

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee East **Date:** Wednesday, 1 March 2023

Place: Council Chamber - Civic Offices **Time:** 7.00 - 7.47 pm

Members Present: Councillors H Brady (Vice-Chairman, in the Chair), P Keska (Vice-Chairman), C Amos, R Balcombe, N Bedford, P Bolton, L Burrows, J McIvor, R Morgan, J Philip, B Vaz, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

Apologies: I Hadley, C McCredie, B Rolfe and P Stalker

Officers Present: G Courtney (Planning Applications and Appeals Manager (Development Management)), V Messenger (Democratic Services Officer) and N Cole (Corporate Communications Officer)

Officers Present (Virtually): A Hendry (Democratic Services Officer)

76. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

77. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

78. APPOINTMENT OF VICE-CHAIRMAN

As the Chairman, Councillor I Hadley, had given his apologies for this meeting, the Vice-Chairman, Councillor H Brady, was acting as the Chairman. The Committee agreed to appoint Councillor P Keska, as the Vice-Chairman. Councillor H Brady paid tribute to Councillor B Rolfe, who had died on 25 February, and had been a member of this committee. Councillor H Brady also stated that she would be a voting chairman.

79. DECLARATIONS OF INTEREST

- a) Pursuant to the Council's Members' Code of Conduct, Councillor C Whitbread declared a non-pecuniary interest in the following item of the agenda as many years ago his company might have sold a property for the applicant's daughter. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2883/22 Land adjacent to Tilegate Farm, Tilegate Road, High Laver, Ongar CM5 0AE

80. MINUTES

It was noted that the minutes of 5 January had been agreed by the committee on 1 February 2023. Therefore, two sets of minutes for 1 February and 1 March 2023 meetings would have to be agreed at the next meeting on 5 April 2023.

81. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Sub-Committee.

However, Councillor P Keska remarked that Ongar Town Council had put in some electric charging points in the Basons Lane car park in Ongar. Some hedges had been removed and an electrical sub-station had been installed in the conservation area. The Planning Applications and Appeals Manager (Development Management), G Courtney, confirmed that a planning application had been approved for these works.

82. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

It was noted that the Epping Forest District Council Planning Policy Briefing note was available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

83. SITE VISITS

There were no formal site visits requested by the Sub-Committee.

84. DECISIONS

Details of all decisions made at the meeting are shown in the appendix to the minutes.

85. PLANNING APPLICATION - EPF/1592/22 55 HEMNALL STREET, EPPING CM16 4LZ

Decision: Approved with conditions.

86. PLANNING APPLICATION - EPF/2883/22 LAND ADJACENT TO TILEGATE FARM, TILEGATE ROAD, HIGH LAVER, ONGAR CM5 0EA

Decision: Approved with conditions.

CHAIRMAN

Application Ref: EPF/1592/22
Application Type: Householder planning permission
Case Officer: Caroline Brown
Site Address: 55, Hemnall Street, Epping, CM16 4LZ
Proposal: Removal of existing conservatory.
Two storey side extension.
Single storey rear extension.
Ward: Epping Hemnall
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OFaS>
Decision: Approved with Conditions

Conditions: (6)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

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

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 22001_P_000; 22001_P_001; 22001_P002; 22001_P_003; 22001_P_004; Rev B; 22001_P_005 Rev B; 22001_P_006 Rev B; Existing Streetscene

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building [or those specified on the approved plans, or those specified in the submitted application form].

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 5 Prior to any above ground works, full details of a replacement tree shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be carried out in accordance with the approved details prior to the occupation of the building or completion of the

development, whichever is the sooner. The details of the tree shall include location plan, schedule of tree, i.e. species, planting size. If within a period of five years from the date of the planting of the tree, or any replacement, it is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place.

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, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 6 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or 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. 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 7 Tree protection shall be installed as shown on Moore Partners Ltd 'Tree Constraints Plan' drawing number PS/55HS/01 (dated 15th August 2022) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 8 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies

RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 9 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (1)

- 10 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Application Ref: EPF/2883/22
Application Type: Full planning permission
Case Officer: Kie Farrell
Site Address: Land Adjacent to Tilegate Farm, Tilegate Road, High Laver, Ongar, CM5 0EA
Proposal: Construction of a natural pond together with new tree planting and associated landscaping
Ward: Moreton and Fyfield
Parish: Moreton, Bobbingworth and the Lavers
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UyIX>
Decision: Approved with Conditions

Conditions: (9)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

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

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

Drawing (02)001 – Site Location Plan
Drawing (02)002 – Existing Site Plan
Drawing (02)003 Rev B – Proposed Site Plan
Drawing (02)004 Rev B – Proposed Layout
Drawing (02)005 Rev B – Existing and Proposed Sections
Drawing (02)006 – Proposed Level Changes
Drawing (02)008 Rev A – Proposed Landscaping Plan
Drawing (02)012 – Existing Layout Plan
Covering Letter, RPS, 20 December 2022
Letter from RPS, 25th January 2023
Ecological Pond Proposals, Coyne Environmental, November 2022.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 4 No soil / earthwork materials shall be imported or exported to/from the site unless otherwise agreed by the Local Planning Authority through discharge of this condition.

Reason: In order to ensure that levels are not materially altered across the site as a result of removed or deposited materials, in the interests of amenity, in accordance with Policies CP2, DBE1 and DBE9 of the adopted Local Plan 1998 & 2006, Policies DM9 & DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 5 Prior to commencement of works, full details of soft landscape (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details. 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.

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, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no hard surfaced areas, paths or boardwalks shall be laid within the application site, unless otherwise agreed by the Local Planning Authority through an appropriate application.

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and the Green Belt, in accordance with policies GB2A and GB7A of the adopted Local Plan 1998 & 2006, Policy DM4 of the Local Plan Submission Version 2017 and the NPPF.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no structures, above ground plant, machinery, equipment or lighting relating to the works hereby permitted shall be installed without the prior agreement of the Local Planning Authority through an appropriate application.

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and the Green Belt], in accordance with policies GB2A and GB7A of the adopted Local Plan 1998 & 2006, Policy DM4 of the Local Plan Submission Version 2017, and the NPPF.

- 8 The pond hereby permitted shall be only for the purposes specified in the application, namely to enhance wildlife and the ecological value of the area and to integrate into the surface water drainage system, so as to offer additional attenuation of rainwater runoff from the site. It shall not be used for any leisure or recreational activity by occupiers of the adjoining residential properties or by any third party without prior consent of the Local Planning Authority through an appropriate application.

Reason: In order to ensure the pond remains available for the stated purpose, and to minimise impact on the Green Belt, local character and amenity in accordance with policies GB2A, NC1, DBE2, DBE9, LL2 and ST2 of the adopted Local Plan and Alterations, policies T1, DM2, DM4 and DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 9 A) No work on any phase of the development shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that 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 in accordance with policy RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (1)

- 10 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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