

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** District Development Control **Date:** 6 October 2009  
Committee

**Place:** Council Chamber, Civic Offices, **Time:** 7.30 - 9.05 pm  
High Street, Epping

**Members Present:** M Colling (Vice-Chairman), K Chana, R Frankel, Mrs R Gadsby, A Green, Mrs A Haigh, J Markham, R Morgan, J Philip, Mrs C Pond, D Stallan, J Wyatt and Mrs L Wagland

**Other Councillors:** J Knapman, C Whitbread and B Rolfe

**Apologies:** B Sandler and P Turpin

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

### **VICE CHAIRMAN IN THE CHAIR**

#### **23. WEBCASTING INTRODUCTION**

The Vice Chairman 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.

#### **24. MINUTES**

**Resolved:**

That the minutes of the meeting held on 4 August 2009 be taken as read and signed by the Vice Chairman as a correct record.

#### **25. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

It was noted that Councillor Stallan was substituting for Councillor J Hart and that Councillor J Philip was substituting for Councillor G Mohindra.

#### **26. DECLARATIONS OF INTEREST**

(1) Pursuant to the Councillors Code of Conduct, Councillor D Stallan declared personal interests in items 10 and 11 (212 Manor Road, Chigwell) by virtue of being the Housing Portfolio Holder. The member indicated that he had not discussed or been involved in the negotiations on the site. The member remained in the meeting for the duration of the discussion and voting on that item

(2) Pursuant to the Councillors Code of Conduct, Councillors K Chana and L Wagland declared personal interests in items 10 and 11 (212 Manor Road, Chigwell) by virtue of being members of Chigwell Parish Council and having attended the meeting of Area Planning Subcommittee South at which there had been discussion

of the two applications. The members remained in the meeting for the duration of the discussion and voting on that item.

(3) Pursuant to the Councillors Code of Conduct, Councillor J Knapman, a non member of the Committee, declared personal interests in items 10 and 11 (212 Manor Road, Chigwell) by virtue of being a member of Chigwell Parish Council and Essex County Council's local member. The member remained in the meeting for the duration of the discussion and voting on that item.

(4) Pursuant to the Councillors Code of Conduct, Councillor R Morgan, declared a personal interest in items 8 (Caffe Nero, Epping). The member remained in the meeting for the duration of the discussion and voting on that item.

## **27. ANY OTHER BUSINESS**

It was noted that there were no further items for consideration at the meeting than those shown on the agenda.

## **28. PLANNING APPLICATION EPF/1020/09 - CAFFÉ NERO, 271 HIGH STREET, EPPING, ESSEX CM16 4DA - RETENTION OF GROUND FLOOR A1/A3 USE**

The Committee considered an application which had been referred by the Area Plans Sub Committee East with a recommendation for approval. The Area Subcommittee had considered an application for the retention of a A1/A3 mixed use business trading as Caffe Nero. A previous application had previously been refused and enforcement action had been taken. The applicant submitted an Appeal which had been dismissed.

The Sub-Committee discussed the additional information submitted by the applicant comprising information relating to current consumer habits in the High Street and demonstration that a mixed A1/A3 Caffe Nero facility did not generally detract from the vitality and viability of Town Centres. The applicant also provided details of a proposed window display and current economic circumstances. The Committee attributed this additional information significant weight and agreed that the proposed window display would enhance the appearance of the High Street.

### **Resolved:**

That planning application EPF/1020/09 be granted subject to the following conditions:

(1) The applicant shall create and retain a window display in accordance with approved drawing CN231/sk1 within 28 days of this notice.

Reason: To maintain and enhance the appearance of the retail area within the Epping High Street.

(2) The premises shall be used solely for mixed A1/A3 use and or no other purpose except sole A1 use (including any other purpose in class A3, A4 or A5 of the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

Reason: To ensure that no alternative use is made of the premises which would cause harm to the vitality and viability of the retail core in the Town Centre.

(3) This consent shall endure solely for the benefit of the applicant Caffè Nero and for no other person, persons or business.

Reason: Permission is granted in view of the particular circumstance of this applicant.

(4) The mixed A1/A3 use hereby permitted shall not be open to customers/members outside of the hours of 7am-7pm on Monday to Saturday and 9am-5pm on Sundays.

Reason: In order to minimise noise and disturbance to local residents.

**29. PLANNING APPLICATION EPF/0894/09- 4 NINE ASHES FARM COTTAGES, ROOKERY ROAD, BLACKMORE- FIRST FLOOR SIDE EXTENSION AND GROUND FLOOR REAR EXTENSION**

The Committee considered an application referred by Area Plans Subcommittee East for extensions to 4 Nine Ashes Farm Cottages, Blackmore.

The Committee heard from the applicant in support of his application.

The Committee supported the view of the Subcommittee that the application should be granted.

**Resolved:**

That Planning Application EPF/0894/09 at Nine Ashes Farm Cottages, Blackmore 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.

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

(2) Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

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

(3) 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 single storey extensions generally permitted by virtue of Part 1, 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

**30. PLANNING APPLICATION EPF/1399/09- GARDEN CENTRE, 212 MANOR ROAD, CHIGWELL - OUTLINE PLANNING APPLICATION FOR 69 RESIDENTIAL UNITS (54 AFFORDABLE), PUBLIC OPEN SPACE AND A COMMUNITY FACILITY (D1 USE) WITH ALL MATTERS RESERVED EXCEPT ACCESS.**

The Committee gave joint consideration to two planning applications that had been received on separate areas of 212 Manor Road, Chigwell.

Planning Application EPF/1399/09 sought outline planning permission for 69 residential units on the larger element of the site which currently contained a garden centre. The application included open space, affordable housing and a community facility. It was noted that all matters except access were reserved. The applicants had also put forward a number of matters that could be included within a section 106 agreement including affordable housing for 80% of the dwellings.

Planning Application EPF/1071/09 sought use of part of the site to build 21 flats fronting Manor Road with a proposed exit directly onto Manor Road.

The Committee noted that either proposal, if approved, would need to be referred to the Secretary of State for approval.

The Committee noted that in respect of EPF/1399/09, the site was thought to be sustainable, having links to local public transport. The site also had an existing access point which was proposed to be utilised for the larger scheme. The applicant for the larger scheme had also demonstrated that should both applications go ahead, it would be possible at a future detailed application stage to access the proposed flat scheme at EPF/1071/09 through their site without the need for 2 separate access points off Manor Road.

The Committee noted late representations, including those from the London Borough of Redbridge and the current tenant of the site and heard from objectors to the schemes and one applicant.

In respect of EPF/1071/09, it was officers view that the flats scheme was dominant within the street scene and failed to respect its setting opposite listed buildings.

The Committee were of the view that the schemes did not interrelate well together as currently proposed and that both could not be granted in their present form for that reason. It was also considered that the flats scheme was too dense and dominant and the proposed new access, a hazard. Members expressed the view that any scheme on the smaller site would benefit from an access obtained through the existing access point.

Members accepted that there were very special circumstances in this case that outweighed the harm of built residential development in the Green Belt, which were that it was providing a high percentage of affordable housing on a previously developed land, located in a sustainable location adjacent to a tube station on the Central Line. It was considered that the larger outline scheme could be approved subject to a section 106 agreement covering affordable

housing, highways matters, contribution to the cost of re-opening the local post office, access and open space proposals.

**Resolved:**

That, subject to the view of the Secretary of State and the prior completion of a section 106 agreement to provide:

- (1) Details specifying the amount, tenure and occupancy of the affordable housing – based upon 54 (approximately 80%) of the total number of residential units being provided as affordable housing;
- (2) A financial contribution to fund necessary highway improvements/traffic orders/markings, kerbing, and a Transport Information and Marketing Scheme for sustainable transport;
- (3) A significant financial contribution towards the provision of a Post Office within the locality of the site;
- (4) The provision of a vehicular access into the adjacent site (land between the application site and Froghall Lane); and
- (5) The provision of an area of public space within the site, to be transferred to Epping Forest District Council at nil consideration and maintenance costs that land for a period of five years;

planning application EPF/1399/09 at 212 Manor Road Chigwell be granted subject to the following conditions:

- (1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- (2) Application for the approved reserved matters referred to in condition 1 must be made not later than the expiration of three years from the date of this notice. The development hereby permitted must be begun not later than the expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last matter approved.
- (3) Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- (4) No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and

approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall include a tree protection plan to show the areas designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Trees in Relation to Construction-Recommendations (BS.5837:2005) and no access will be permitted for any development operation.

The Arboricultural Method Statement shall include all other relevant details, such as changes of level, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas and of foundations, walls and fences. It shall also include the control of potentially harmful operations, such as burning, the storage, handling and mixing of materials, and the movement of people or machinery across the site, where these are within 10m of any designated Protection Zone.

The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site.

The Arboricultural Method Statement shall indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS.3998: 1989).

The Arboricultural Method Statement shall include a scheme for the inspection and supervision of the tree protection measures. The scheme shall be appropriate to the scale and duration of the works and may include details of personnel induction and awareness of arboricultural matters; identification of individual responsibilities and key personnel; a statement of delegated powers; frequency, dates and times of inspections and reporting, and procedures for dealing with variations and incidents. The scheme of inspection and supervision shall be administered by a suitable person, approved by the Local Planning Authority but instructed by the applicant.

(5) 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) have been submitted to an approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These 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 vehicle artefacts and structures, including signs and lighting and functional services above and below ground. 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.

(6) No development shall take place, including site clearance or other preparatory work, until all details relevant to the implementation of hard and soft landscape works and tree planting, hereafter called the Landscape Method Statement, have been submitted to the LPA, and the development shall not commence until the Landscape Method Statement has been approved by the LPA in writing. All landscape works shall be undertaken in accordance with the approved details, unless the LPA has given its prior written consent to any variation.

The Landscape Method Statement shall include as appropriate, protection of the planting areas, where appropriate by fencing, during construction; preparation of the whole planting environment, particularly to provide adequate drainage; and the provision which is to be made for weed control, plant handling and protection, watering, mulching, and the staking, tying and protection of trees. The Landscape Method Statement shall also normally include provision for maintenance for the period of establishment, including weeding, watering and formative pruning, and the removal of stakes and ties. Provision shall be made for replacement of any plant, including replacements, that are removed, are uprooted, or which die or fail to thrive, for a period of five years from their planting, in the first available season and at the same place, with an equivalent plant, unless the LPA has given its prior written consent to any variation.

All hard and soft landscape works shall be completed prior to the occupation or use of any part of the development, unless the LPA has given its prior written consent to a programme of implementation. The hard and soft landscape works, including tree planting, shall be carried out strictly in accordance with any approved timetable.

The Landscape Method Statement shall state the provision which is to be made for supervision of the full programme of works, including site preparation, planting, subsequent management and replacement of failed plants.

(7) Before the occupation or use of any phase or part of the development, whichever is the soonest, a Landscape Management Plan (LMP) shall be submitted to and approved by the LPA.

The LMP shall contain a statement of the long-term aims and objectives covering all elements of the implementation of the agreed landscape scheme and full details of all management and establishment operations over a five-year period, unless otherwise

agreed in writing by the LPA. It shall also include details of the relevant management, and supervisory responsibilities.

The LMP shall also include provision for a review to be undertaken before the end of the five year period. A revised LMP shall be submitted for the agreement of the LPA before five years has expired. The revised details shall make similar provisions for the long term maintenance and management of the landscape scheme. The revised scheme shall also make provision for revision and updating.

The provisions of the LMP, and subsequent revisions shall be adhered to and any variation shall have been agreed beforehand in writing by the LPA. No trees, shrubs, hedges or other plants shall be removed for the duration of the Landscape Management Scheme or its revisions, without the prior written approval of the LPA. Any trees, shrubs, hedges or other plants being so removed shall be replaced in the first available planting season by an equivalent replacement or replacements to the satisfaction of the LPA. Management of the landscape scheme in accordance with the LMP or their agreed revisions shall not cease before the duration of the use of the development unless agreed in writing by the LPA.

(8) Prior to the commencement of the development hereby permitted, details of the provision of suitable temporary access arrangements to the application site in connection with the land forming/construction operations, to include wheel washing facilities, any necessary traffic management, turning and off loading facilities for delivery/construction vehicles within the limits of the site together with an adequate parking area for those employed in developing the site shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with these approved details.

(9) Prior to the first occupation of any part of the development hereby approved details of an access to adoptable standards, to include visibility splays of 90m by 2.4m by 90m, 10.5m radii kerbs (if unachievable radii should be to the maximum possible) and 5.5m carriageway width with 2m wide footway along the edge of the site boundary and the bell mouth of the access (x2 footways), including the removal of any redundant dropped kerbs and replacement with full upstand kerbs shall be submitted to the Local Planning Authority for approval in writing. The details approved shall be implemented prior to the first occupation of the development approved and retained thereafter.

(10) All roads and footpaths within the development should be designed in accordance with the Essex Design Guide.

(11) The development hereby permitted shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and



approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason:- To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

(12) Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

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

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

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

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

(14) Prior to the commencement of the development hereby approved, details of mitigation methodology regarding reptiles and bats which may be present on the site shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.

(15) The development shall proceed only in accordance with the recommendations set out in Section 7 (pages 25-27) of the Desk Study and Extended Phase 1 Habitat Survey produced by Thompson Ecology (July 2009) unless otherwise agreed in writing by the Local Planning Authority.

**31. EPF/1071/09- GARDEN CENTRE, 212 MANOR ROAD, CHIGWELL - REDEVELOPMENT OF LAND FORMERLY IN USE AS A GARDEN CENTRE TO PROVIDE 21 FLATS, 80% OF WHICH WILL BE AFFORDABLE HOUSING (REVISED APPLICATION)**

The Committee considered the applications on this site jointly. For the substantive minute on the discussion please refer to minute 30 above.

**Resolved:**

That planning application EPF/1071/09 at 212 Manor Road, Chigwell be refused for the following reasons:

(1) The proposed new vehicular access onto Manor Road, would, given the existing vehicular accesses either side, be a hazard to vehicles emerging from and entering the site, as well as a hazard to the free-flow of traffic and users of this road, such that it would be detrimental to highway and pedestrian safety, contrary to policy ST4 of the Adopted Local Plan and Alterations;

(2) The proposed development, by virtue of its density and design, would have a bulky and dominant appearance which would be exacerbated by the proposed linking sections between the blocks which would be detrimental to the semi-rural setting of the site and to the surrounding Green Belt land contrary to policies ENV7 of the East of England Plan and DBE1, H3A and GB7A of the Adopted Local Plan and Alterations;

(3) The proposed buildings, due to their detailed design, in particular the varying roof heights, the use of cat slide roofs along the site frontages and the lack of detailing on the elevations fronting Manor Road, would fail to respect their setting in terms of orientation, roof-line and detailing, contrary to policies ENV7 of the East of England Plan and DBE1 of the Adopted Local Plan and Alterations; and

(4) The proposed bin storage area is inadequate to accommodate the waste and recycling which would be generated by the proposed development, resulting in the potential for additional open storage which would be harmful to the character and appearance of the area, contrary to policy DBE1 of the Adopted Local Plan and Alterations.

**CHAIRMAN**