

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 21 August 2013
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.00 pm
High Street, Epping

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

Other Councillors:

Apologies: C Finn, Mrs S Jones and J Knapman

Officers Present: J Shingler (Principal Planning Officer), M Jenkins (Democratic Services Assistant) and P Seager (Chairman's Secretary)

15. 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.

16. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor G Waller was substituting for Councillor Mrs S Jones and Councillor D Stallan was substituting for Councillor J Knapman.

17. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Member's Code of Conduct.

18. MINUTES

RESOLVED:

That the minutes of the meeting held on 26 June 2013 be taken as read and signed by the Chairman as a correct record.

19. ANY OTHER BUSINESS

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

20. PLANNING APPLICATION EPF/2343/12. DEMOLITION OF EXISTING TIMBER CONSTRUCTION USE CLASS B1 UNITS AND REPLACEMENT WITH NEW CLASS B1 UNITS AND 6 THREE BEDROOM COTTAGES (INCLUDING 3

AFFORDABLE) AT STONE HALL, DOWNHALL ROAD, MATCHING GREEN, CM170RA

The Committee considered an application referred to it by Area Plans Sub-Committee East at their meeting on 19 June with a recommendation that the application be refused.

The application sought to demolish an existing timber construction Use Class B1 units and replacement with new Class B1 units of 6 three bedroom cottages, including 3 affordable, at Stone Hall, Downhall Road, Matching Green CM17 0RA.

The Plans East Sub-Committee felt that the application should be refused on the basis that very special circumstances were not demonstrated sufficiently to outweigh the harm to Green Belt from the residential element of the proposal.

Members, in the course of their discussion, suggested that additional information was needed regarding the financial viability of the development without the housing element as it was felt that if business re-development was not viable in its own right, then the housing may have been justified as enabling development. In response to this query, the applicant supplied figures demonstrating that the re-development of the site solely for the proposed business units would not be a financially viable option and indeed would result in a net loss.

The Committee heard from the applicant.

The Committee agreed with the assessment of officers that planning permission should be granted.

RESOLVED:

That planning application EPF/2343/12 at Stone Hall, Downhall Road, Matching Green CM17 0RA be granted subject to the following conditions:

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:211/S/100, S/101, S/102, P/11A,P/012, P/013, P/014, P/015, P/016, P/017, P/018P/019.
- 2 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 3 No development shall take place until samples 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. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 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.
- 5 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.

- 6 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) the B1 units hereby approved shall not be used only for uses falling within the B1 use and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.
- 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 1, Classes A, B or E shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 The B1 use hereby permitted shall not operate outside the hours of 0.800 to 20.00 on Monday to Saturday and 10.00 to 16.00 on Sundays and Bank/Public Holidays.
- 9 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.
- 10 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.
- 11 There shall be no external storage in connection with the approved B1 business use.
- 12 The parking areas for the B1 uses, shown on the approved plans shall be provided prior to the first use of any of the B1 units hereby approved and shall be maintained free of obstruction for the parking of vehicles in connection with the approved B1 uses thereafter and shall not at any time be used for the storage or parking of vehicles unconnected with the businesses operating at the site.
- 13 Prior to commencement of development details shall be submitted to and approved in writing by the Local Planning Authority for a bellmouth access into the site to include minimum kerb radii of 8m returning to the carriageway width of no less than 6metres for the first 10metres into the site, unless otherwise agreed in writing by the

- Local Planning Authority. The approved details shall be implemented prior to first occupation of any element of the development.
- 14 Prior to the first use of any part of the approved development the site shall be provided with a size 3 turning head, as per the Essex Design Guide, before the gates to the business/industrial area.
 - 15 No unbound material shall be used in the surface treatment of the vehicular access within 10m of the highway boundary.
 - 16 Prior to commencement of development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
 - 17 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
 - 18 Prior to commencement of development details of phasing of the development including timing of demolition of the existing buildings, and erection of the replacement units and housing, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the agreed phasing plan unless alternative phasing is agreed in writing by the Local Planning Authority.
 - 19 A flood risk assessment and management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
 - 20 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]
 - 21 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 in writing 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]

- 22 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 in writing 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]
- 23 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 in writing. The approved monitoring and maintenance programme shall be implemented.
- 24 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.
- 25 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 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.

And subject to the applicant first entering into a legal agreement under section 106 of the Town and Country Planning Act within 1 month of the date of this meeting to secure three of the proposed residential units as affordable rented accommodation.

21. ERECTION OF A TWO STOREY DETACHED DWELLING AND COMMUNITY NATURE RESERVE, SPARKS FARM, 185 NINE ASHES ROAD, HIGH ONGAR - EXTENSION OF S106 PERIOD

The Committee considered an application, which they had previously considered on 3 October 2012, for erection of a two storey detached dwelling and Community Nature Reserve, Sparks Farm, 185 Nine Ashes Road, High Ongar, when they had resolved to grant planning permission subject to the completion of an S106 Agreement within 6 months. The S106 Agreement required the developer to:

- (1) Provide a Community Nature Reserve accessible by members of the public.
- (2) The maintenance of the Community Nature Reserve by the owners of the proposed house in accordance with the approved 10 year Nature Conservation Management Plan.
- (3) Seek approval of further Nature Conservation Management Plans for implementation from and beyond 10 years after the date of planning permission.
- (4) Implement, in perpetuity, all subsequent approved Nature Conservation Management Plans.

It was advised that the developer was in a position to sign a completed S106 Agreement, however, since the 6 month time limit given by this committee to complete it had lapsed, it was not possible for the Council to sign the agreement. Authority was sought to complete the agreement within 3 months.

The Extension of the S106 Agreement period was granted.

RESOLVED:

That conditional planning permission be granted subject to the completion, within 3 months of the 21 August 2013, 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.

CHAIRMAN