

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 26 June 2013
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 10.05 pm
High Street, Epping

Members Present: J Wyatt (Vice-Chairman), A Boyce, J Hart, Ms H Kane, Ms Y Knight, R Morgan, J Philip, Mrs C Pond, D Stallan, G Waller and J M Whitehouse

Other Councillors:

Apologies: B Sandler, C Finn, Mrs S Jones, J Knapman and J Markham

Officers Present: A Hall (Director of Housing), N Richardson (Assistant Director (Development Control)), S G Hill (Senior Democratic Services Officer) and A Hendry (Democratic Services Officer)

VICE CHAIRMAN IN THE CHAIR

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. APPOINTMENT OF VICE CHAIRMAN FOR THE MEETING

Resolved:

That Councillor J Philip be appointed Vice Chairman for the duration of the meeting.

3. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor G Waller was substituting for Councillor B Sandler and Councillor D Stallan was substituting for Councillor J Knapman at the meeting.

4. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors A Boyce and R Morgan declared a non-pecuniary interest in the following items of the agenda by virtue of being knowing the applicant/objector. The Councillors had determined that their interest was not prejudicial and that they would remain in the meeting for the consideration of the applications and voting thereon:

- Item 15 – Appealed Planning Applications at New House Farm, Little Laver Road, Moreton

(b) Pursuant to the Council's Code of Member Conduct, Councillor K Avey declared a non-pecuniary interest in the following item of the agenda. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the applications and voting thereon:

- Item 13 - EPF/0696/13 – R/O 8 Margaret Road, Epping

5. MINUTES

Resolved:

That the minutes of the meeting held on 27 March 2013 be taken as read and signed by the Chairman as a correct record.

6. ANY OTHER BUSINESS

It was noted that there was no further business to be transacted at the meeting save that published in the agenda.

7. DETERMINATION OF APPLICATIONS TO MODIFY, REMOVE OR DISCHARGE AFFORDABLE HOUSING OBLIGATIONS - GROWTH AND INFRASTRUCTURE ACT 2013

The Committee considered a report which sought to delegate to officers authority to change affordable housing obligations previously agreed as part of planning permissions through section 106 agreements, following a request from an applicant to modify, remove or discharge the obligations. The Council was under a requirement to determine such requests within 28 days of receipt.

The Committee approved the proposals but asked that when changes were proposed, local ward members be consulted in addition to the Chairman of the relevant Area Plans Subcommittee.

Resolved:

(1) That the provisions of the Growth and Infrastructure Act 2013, relating to the new ability for developers to apply to have previously-agreed affordable housing obligations within signed Section 106 agreements modified, removed or discharged, together with the resultant implications for the Council, be noted;

(2) That the Act's requirement for the Council to determine such applications and issue its formal Determination Notice within 28 days of request be noted;

(3) That authority be delegated to the Director of Housing to determine applications received under Section 7 of the Growth and Infrastructure Act 2013 to modify, remove or discharge affordable housing obligations, subject to:

(a) Prior consultation with the Director of Planning and Economic Development; the Chairman (or in his/her absence, the Vice-Chairman) of the relevant Area Plans Sub-Committee and local ward members; and

(b) Details of the application and the resultant Determination being reported in the following issue of the Council Bulletin; and

- (4) That applicants be required to meet the Council's full costs in appointing a consultant to validate their revised affordable housing proposals.

8. PLANNING PERMISSION EPF/1400/2004 - DEVELOPMENT AT ST JOHNS SCHOOL, EPPING - FURTHER DEED OF VARIATION TO UNILATERAL UNDERTAKING REGARDING AFFORDABLE HOUSING REQUIREMENTS

The Committee noted that following a planning appeal in 2006, the Planning Inspectorate had granted outline planning permission for the demolition of St. Johns School, Epping and the construction of a new secondary school and residential development. Subsequently, in 2009, the Council approved the Reserved Matters application (EPF/0585/09) for the demolition of the School, the construction of the new school and the development of 149 dwellings (including 38 affordable homes – in accordance with the Outline Planning Permission).

In 2011, the District Development Control Committee agreed that the Council should enter into a Deed of Variation to the Unilateral Undertaking, to allow Affordable Rents (with rents of up to 80% of market rents, including service charges) to be charged instead of Social Rents, in accordance with Government policy.

The developer's solicitor had requested that, in order to safeguard their client, the Council entered into a Deed of Variation to confirm the minor changes to the original Unilateral Undertaking that have been agreed in principle or have come about through the passage of time. These changes related to the actual mix of the affordable housing element, allowing some units not to meet the Homes and Communities Agency's Housing Quality Indicators; and to allow the Housing Association and developer to negotiate and complete the purchase of the affordable units on the site at a sum other than the maximum of build cost.

These changes were approved by the Committee.

Resolved:

That the Council enters into a further Deed of Variation to the Unilateral Undertaking with the applicant in respect of the planning permission granted for the demolition of St. Johns School, Epping and the construction of a new secondary school and residential development, in order to assist with the delivery of the affordable housing, specifically:

- (1) The confirmation of the actual proposed mix of affordable housing within the deed agreed with the Director of Housing; and
- (2) The agreement that some of the individual shared ownership units do not meet the Homes and Communities Agency's Housing Quality Indicators (HQI's); and
- (3) That the Housing Association and developer be allowed to negotiate and complete purchase of the affordable units on the site at a sum other than the maximum of build cost.

9. SAINSBURY'S DEBDEN STORE, TORRINGTON DRIVE, LOUGHTON - VARIATION OF SECTION 106 LEGAL AGREEMENT TO PLANNING PERMISSION EPF/0620/00 IN RESPECT OF HGV DELIVERY VEHICLES MOVEMENT ROUTING RESTRICTIONS

The Committee were asked to consider a request by Sainburys PLC to vary a Section 106 Agreement to enable deliveries to their Debden store from the Waltham Point Distribution Centre via the A121 and A1168. This request had been made as a result of the Council approving a revised road layout which restricted which direction lorries could deliver to the store.

The Committee noted that a judicial review of the Council's decision which included the revised road layout scheme was due to be heard on 1 August 2013.

The Committee considered that the application should be approved as the retention of the store for Debden was important.

Resolved:

(1) That the Director of Planning and Economic Development/Director of Corporate Support Services be authorised to enter into a variation to the Section 106 Legal Agreement relating to Planning Permission EPF/0620/00 (for the regional distribution centre on Land at Sewardstone Road) to allow daily return HGV movements from the Waltham Point Distribution Centre to Sainsbury's Debden Store at Torrington Road, Loughton, and;

(2) That, to facilitate this change, a new clause 8.1A be inserted to read "The provisions of clause 8.1 are subject to clause 8.3" and a new clause 8.3 be inserted into the Section 106 agreement referred to in (1) above as follows:

"8.3 The Routing Restrictions Scheme, the Excluded Routes and the obligations in clause 8 (except for clause 8.1A) will not apply to any HGV movements to or from the Site in connection with the Sainsbury's store located at Torrington Drive, Debden."

10. PLANNING APPLICATION EPF/2214/12 - PROPOSED TWO STOREY AND SINGLE STOREY SIDE EXTENSION AT 5 RODING VIEW, BUCKHURST HILL

The Committee gave further consideration to an application for the extension of a property at 5 Roding View, Buckhurst Hill which had been deferred at the last meeting to enable members to undertake a site visit.

The Committee heard from both an objector and the applicant.

The members of the Committee were of the view that the proposed would have a significant impact on the amenity of the adjoining property and refused the application.

Resolved:

That planning permission EPF/2214/12 at 5 Roding View, Buckhurst Hill be refused for the following reason:

(1) By reason of its bulk, proximity to the site boundary and rearward projection, the first floor element of the proposed two-storey extension would detract from the amenities of 3 Roding View to the extent that excessive harm would be caused to the living conditions of its occupants. Accordingly, the proposal is contrary to Local Plan and Alterations Policy DBE9, which is consistent with the policies of the National Planning Policy Framework.

11. PLANNING APPLICATION EPF/0382/13 - 24 BOWER VALE, EPPING - CONSTRUCTION OF 1 NO. TWO BEDROOM HOUSE.

The Committee considered an application referred to it by Area Plans Subcommittee East at their meeting on 22 May 2013 with a recommendation that the application be granted. The application sought to construct a house on land at the end of an existing row of houses in Bower Vale, Epping.

The Committee heard from the applicant.

The Committee noted that the principle of building on the site had been set by a previous Planning Inspector's decision. The Committee agreed with the assessment of officers that planning permission should be granted.

Resolved:

That planning application EPF/0382/13 at 24 Bower Vale, Epping 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 development hereby permitted will be completed strictly in accordance with the approved drawing 730-01A.

(3) No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.

(4) 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.

(5) 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, Class A and B shall be undertaken without the prior written permission of the Local Planning Authority.

(6) 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 08.00 to 18.30 Monday to Friday and 08:00 -13.00 hours on Saturday, and at no time during on Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

12. PLANNING APPLICATION EPF/0696/13 - REAR OF 8 MARGARET ROAD, EPPING - ERECTION OF SINGLE AFFORDABLE DWELLING AND ANCILLARY WORKS INCLUDING VEHICLE ACCESS AND CROSSING (RESUBMITTED APPLICATION)

The Committee considered an application for construction of an additional dwelling in the rear garden of 8 Margaret Road, Epping which had been referred to the committee by Area Plans Subcommittee East at its meeting on 22 May 2013.

The Committee heard from a representative of the applicant, Theydon Trust.

The Committee noted the good work of the trust in providing accommodation but considered that there would be cramped and affect the amenity of No 8 and refused the application.

The Committee, after confirming its refusal, suggested that a more favourable decision could be made if a new application for planning permission proposed similar scale development that did not appear cramped on the site.

Resolved:

That planning application EPF/0696/13 at 8 Margaret Road, Epping be refused permission for the following reasons:

(1) The proposed development, due to its location and scale, would constitute a cramped form of development out of character with the surrounding area and the street scene, contrary to the guidance contained within the National Planning Policy Framework and policies CP2, CP7 and DBE1 of the adopted Local Plan and Alterations.

(2) The proposed development, due to its location within the site, would result in an excessive and detrimental effect on the amenities of the residents of No. 8 Margaret Road, contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations.

13. PLANNING APPLICATION EPF/2190/12 - 26 FYFIELD ROAD, ONGAR - CHANGE OF USE OF THE PREMISES FROM A1 TO A3 AND A5 WITH EXTENSION FLUE AND CHANGES TO SHOP FRONT.

The Committee considered a further planning application referred by Area Plans Subcommittee East at their meeting on 22 May 2013. The application sought the can of use of premises in Fyfield Road from A1 to A3 and A5. The Subcommittee had referred the application with a recommendation that Planning Permission be refused contrary to the original officer recommendation.

The Committee heard from an objector, the Town Council and the applicant.

The Committee noted that the Subcommittee were concerned about cooking odours and the sites proximity to dwellings, the generation of additional traffic and that the application failed to demonstrate market demand in a location where other food retail outlets existed in the immediate vicinity. The Committee noted information supplied since the meeting of subcommittee. The Committee voted on the recommendation to refuse permission which failed to find support.

The Committee, on voting to approve the application, amended the proposed opening times attached to the permission to reflect those that the applicant had originally requested.

Resolved:

That Planning application EPF/2190/12 at 26 Fyfield Road, Ongar 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 use hereby permitted shall not be open to customers outside the hours of 11.30-14:00 and 17:00-21.00 Monday to Saturday and closed on Sundays and Public/Bank Holidays.

(3) The use hereby approved shall not commence until a scheme providing for the adequate storage of refuse from the use has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out as approved and maintained as long as the use continues unless otherwise agreed in writing by the Local Planning Authority.

(4) Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority prior to the unit being brought into use and the development shall be implemented in accordance with such agreed details.

(5) Equipment shall be installed to suppress and disperse cooking/food preparation fumes and smell to a minimum. The equipment shall be effectively operated and maintained for as long as the use continues. Details of the equipment shall be submitted to, and approved, by the Local Planning Authority prior to the commencement of the use.

(6) The rating level of noise (as defined by BS4142: 1997) emitted from the extraction system agreed pursuant to Condition 5 shall not exceed 5dB (A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142: 1997.

14. APPEALED PLANNING APPLICATIONS - NEW HOUSE FARM, LITTLE LAVER ROAD, MORETON;

The Committee were asked to consider their views on three planning applications which had come before Area Plans Subcommittee East in March 2013. The applications had been referred to the Committee but had been made subject to appeal on the grounds of non-determination. The committee received representations from a representative of the objectors and the applicant.

The Committee were of the view that the changes of use proposed under EPF/2404/12 would have been acceptable but that the further change of use of farm buildings had caused a detrimental impact on the amenities of local residents and furthermore that the case for the application for a further grain building had not been made as there were other suitable buildings on the site. The Committee resolved accordingly.

Resolved:

That had appeals against the non-determination of the applications at New House Farm not been submitted to the Planning Inspectorate the Council would have determined the applications as follows:

(a) EPF/2404/12 for the Change of use of units 2a, 3a and 7C1 to Class B2 use and alterations to previously approved lean to extensions (EPF/0359/08) to facilitate change of use.

Application would have been granted subject to the following conditions:

- (1) The operating hours and any deliveries associated with the uses hereby approved shall not take place outside the following hours:- 09.00 - 17.00 hours Monday to Saturday and 09.00 - 13.00 on Sundays and Bank Holidays.
- (2) No external storage or working outside shall take place at any time in connection with the uses hereby approved unless otherwise agreed by the Local Planning Authority.
- (3) The rating levels of noise emitted from the units hereby approved shall not exceed the existing background level by more than 5dB between the permitted hours of operation. The noise levels shall be determined at the nearest residential premises and measurements shall be taken in accordance with BS4142:1997.
- (4) The uses hereby approved shall be contained within the buildings outlined on the submitted plan No 1198/1B and there shall be no further conversions of buildings at the site to non agricultural commercial activities, other than those approved by this application or application EPF/2405/12, including "building 5" currently in use for ancillary agricultural storage.
- (5) The premises referred to on the approved plan No 1198/1B as Units 2A, 3A and 7C1 shall be for the following stated B2 purposes, 2A Pitfield Brewery, 3A Joinery Workshop, 7C1 Vehicle Restoration, and for no other purpose in Use Class B2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order).
- (6) Within four months of the date of this decision, details of equipment to suppress and disperse fumes and odours emitting from unit 3A shall be submitted to the Local Planning Authority for approval. The equipment shall be installed within three months as agreed. The equipment shall be effectively operated and maintained for as long as the use continues.
- (7) 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 8, Class A shall be undertaken without the prior written permission of the Local Planning Authority.

(b) EPF/2405/12 for the Change of use of units 3B, 3C, 6, 7A and 7C2 to a purpose within class B8 and alterations to lean to extensions (EPF/0359/08) and cattle yard building (EPF/0024/05) to facilitate the change of use.

Planning application would have been refused for the following reason:

(1) The Class B8 use of these buildings has a significant detrimental impact on the amenities of residents living in close proximity, as well as the character of the countryside, due to the level of associated lorry traffic movements along these narrow country lanes, to and from the site, contrary to policies GB8A of the Adopted Local Plan and Alterations and the National Planning Policy Framework.

EPF/2406/12 for a new build grain storage building.

Planning application would have been refused for the following reason:

(1) It has not been demonstrated that the proposed grain store building is deemed necessary for the purposes of agriculture, given the presence of other suitable adaptable buildings on the site and due to its size and position beyond the group of existing buildings on the site, it would be harmful to the appearance of the countryside, the openness of the Green Belt and the purposes of including land within it, contrary to policy GB11 of the Adopted Local Plan and Alterations and the National Planning Policy Framework

CHAIRMAN