual Impact

26. The site is enclosed by the existing structures of the surrounding industrial estate and mature trees and other vegetation. Direct views of the site from Epping Forest are possible from the area of the Lee Valley Regional Park, the public right of way tow-path alongside the River Lee and further afield from more distant elevated locations of Nazeing and Roydon. Whilst the main building will be more visible, it will be against the backdrop of neighbouring large-scale industrial buildings to the east where the built-up area to the west meets the more rural area and Green Belt to the east at this point.

27. The accompanying Environmental Statement does recognise that three properties at Glen Faba and Fieldes Lock will be visually affected, but these already have views of Rye House power station in the same direction.

28. The retention and addition of landscaping would help to reduce the impact of the new building, though it will do little to hide the proposed high chimney stacks. These will be higher, though slimmer, than the chimneys on the adjacent power station site and therefore visible across the landscape from the south and east. However, officers do not consider this will cause harm over the long distant views and the design of the proposal has been endorsed by the Design Council CABE (Commission for Architecture and the Built Environment).

Amenity – Noise

29. The issue of the impact of noise from the development has been considered in detail and a number of operational noise mitigation measures included in the design to meet target noise levels by at least 5dB, to allow for the possibility that noise from the site may have a tonal character for which an acoustic feature correction of +5db may be added to any noise assessment. Although we can be confident that operational noise has been considered in detail and will be minimised by design, it has been conceded that "until the facility is built and operational, no guarantees can be given".

30. The draft DCO does include conditions on hours of operation and approval for noise management.

31. The actual development and future decommissioning of the site may also cause some noise and vibration, but the impact is likely to be within normal parameters, of a limited duration, that can be adequately controlled by additional powers if necessary, and therefore is not considered to be significant issue with regard to the consent for the development.

Air Quality

32. Neither Epping Forest District Council nor the Borough of Broxbourne Council is the organisation that would be granting the Environmental Permit for Fieldes Lock Power Station. The responsibility for granting and enforcing any Environmental permit lies firmly with the Environment Agency. The Local Authorities would however retain their duties to review and assess air quality and to investigate for statutory nuisance.

Impacts on air quality in the Epping Forest District from stack emissions:

33. The Development Consent Order application indicates that the Environment Agency agrees the pollution control approach proposed by the applicant. This would indicate that the Secretary of State is unlikely to refuse the application on the basis that the any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted.

34. The Development Consent Order application indicates that the potential releases should be adequately controlled under the pollution control framework (however this decision is for the Environment Agency, not Epping Forest District Council).

35. It also indicates that the project should not lead to any substantial change in air quality, either as a standalone project or when considering the cumulative impacts of other local pollution sources. The key findings of the dispersion modeling assessment are that there will be no significant impacts from process emissions on sensitive human receptors from the Proposed Development either alone or in combination with emissions from the existing Rye House Power Station and the planned Trent Developments Sustainable Energy Facility.

Impacts on air quality in the Epping Forest District from vehicle exhaust:

36. The Development Consent Order application indicates that traffic routes are via Essex Road, not Dobbs Weir Road.

Impacts on air quality in the Epping Forest District from site odour:

37. The Development Consent Order application indicates that the potential for odour annoyance from the project is considered minimal.

38. The statement is based on the containment of waste prior to tipping in the proposed tipping hall, and the constant presence of a slight negative pressure in the tipping hall at all times. This is caused by the airflow required to feed the combustion process, and the combustion process should then destroy the odorous compounds.

39. In summary on this point, there appears to be no significant impact on air quality in Epping Forest District.

Conclusion

40. This is a significant development on the edge of our district for the Planning Inspectorate to assess and determine. However, there has been considerable pre-application consultation taken place in two phases, including the setting up and retention of a Community Liaison Group, which has two EFDC district councillors as its members.

41. There will be a visual impact given the scale of the development and prominence of the chimney stacks at such a height, however, the current thicker chimney stacks on the adjacent site are visible across medium and long distance views and the proposals will be lighter in colour and finish.

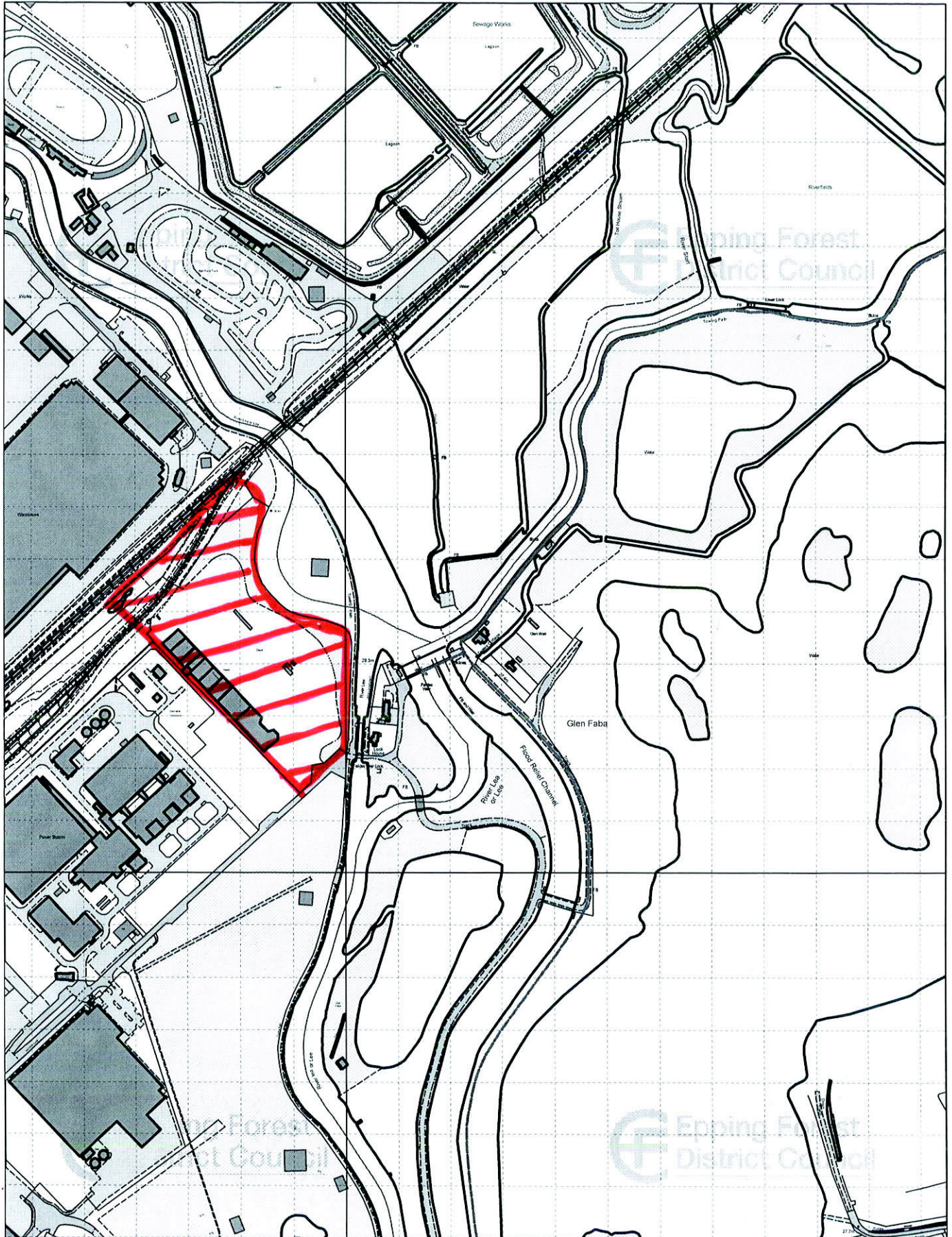
42. Concerns over associated HGV traffic into Dobbs Weir Road appears to be addressed in the application submission and suggested terms of the s.106 agreement and conditions.

43. There are a small handful of residential properties on Epping Forest DC side which will be affected, mainly by the visual outlook, but it is against the backdrop of existing industrial buildings and landscaping is proposed to be retained and added to.

44. Lee Valley Regional Park Authority have also been engaged in the consultation process and will no doubt respond to the Planning Inspectorate in respect of nature conservation and recreational matters.

45. Members are asked to consider the proposals and provide guidance to officers in order that a formal response can be made to the consultation.

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Epping Forest District Council
 Planning Services
 Civic Offices
 High Street
 Epping CM16 4BZ

SITE AREA 

Centre X: 539124.043
 Centre Y: 209153.415
 Width : 900.000
 Angle : .000

Scale : 1:5000

Date : 20 Sep 2012

Time : 04:01:45 PM

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Report to District Development Control Committee

Date of meeting: 3rd October 2012

Subject: Planning Application EPF/1907/10 Land rear of Oakley Hall, Hoe Lane, Nazeing. Demolition of Glasshouse and sundry structures and erection of 50 bed care home with associated ancillary parking and landscaping - Extension of time to enable completion of section 106 agreement.



**Epping Forest
District Council**

**Officer contact for further information: Jill Shingler (01992) 564106
Committee Secretary: S Hill Ext 4249**

Recommendation:

That an extension of time be approved to allow a further 3 months from the date of this meeting for the completion of the s106 agreement, previously required, to enable Planning Application EPF/1907/10 to be granted subject to the conditions set out in the minutes of the District Development Control Committee Meeting of 5 April 2011.

Report Detail:

1. Planning application EPF/1907/11 for a 50 bed care home at Oakley Hall, Hoe Lane, Nazeing was considered by this Committee in April of 2011 and a decision was made to grant consent for the development subject to conditions and subject to the completion of a legal agreement under s106 of the Town and Country Planning Act within 6 months of the resolution.
2. The agreement requires the following:
 - (a) £25,000 to Nazeing Parish Council for community improvements payable in five annual £5,000 instalments:
 - (b) An initial payment of £40,000.00 to the West Essex Primary Care Trust, followed by 5 annual payments of £5,000 resulting in an additional provision for a further £25,000
 - (c) £3,000 to Essex County Council to monitor the submitted travel Plan:
 - (d) £140 to Essex County Council to provide 4 x "Slow "markings on Hoe Lane.
 - (e) Implementation of an onsite, ecological enhancement scheme to accord with approved submitted particulars or by way of contribution of funds towards enhancements; and
 - (f) A clause stating, "The home will give priority to residents within Epping Forest District prior to admission. Local residents of Nazeing will be offered a 10% discount for private fees and top up fees during the first five years of operation of the home"

3 The applicant was unable to complete the legal agreement within the 6 months allotted, despite their best efforts, due to issues relating to the changing ownership of the land. An extension of time was requested and a 3 month extension was agreed by DDCC at the meeting in December 2011. However the applicant was not ready to proceed within that time limit. The applicant still wishes to proceed but one of the mortgagee's (Halifax) will not sign the S106 agreement so as to bind its interest in the land. However the landowners and one of the mortgagees are ready to progress the S106 on the basis that the Halifax is no longer a party to the S106- so its interest will no longer be bound- by paying the commuted PHCT lump sum of £40,000 on signing the agreement, the balance can then be paid in similar terms to that set out above.

4. By making this payment up front, which the Council would hold in an interest bearing account pending the development being commenced, the Council would be at less risk should the Halifax go into possession. There would still be a risk to the remaining balance but once the development commences as each year passes the value of the outstanding payments would be reduced.

5. The revised agreement has been drafted and the wording accepted by the Councils' senior lawyer. The applicant has advised us that on the basis of the above they are now at a point where the Agreement can be executed with the Council by the 3rd of November 2012. A draft of the revised agreement is attached for information.

Conclusion

6. Officers are of the view that there has been no significant change in circumstances since the original decision of the Committee and that assuming members are in agreement with the exclusion of Halifax from the agreement as set out above an extension of time of up to 3 months to enable satisfactory completion of the Legal Agreement is an appropriate course of action. Whilst it is expected that the agreement will be completed within one month, three months is requested to cover any unforeseen circumstances.

7. Member agreement is therefore required for an extension of the timescale to enable completion of the agreement and prevent the need for the submission of a new planning application and to enable the development to go ahead in accordance with the details previously agreed as acceptable.

DATED

2012

EPPING FOREST DISTRICT COUNCIL

and

SUSAN ESTHER WHALEY

and

NICHOLAS BONE

and

BARCLAYS BANK PLC

and

OAKLAND PRIMECARE LIMITED

**Planning Obligation by Deed of Agreement under Section
106 of the Town and Country Planning Act 1990**

relating to the development Land at Hoe Lane, Nazeing, EN9
2RN

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The Owner's Covenants with the Council

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Council's Covenants

DATE

2012

PARTIES

- (1) **EPPING FOREST COUNCIL** of High Street, Epping, Essex CM16 4BZ (“Council”)
- (2) **SUSAN ESTHER WHALEY** of Oakley Hall, Hoe Lane, Nazeing, Waltham Abbey, Essex En9 2RN (“First Owner”)
- (3) **NICHOLAS BONE** of Prospect House, Hoe Lane, Nazeing, Essex EN9 2RG (“Second Owner”)

- (4) **BARCLAYS BANK PLC** of UK Banking Service Centre, PO Box 299, Birmingham B1 3PF (“the Mortgagee”)
- (5) **OAKLAND PRIMECARE LIMITED** (Company number 06727108) whose registered office is at 505 Pinner Road Harrow HA2 6EH (“Developer”)

INTRODUCTION

- 1 The Council is the local planning authority for the purposes of the Act for the area in which the Site is situated.
- 2 The First Owner is the freehold owner of a part of the Site as shown edged red (“the Red Land”) on the plan annexed hereto.
- 3 The Second Owner is the freehold owner of a part of the Site shown edged green (“the Green Land”) on the plan annexed hereto.
- 4 The Developer is proposing to develop a Care Home on a part of the Red Land and a part of the Green Land.
- 5 The Bank of Scotland plc holds a First Charge over the Red Land
- 6 The Mortgagee holds a Charge over the Red Land.
- 7 Oakland Healthcare Limited (Company number 05979087) acting as agent on behalf of Sav Atkar owner of the Developer submitted the Application to the Council and the parties have agreed to enter into this Deed in order to secure the planning obligations contained in this Deed.
- 8 The Council has resolved to grant the Planning Permission subject to the prior completion of this Deed.

NOW THIS DEED WITNESSES AS FOLLOWS:

OPERATIVE PART

1 DEFINITIONS

For the purposes of this Deed the following expressions shall have the following meanings:

“Act”	the Town and Country Planning Act 1990(as amended)
“Application”	the application for full planning permission dated 13 September 2010 submitted to the Council for the Development and allocated reference number EPF/1907/10
“Care Home”	the care home to constructed on the Site in accordance with the Planning Permission

“Commencement of Development”	the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for the purposes of this Deed and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and “Commence Development” shall be construed accordingly.
“Deed”	this deed
“Development”	the Development of the Site by the Demolition of derelict glasshouse and sundry structures and the erection of a 50 bed care home with associated parking and landscaping as set out in the Application
“Ecological Sum”	the sum of ONE THOUSAND FIVE HUNDRED POUNDS (£1500.00) to be used by the Council for ecological enhancement works within the Nazeing Triangle Local Nature Reserve
“First Occupation”	means the occupation of the Care Home by its first Resident.
“Highway Contribution”	the sum of ONE HUNDRED AND FORTY POUNDS (£140.00)
“Index”	All Items Index of Retail Prices issued by the Office for National Statistics.
“Instalment NHS Payments”	the sum of TWENTY FIVE THOUSAND POUNDS (£25,000.00) to be paid in five equal instalments
“Lump Sum NHS Payment”	the sum of FORTY THOUSAND POUNDS (£40,000.00)
“Nazeing Parish Council Payment”	the sum of TWENTY FIVE THOUSAND POUNDS (£25,000.00) being a contribution towards community projects within the Nazeing Parish Council administrative area
“NHS”	NHS West Essex Primary Care Trust of Spencer Close, 4 St Margaret’s Hospital, The Plain, Epping, Essex CM16 6TN or any successor organisation carrying out similar functions

“Occupation” and “Occupied”	occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations.
“Plan”	the plan attached to this Deed
“Planning Permission”	the outline full planning permission subject to conditions to be granted by the Council pursuant to the Application as set out in the Second Schedule.
“Site”	together the Red Land and the Green Land against which this Deed may be enforced
“Travel Monitoring Fee”	the sum of THREE THOUSAND POUNDS (£3000.00)

2 CONSTRUCTION OF THIS DEED

- 2.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise.
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.6 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council the successor to its statutory functions.

3 LEGAL BASIS

- 3.1 This Deed is made pursuant to Section 106 of the Act and Section 111 of the Local Government Act 1972

3.2 The covenants, restrictions and requirements in this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority

4 CONDITIONALITY

This Deed is conditional upon:

- (i) the grant of the Planning Permission; and
- (ii) the Commencement of Development

save for the provisions of Clauses 7.1 14 and 15 and legal costs clause jurisdiction and delivery clauses and Paragraph 1 of the Third Schedule and any other relevant provisions which shall come into effect immediately upon completion of this Deed.

5 THE OWNER'S COVENANTS

5.1 The First Owner and the Second Owner jointly and severally covenant with the Council as set out in the Third Schedule.

6 THE COUNCIL'S COVENANTS

6.1 The Council covenants with the First Owner the Second Owner and the Developer as set out in the Fourth Schedule.

7 MISCELLANEOUS

7.1 The Developer shall pay to the Council on completion of this Deed the reasonable legal costs of the Council incurred in the negotiation, preparation and execution of this Deed.

7.3 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999

7.4 This Deed shall be registrable as a local land charge by the Council.

7.5 Where the agreement, approval, consent or expression of satisfaction is required by the First Owner or the Second Owner from the Council under the terms of this Deed such agreement, approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed

And any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party.

7.6 Following the performance and satisfaction of all the obligations contained in this Deed the Council shall forthwith effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.

7.7 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.

7.8 This Deed shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of the First Owner and the Second Owner) it is modified by any statutory procedure or expires prior to the Commencement of Development.

7.9 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Site but without prejudice to liability for any subsisting breach arising prior to parting with such interest.

7.10 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.

8 MORTGAGEE'S CONSENT

8.1 The Mortgagee acknowledges and declares that this Deed has been entered into by the First Owner with its consent and that the Red Land shall be bound by the obligations contained in this Deed and that the security of the mortgage over the Red Land shall take effect subject to this Deed PROVIDED THAT the Mortgagee shall otherwise have no liability under this Deed unless it takes possession of the Red Land in which case it too will be bound by the obligations as if it were a person deriving title from the First Owner.

9 WAIVER

No waiver (whether expressed or implied) by the Council or the First Owner or the Second Owner of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council or the First Owner or the Second Owner from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

10 CHANGE IN OWNERSHIP

The First Owner and the Second Owner agree with the Council to give the Council immediate written notice of any change in ownership of any of its interests in the Site occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan.

11 INDEXATION

Any sum referred to in the Third Schedule shall be increased by an amount equivalent to the increase in the Index from the date hereof until the date on which such sum is payable.

12 INTEREST

If any payment due under this Deed is paid late, interest will be payable from the date payment is due to the date of payment at the National Westminster Bank base rate

13 VAT

All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

14 JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England and Wales.

15 DELIVERY

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

FIRST SCHEDULE

The First Owner's Title

ALL THAT LAND known as Oakley Hall, Hoe Lane, Nazeing, Waltham Abbey EN8 2RN as the same is registered at the Land Registry under title number EX673127 of which the Red Land forms part.

The Second Owner's Title

ALL THAT LAND known as Prospect House, Hoe Lane, Nazeing, Waltham Abbey EN8 2RG as the same is registered at the Land Registry under title number EX693523 of which the Green Land forms part.

SECOND SCHEDULE

[Form of notice of planning permission annexed hereto]

THIRD SCHEDULE

The First Owner and the Second Owner Covenant with the Council as follows:

1. To serve on the Council:
 - 1.1 not less than 1 month prior to Commencement of Development a notice stating the expected date of Commencement of Development and
 - 1.2 not less than 1 month prior to First Occupation a notice stating the expected date of First Occupation
2. Not to Commence Development until the Lump Sum NHS Payment has been paid to the Council
3. To pay the Lump Sum NHS Payment to the Council on or prior to the date hereof
4. To pay to the Council the Instalment NHS Payments payable by five annual instalments each of FIVE THOUSAND POUNDS (£5,000.00) the first instalment to be paid twelve months after the payment of the Lump Sum NHS Payment and the four subsequent instalments each to be paid on the respective anniversary of the date of the first payment
5. To pay to the Council the Nazeing Parish Council Payment by five annual instalments each of FIVE THOUSAND POUNDS (£5,000) the first instalment being made to the Council within 30 days of First Occupation of the Care Home constructed on the Site and four subsequent instalments each to be paid on the respective anniversary of the date of the first payment
6. To pay to the Council the sum of THREE THOUSAND POUNDS (£3,000) in respect of a Travel Plan Monitoring Fee prior to First Occupation
7. To pay to the Council prior to First Occupation the Highway Contribution for the cost of providing 4 X "SLOW" road markings on the highway known as Hoe Lane EN9

8. In the event that the on site enhancements sought under Condition 6 of the Planning Permission are not provided prior to First Occupation to pay to the Council the Ecological Sum within 28 days of First Occupation
9. That in respect of admissions to the Care Home to give priority to residents who prior to admission lived within the Epping Forest District Council administrative area and residents who prior to admission lived within the Nazeing Parish Council administrative area will be offered a 10% discount for private fees and top up fees during the first five year of operation of the Care Home.

FOURTH SCHEDULE

Council's Covenants

Obligation to make payment to Third Parties

- 1 The Council covenants with the First Owner, the Second Owner and the Developer that on receipt by the Council of the Lump Sum NHS Payment the Instalments NHS Payment the Nazeing Parish Council Payment the Council will deal with such payments as follows:-
 - 1.2 to pay the Lump Sum NHS Payment to the NHS within 30 days of the Commencement of Development
 - 1.3 to pay to the NHS the five annual instalments in the sum of FIVE THOUSAND POUNDS (£5,000) each within 30 days of the receipt of the annual Instalments NHS Payment.
 - 1.4 to pay the Nazeing Parish Council Payment to Nazeing Parish Council within 30 days of receipt of each payment
 - 1.5 in the event that the Planning Permission is quashed revoked or expires prior to Commencement of Development the Council shall pay back the Lump Sum NHS Payment and any instalment of the Instalment NHS Payments which have been paid to the Council in accordance with the terms of this Deed to the person who made the payment

Use and Repayment of other contributions

- 2 The Council hereby covenants to place all sums received under the terms of this Deed into an interest bearing account when received and to use the same for the purposes specified in this Deed for which they are to be paid or for such other purposes for the benefit of the Development as the Developer and the Council shall agree.
- 3 The Council covenants with the Developer that it will pay such amount of the Nazeing Parish Council Payment the Travel Plan Monitoring Fee and the Highway Contribution made by to the Council under this Deed which have not been expended or committed to be spent in accordance with the provisions of this Deed to the person or body which made the payment within ten years of the date of receipt by the Council of such payment together with interest for the period from the date of payment to the date of refund.
- 4 The Council shall provide to the Developer such evidence, as the Developer shall reasonably require in order to confirm the expenditure of the Nazeing Parish Council Payment the Travel Plan Monitoring Fee the Ecological Sum and the Highway Contribution sums paid by the Developer under this Deed.

Discharge of obligations

5 At the written request of the Developer the Council shall provide written confirmation of the discharge of the obligations contained in this Deed when satisfied that such obligations have been performed.

The Common Seal of **EPPING**)
FOREST DISTRICT COUNCIL)
was hereunto affixed in the)
presence of:)

Attestation Officer

Executed as a deed by)
OAKLAND PRIMECARE LIMITED)
acting by a Director)
in the presence of :-)

EXECUTED as a deed by)
SUSAN ESTHER WHALEY)
in the presence of :-)

EXECUTED as a deed by)
NICHOLAS BONE)
in the presence of :-)

EXECUTED as a deed by
BARCLAYS BANK PLC