

# **Report to District Development Control Committee**

**Date of meeting: 1 November 2005**



**Subject: Planning Application EPF/1480/04 – The Lorry Park, The Borough, Loughton, Essex**

**Officer contact for further information: B Land ext 4110  
Committee Secretary: S G Hill Ext 4249**

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## **Recommendations/Decisions Required:**

That the Committee considers a recommendation of Area Plans Sub-Committee C that planning permission be granted for the erection of a Medical and Day Care Centre with associated parking facilities together with an associated Section 106 legal agreement.

### **Report:**

#### **Background**

1. This application has been referred to this Committee by Area Plans Sub Committee C with the recommendation that planning permission be granted.
2. The application was reported to Plans Sub Committee C on 21 September 2005 with a recommendation that planning permission be refused and a copy is attached as Appendix 1.

#### **Planning Issues**

3. The main issues in determining the application are set out in the report at Appendix 1. Officers accepted that the development was acceptable in the Green Belt terms and that a community facility building within a built up area would not harm its openness or be out of keeping with its surroundings. Officers also accepted the loss of the lorry park as it is surplus to highway requirements and not used to a level justifying retention. The scale, design and appearance of this large building was also considered to be appropriate for the site and surrounding area, and that existing residential properties in the vicinity would not be unduly harmed to justify a refusal. Highway Officers are satisfied with the development on traffic and safety grounds subject to a number of highway improvements. The Council's arboriculturist accepted the removal of existing mainly Poplar trees to be replaced by a more positive planting scheme, as an addition to the retention of larger specimen trees on the site boundary with High Street.
4. However, the site is in a flood plain and the Environment Agency have objected to the development because it is a site at risk from flooding from Cripsey Brook, which lies adjacent, east of the site, and the building was too close with no adequate buffer zone. Despite the applicants suggestions of ways of instigating the damage and risk to life from a 1:100 year flood by, for example, designing the building on stilts and allowing open void areas underneath such that it would be approximately 1.2m above natural ground level, the Environment Agency maintained their objection.

5. Officers, on balance, concluded that despite the proposal being an acceptable form of development in most respects, the objection from the Environment Agency that it would increase flooding to adjacent sites and be a threat to the future occupiers and users of the site, was the determining factor in recommending refusal.
6. The Committee, however, considered that the benefits of a health care facilities in a purpose built building, much needed to serve the population of Ongar, outweighed the threats of flooding.
7. Officers accept the view of the Committee, because in recommending to refuse planning permission, officers considered this was a balanced report of issues. It was on their basis of flooding that a recommendation for refusal was put forward as it would be contrary to policies U2 and U3 of the adopted Local Plan, as well as Government Guidance as contained in PPG25 (Development and Flood Risk).

### **Conclusion**

8. Should the Committee be minded to grant permission for this development then it is suggested that this be subject to the following SECTION 106 LEGAL AGREEMENT and the conditions attached as Appendix 2.

### **SECTION 106 LEGAL AGREEMENT**

1. To ensure that at all times the void underneath the proposed building is not used for storage purposes.
2. The applicant/owner carry out regular inspections of the void underneath the whole of the proposed building and the metal mesh grilles surrounding the void are free of any natural or manmade debris that would block and/or impede and therefore displace the flow of flood waters.
3. Should any natural or manmade debris occur because of a flooding event, then the applicant/owner must clear this immediately and before the building or that part of the building affected is re-occupied.
4. The building is not used between the hours of 10pm until 6am the following day in order to avoid persons being on site overnight.
5. The provision of 4 No. uncontrolled crossings each with a dropped kerb/tactile paving at the A128 High Street/The Borough Road junction.
6. The bringing up to current Essex County Council standards of both bus stops located at the same junction.
7. A financial contribution to cover the cost of providing a foot/cycle path along the alignment of Footpath 14 (located adjacent the north and northeast boundary of the site that links Rodney Road with the High Street).
8. A contribution towards an A128 Route Study (incident black spots, pedestrian safety etc).
9. A Travel Plan.
9. The Environment Agency have been informed of Area Plans Sub Committee C recommendation, but maintain their objection. Furthermore they state that they are not in favour of using stilts and voids by way of providing mitigation for loss of flood plain flows and flood plain storage. Stilts are not a flood defence structure in the same

way that embankments or walls are and are not a method of flood resistant construction. They conclude by stating that stilts are not an acceptable means of allowing new development in unsustainable locations.