

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control Committee **Date:** 7 December 2010

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.30 pm

Members Present: B Sandler (Chairman), G Mohindra (Vice-Chairman), A Boyce, C Finn, Mrs R Gadsby, A Green, J Hart, J Markham, Mrs M McEwen, H Ulkun, J M Whitehouse and J Wyatt

Other Councillors:

Apologies: Mrs P Brooks, K Chana, D Dodeja and R Morgan

Officers Present: N Richardson (Assistant Director (Development Control)), C Neilan (Conservation Officer), S G Hill (Senior Democratic Services Officer) and R Martin (Website Assistant)

22. 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.

23. MINUTES

Resolved:

That the minutes of the meeting of the Committee held on 5 October 2010 be taken as read and signed by the Chairman as a correct record.

24. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted that Councillor J M Whitehouse was substituting for Councillor P Brooks at the meeting.

25. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Councillors B Sandler (Chairman), G Mohindra (Vice-Chairman), A Boyce, C Finn, A Green, J Hart, J Markham, H Ulkun, J M Whitehouse and J Wyatt declared a personal interests in item 7 of the agenda (EPF/11984/10 – Wintry Mead, Fernhall Lane, Waltham Abbey) by virtue of the applicant being a District Councillor. The Councillors had determined that their interest was not prejudicial and would stay in the meeting for the consideration of the application and voting thereon. The remaining Councillor, Mrs M McEwen, arrived at the meeting after consideration of item 7.

Pursuant to the Council's Code of Member Conduct, Councillor R Gadsby declared a prejudicial interest in item 7 of the agenda (EPF/11984/10 – Wintry Mead, Fernhall

Lane, Waltham Abbey) by virtue of being the applicant. The Councillor indicated that she would leave the meeting for the consideration of the application and voting thereon.

Pursuant to the Council's Code of Member Conduct, Councillor R Gadsby and J Wyatt declared a personal interests in items 8-10 of the agenda by virtue of being a member of the Planning Subcommittee West that had previously considered them. The Councillors had determined that their interest was not prejudicial and would stay in the meeting for the consideration of the application and voting thereon and would base their decisions on the applications on the information presented at the meeting.

26. PLANNING APPLICATION EPF/1984/10 - WINTRY MEAD, FERNHALL LANE, WALTHAM ABBEY - CONSTRUCTION OF REPLACEMENT FRONT ENTRANCE PORCH, WITH ROOF OVERHANG

The Committee considered an application for a replacement front porch at Wintry Mead, Fernhall Lane, Waltham Abbey. The application had been brought before the Committee as the applicant was a District Councillor. The Committee concurred with the view of officers that the application should be granted.

Resolved:

That Planning Application EPF/1984/10 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.

27. PLANNING APPLICATION EPF/1662/10 - 1 NORMAN CLOSE, WALTHAM ABBEY - ERECTION OF TWO STOREY DETACHED HOUSE

The Committee considered an application referred by Area Planning Subcommittee West at their meeting on 24 November 2010 for the erection of a detached house on land adjacent 1 Norman Close, Waltham Abbey.

The Committee concurred with the view of Area Subcommittee West that the application was acceptable and noted that no neighbours had objected to the proposals. Additionally they considered that in its cul-de-sac location little traffic would be generated or affected. The proposals of officers for conditions to be imposed on any approval were agreed.

Resolved:

That planning application EPF/1662/10 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) No development shall have taken place until 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.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

(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 development generally permitted by virtue of Part 1, Class A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.

Reason:- The development is located on a visually prominent site, in close proximity to neighbours, and has limited amenity space, and therefore control is required to ensure that there is no detrimental impact on the street scene or neighbour and future occupiers amenities.

(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.

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

(5) 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 residents and visitors vehicles.

Reason:- In the interests of highway safety.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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.

(12) No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.

The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.

Reason: Since the site has been identified as being potentially at risk from off site ground gases and to protect human health and buildings.

28. PLANNING APPLICATION EPF/1898/10 - BRAMBLES, EPPING ROAD, BROADLEY COMMON - PROPOSED EXTENSION TO NORTH OF EXISTING PROPERTY AND IN-FILL EXTENSION TO SOUTH OF EXISTING PROPERTY. (REVISED APPLICATION)

The Committee considered a planning application referred to it by Area Planning Subcommittee West at its meeting on 24 November 2010. The application sought an extension and in-filling of the property which officers considered, taking into account previous extensions, disproportionate and contrary to policy.

Members, however, concurred with the view of the subcommittee that whilst the proposals wasn't a 'limited development' the property sat on a large site and the extensions would improve its appearance and provide a more compact design. As such they considered that the application should be approved subject to condition.

Resolved:

That planning application EPF/1898/10 at Brambles, Epping Road, Broadley Common, Essex, be granted subject to the following suggested 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 development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

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 development generally permitted by virtue of Part 1, Class A, B, C and E shall be undertaken without the prior written permission of the Local Planning Authority.

Reason:- The development is recognised as being contrary to policy as it does not constitute a 'limited extension' under policy GB2A, and therefore restrictions over further additions and alterations are required.

(4) No development shall take place until details of surface water drainage 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 drainage of surface water in the interests of public health.

(5) 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.

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.

29. PLANNING APPLICATION EPF/1912/10 -6 FOREST CLOSE, WALTHAM ABBEY - TWO STOREY SIDE AND REAR EXTENSION, SINGLE STOREY REAR EXTENSION AND ALTERATIONS TO MAIN ROOF TO PROVIDE A FLAT TOP. (REVISED APPLICATION)

The Committee considered an application at 6 Forest Close, Waltham Abbey for rear and side extensions. The application had been referred to the committee by Area Planning Subcommittee West at its meeting on 24 November 2010 with a recommendation for approval.

It was noted that the current application sought revisions to a previously granted extension application. The Area Planning Subcommittee were of the view that the extension was acceptable in terms of design and the Committee concurred with this view and granted the application subject to conditions.

Resolved:

That planning application EPF/1912/10 at 6 Forest Close, Waltham Abbey, Essex be granted 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) 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.

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 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.

Reason:- The development is recognised as being contrary to policy as it does not constitute a 'limited extension' under policy GB2A, and therefore restrictions over further additions are required.

30. PLANNING SERVICES - DELEGATION AND AUTHORISATION OF OFFICERS

The Committee considered officer delegation arrangements in respect of Development Control and Forward Planning functions. The Committee had before them schedules that had been circulated as a further supplementary agenda. It was noted that existing planning related delegation arrangements exercised by the Director of Corporate Support Services were unaffected by the proposals.

The Committee, in agreeing the proposals, were of the view that substantive changes should be the subject of report to the District Development Control Committee.

Resolved:

(1) That the Director of Planning and Economic Development be delegated, as of 8 December 2010 until further notice to authorise suitably qualified and/or experienced persons to exercise those functions relating to the management and provision of the planning service as set out in the attached schedules of functions, (i) "Development Control", and (ii) "Forward Planning and Allied Functions";

(2) That the Director of Planning and Economic Development be authorised to update the schedules of functions as a result of legislative and routine updating changes, subject to the agreement of the relevant portfolio holder(s) but with any substantive changes being agreed by the District Development Control Committee;

(3) That the Director of Planning and Economic Development shall maintain an up to date record of the internal scheme of delegation of particular functions; and

(4) That, accordingly, the appropriate amendments to be made to the Schedule of Delegation to Officers be referred to the Constitution and Members Services Standing Scrutiny Panel for incorporation in the Council's constitution.

31. ANY OTHER BUSINESS

There was no further business to be transacted at the meeting.

CHAIRMAN