

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

**Committee:** District Development Control Committee      **Date:** 5 April 2011

**Place:** Council Chamber, Civic Offices, High Street, Epping      **Time:** 7.30 - 10.00 pm

**Members Present:** B Sandler (Chairman), G Mohindra (Vice-Chairman), A Boyce, Mrs P Brooks, K Chana, D Dodeja, C Finn, Mrs A Grigg, Mrs S Jones, J Markham, Mrs M McEwen, R Morgan, H Ulkun and J Wyatt

**Other Councillors:** R Bassett, J Knapman and D Stallan

**Apologies:** Mrs R Gadsby, A Green and J Hart

**Officers Present:** J Preston (Director of Planning and Economic Development), N Richardson (Assistant Director (Development Control)), C Neilan (Landscape Officer & Arboriculturist), K Smith (Senior Planning Officer) and S G Hill (Senior Democratic Services Officer)

### **32. 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.

### **33. MINUTES**

**Resolved:**

That the minutes of the meeting held on 7 December 2010 be taken as read and signed by the Chairman as a correct record.

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

It was noted that Councillor A Grigg was substituting for Councillor A Green and Councillor S Jones was substituting for Councillor J Hart at this meeting.

### **35. DECLARATIONS OF INTEREST**

The following interests were declared in accordance with the members Code of Conduct:

(a) Councillor R Morgan – Personal and Prejudicial Interest in item 12 (R/O 103 High Street, Ongar – Application EPF/1153/09) member indicated that he proposed to leave the meeting for that item.

(b) Councillor R Grigg – Personal Interest in Item 8 (Threshers, Hastingwood Road – Application EPF/0739/10) by virtue of being a local Parish Council member

and attending public meetings and with officers on the matter, member indicated that she proposed to stay in the meeting for that discussion and voted on the item.

(c) Councillor P Brooks – Prejudicial Interest in Item 15 (TPO at Town Mead Playing Fields – EPF/119/10) by virtue of being a member of the Waltham Abbey Town Council Planning Committee. Member indicated that she proposed to leave the meeting for that item.

(d) Councillor S Jones – Personal interest in Item 14 (Blunts Farm, Theydon Bois – Enforcement Notices) by virtue of being a member of Theydon Bois Parish Council. The member indicated that she proposed to stay in the meeting for that discussion and voted on the item.

(e) Councillors K Chana, B Sandler, G Mohindra and J Knapman – Personal interest in Items 9, 10 and 11 (212 Manor Road, Chigwell – EPF/2361/09 and 1399/09 and Cooperfield Lodge, Hainault Road – EPF/0247/09) by virtue of being a members of Chigwell Parish Council. The members indicated that they proposed to stay in the meeting for that discussion and voted on the item.

(f) Councillor D Stallan (non-member of the Committee) – Prejudicial interest in Item 7 (1 Griffins Wood Cottages, High Road, Epping) by virtue of knowing applicant, Member indicated that he proposed to leave the meeting for that item. Personal interest in item 8 (Threshers, Hastingwood Road – Application EPF/0739/10) by virtue of being a local Parish Council member and Items 8, 10 and 11 (212 Manor Road, Chigwell – EPF/2361/09 and 1399/09) by virtue of being the Housing Portfolio Holder, Member indicated that he proposed to stay in the meeting for those items as he had not had involvement in them previously.

(g) Councillor J Knapman – Personal interest in Item 13 (Land R/O Oakley Hall, Hoe Lane, Nazeing – EPF/1907/10) by virtue of being a member of the ECC Health Overview and Scrutiny Committee, the Member indicated that he proposed to stay in the meeting for that item.

(h) Councillor R Bassett– Personal interest in Item 13 (Land R/O Oakley Hall, Hoe Lane, Nazeing – EPF/1907/10) by virtue of living in proximity to the site, Member indicated that he proposed to stay in the meeting for that item.

**36. PLANNING APPLICATION EPF/2385/10 - 1 GRIFFINS WOOD COTTAGES, HIGH ROAD, EPPING - PROPOSED TWO STOREY SIDE EXTENSION**

The Committee considered an application at 1 Griffins Wood Cottages, High Road, Epping seeking a two storey side extension. The application had been subject to consideration at Area Plans Subcommittee East and to a site visit. The Subcommittee had referred the application to the Committee with a recommendation for approval.

The Committee accepted the arguments made by the Area Planning Subcommittee that the application should be granted, that the site was set back from the main road, on a large plot and the proposed extension would not adversely impact on the character of the conservation area. The committee agreed to grant permission with conditions and removal of permitted development rights.

**Resolved:**

That planning application EPF/2385/10 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) No development shall take place until details of the landscaping of the site, including retention of trees and other natural features and including the proposed times of proposed planting (linked to the development schedule), have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at those times.

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, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development.

(4) 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 & E 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

**37. PLANNING APPLICATION EPF/0739/10 - THRESHERS, HASTINGWOOD ROAD, NORTH WEALD ESSEX, CM17 - EXISTING COMMERCIAL SKIP SITE TO BE REDEVELOPED INTO 14 RESIDENTIAL UNITS**

The Committee considered an application referred to it by Area Subcommittee East seeking the redevelopment of a commercial skip site to residential dwellings. The Subcommittees recommendation was to grant permission subject to condition and a Section 106 agreement to provide off-site affordable housing and highways repairs outside the site.

Since the date of the original Area Subcommittee meeting, officers had met further with the applicant who had indicated the level of contribution that they were willing to offer. The County Highways department had indicated that their view that there was insufficient justification for asking for sums for highways improvements.

On balance, officers supported a recommendation for approval subject to conditions (including a new condition regarding construction methods) and a section 106 agreement to be completed within a six month period.

The Committee heard from the applicants agent and noted further representation from local residents received since the agendas' publication.

The Committee supported the view of the Planning Subcommittee that permission should be granted. This non-conforming commercial site was close to residential properties using large commercial vehicles which created noise and disturbance. The proposals were supported by the Local Parish Council and residents. The committee considered and approved a proposal for granting of permission.

**Resolved:**

That, subject to the prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 within six months of the date of this resolution to secure a contribution of £100,000 towards off-site affordable housing provision, Planning application EPF/0739/10 at Threshers, Hastingwood Road, North Weald be granted with 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 or preliminary groundworks of any kind shall take place until the applicant/developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason:- The site lies a short distance from previous archaeological findings where any remains are irreplaceable and are an interest of acknowledged importance which may be highly vulnerable to damage or destruction. Unless the Local Authority is satisfied that a proper scheme for investigation has been agreed the remains should be left undisturbed.

(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.

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

(4) Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety.

(5) 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 site is within the Metropolitan Green Belt and permission is only granted due to very special circumstances. Additions and outbuildings may have an adverse impact on the openness of the this part of the Green Belt and/or the character of the area and therefore the specific circumstances of this site warrant the Local Planning Authority having control over any further development.

(6) No development shall take place until details of the landscaping of the site, including retention of trees and boundary vegetation and including the proposed times of proposed planting (linked to the development schedule), have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at those times.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to ensure adequate screening is retained/provided on the site.

(7) 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 an 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.

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.

(8) Prior to the commencement of the development details of the proposed surface materials for the access, turning and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.

Reason:- To ensure that a satisfactory surface treatment is provided in the interests of highway safety and visual amenity.

(9) Prior to occupation of the proposed development, the applicant/developer shall be responsible for the provision of a Travel Information and Marketing Pack for sustainable transport to be approved by the Local Planning Authority in liaison with Essex County Council.

Reason: In the interests of promoting sustainable development and transport in accordance with policy in F.32 in the Essex Road Passenger Transport strategy 2006/11.

(10) Prior to commencement of works, details of the proposed access and footway arrangements as shown in principal on Plan Ref: BRD/09/030/2 Rev: B shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include a 7.5m minimum radius kerbs, the provision of a 1.8m footway across the site frontage, and a ramped table feature.

Reason:- In the interest of highway safety, efficiency and accessibility.

(11) Prior to first occupation of the development hereby approved, there shall be no obstruction within a parallel band visibility splay 2.4m wide as measured from the back edge of the carriageway across the entire frontage onto Hastingwood Road.

Reason:- To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

(12) 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.

(13) A flood risk assessment shall be submitted to and approved 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 programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.

Reason:- The development is of a size where it is necessary to avoid generating any additional flood risk downstream of the storm drainage outfall.

(14) 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.

Reason:- Since the site has been identified as being potentially contaminated and to protect human health, the environment, surface water, groundwater and the amenity of the area.

(15) 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.

Reason: To enable appropriate consideration to be given to the impact of the intended development upon adjacent properties.

(16) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors;
2. Loading and unloading of plant and materials;
3. Storage of plant and materials used in constructing the development;
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
5. Measures to control the emission of dust and dirt during construction; and
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason:- To limit the impact of the construction work on the living conditions of residents living in close proximity to the site.

**38. PLANNING APPLICATION EPF/0247/09 – LAND ADJACENT TO COPPERFIELD LODGE, HAINAULT ROAD, CHIGWELL – ERECTION OF NEW FIVE BEDROOM HOUSE WITH BASEMENT AND INTEGRAL GARAGE**

The Committee received a report from Officers which outlined the current position with a site adjacent to Copperfield Lodge, Hainault Road, Chigwell which was subject to a previous planning approval linked to a the prior completion of a Section 106 Agreement. The agreement was required to secure the provision of additional car parking for the adjacent Victory Hall and the transfer of the appropriate portion of the land to the District Council's ownership prior to the commencement of the development.

Despite planning permission being granted for the creation of the additional car parking spaces for Victory Hall by this Committee in December 2009, no legal agreement had been completed to secure the planning obligations. Further representation had been received from a neighbour reiterating their objection.

The Committee were of the view that there still was a need for the additional parking on the adjacent site and considered the absence of a legal agreement to secure the provision of the car parking , the case for very special circumstances to override Green Belt harm would be weakened, to the extent that the development would no longer be justified. The Committee decided that should the agreement not be completed and signed by the date of the June 2011 meeting of the Committee the item be reported back for further consideration.

**Resolved:**

That should the Section 106 agreement for this site not be completed and signed by the date of the June 2011 meeting of the Committee the item be reported back for further consideration.

**39. 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 received an updating report on progress with resolving and completing agreements under Section 106 of the Town and Country Planning Act 1990 for two adjacent sites at 212 Manor Road, Chigwell. The proposed agreements had been a material consideration in addressing the impacts of the development on the Metropolitan Green Belt, supply of affordable housing, highway safety and local Post Office Services.

In the continued absence of matters to be secured by the agreement the Committee considered whether the application should now be formally refused or the applicants be given a further period to resolve the outstanding matters. The applicant had indicated that economic conditions had changed since the original approval, in acknowledging this the Committee agreed that a further six months period should be given to complete the outstanding agreement and officers be given flexibility in the type and percentage of affordable housing to be provided on the site.

**Resolved:**

That the time limit for the completion of a agreement under Section 106 of the Town and Country Planning Act 1990 for Planning Application EPF/1399/09



be extended for a period of six months from the date of this resolution to enable further negotiations to take place with officers in recognising a need for flexibility in the type of affordable housing being proposed.

**40. PLANNING APPLICATION EPF/2361/09 – REDEVELOPMENT OF LAND FORMERLY IN USE AS A GARDEN CENTRE AT 212 MANOR ROAD, CHIGWELL TO PROVIDE 21 FLATS 80% OF WHICH WILL BE AFFORDABLE HOUSING. (REVISED APPLICATION)**

The Committee received an updating report on progress with resolving and completing agreements under Section 106 of the Town and Country Planning Act 1990 for two adjacent sites at 212 Manor Road, Chigwell. The proposed agreements had been a material consideration in addressing the impacts of the development on the Metropolitan Green Belt, supply of affordable housing, highway safety and local Post Office Services.

In the continued absence of matters to be secured by the agreement the Committee considered whether the application should now be formally refused or the applicants be given a further period to resolve the outstanding matters.

The Committee had previously agreed to extend a time limit on the adjacent site for a further six months period to seek to complete the outstanding agreement and officers had been given flexibility in the type and percentage of affordable housing to be provided on the site. It was agreed that this site be similarly treated.

**Resolved:**

That the time limit for the completion of a agreement under Section 106 of the Town and Country Planning Act 1990 for Planning Application EPF/2361/09 be extended for a period of six months from the date of this resolution to enable further negotiations to take place with officers in recognising a need for flexibility in the type of affordable housing being proposed.

**41. PLANNING APPLICATION EPF/1153/09 – REAR OF 103 HIGH STREET, ONGAR– PARTIAL DEMOLITION OF EXISTING BUILDINGS, CONVERSION AND ADAPTATION OF EXISTING BUSINESS UNITS TO FORM 3 X 1 BEDROOM COTTAGES, CONSTRUCTION OF 2 X 2 BEDROOM COTTAGES, BIN STORES, BIKE STORES AND PROVISION OF PARKING SPACES.**

The Committee received an application referred to it by Area Planning Subcommittee East at its meeting on 16 December 2009. The proposal had been previously been the subject of a recommendation to grant approval in October 2009 subject to the completion of a Section 106 Agreement to secure affordable housing as part of the development.

The applicants had now provided a financial appraisal of the scheme which concluded that the development would not be viable with the inclusion of an affordable unit. The Area Subcommittee had received this information to their meeting in March 2011 together with an offer from the applicant to make a contribution of £10,000 at which time they had referred the application to the District Development Committee.

The Committee's view was that on balance the application should be granted, despite some concerns at the narrowness of the access to the site.

**Resolved:**

That, subject to the prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 within six months of the date of this resolution, to secure £10,000 to meet community need in the Ongar area, Planning application EPF/1153/09 at R/O 103 High Street, Ongar be granted with 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.
- (2) 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.
- (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 Classes (A-H) and Part 2 Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- (4) The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- (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.
- (6) All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 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.

(7) 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.

(8) No demolition/ conversion or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

(9) Additional drawings that show details of proposed new windows, doors, rooflights, eaves, rainwater goods, verges, fascias, cills, structural openings and junctions with the existing building, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.

(10) Notwithstanding the requirements of condition 9, the windows to the newbuild cottages shall be recessed into the wall and shall be timber sashes including "horns" in Victorian style.

**42. PLANNING APPLICATION EPF/1907/10 - LAND REAR OF OAKLEY HALL HOE LANE NAZEING - DEMOLITION OF DERELICT GLASSHOUSE AND SUNDRY STRUCTURES, ERECTION OF 50 BED CARE HOME WITH ASSOCIATED ANCILLARY PARKING AND LANDSCAPING**

The Committee considered an application referred to it by Area Planning Subcommittee East on 19 January 2011 seeking the demolition of glasshouses and structures and the building of a 50 bed care home. The Subcommittee had recommended that planning permission be granted subject to a number of issues relating to car parking provision, access and provision of a percentage of occupancy for local people.

It was reported that since the Planning Subcommittee meeting car parking provision and access arrangements had been improved and further late representation from local people were reported. The local MP and Parish Council had also made representations supporting the proposals.

The Committee supported the view of the Planning Subcommittee that such care facilities were needed in the local area such that they amounted to very special circumstances sufficient to overcome the presumption against development in the green belt. The Committee also noted the current levels of known need reported by the local Councillor.

It was the view of the Committee that District residents should taken priority for places at the new home and should be given a discount on residential fees for a period of five years from the date of the opening of the home.

The Committee agreed unanimously to grant permission subject to an appropriate legal agreement, no call-in being made by the Secretary of State, and no further substantive representations being made.

**Resolved:**

That the planning application EPF/1907/10 on land Rear of Oakley Hall, Hoe Lane, Nazeing be granted subject to:

(a) The completion of a legal agreement under S106 of the Town and Country Planning Act 1990 within six months of the date of the resolution to secure:

(1) £25,000.00 to Nazeing Parish Council for community improvements payable in five annual £5,000.00 instalments;

(2) An initial payment of £40,000.00 to the West Essex Primary Care Trust, followed by five annual payments of £5,000.00 resulting in an additional provision of a further £25,000.00;

(3) £3,000.00 to Essex County Council to monitor a submitted Travel Plan;

(4) £140.00 to Essex County Council to provide 4x 'Slow' Markings on Hoe Lane;

(5) Implementation of an onsite ecological enhancement scheme to accord with approved submitted particulars or by way of contribution of funds towards enhancements; and

(6) A clause stating "The home will give priority to residents within Epping Forest District prior to admission. Local residents of Nazeing will be offered at 10% discount for private fees and top up fees during the first five years of operation of the home";

(b) No further representation raising new issues being received after 5th April 2011;

(c) No Call-in being made by the Secretary of State;

(d) 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) The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to and approved in writing by the Local Planning Authority, the development shall then be carried out and maintained in accordance with the approved details. Reason: To prevent pollution to surface/groundwater.

(5) The development hereby permitted shall not be commenced until such time as a scheme to abstract and discharge groundwater for Ground Source Heat Pumps (GSHP) has been submitted to and approved in writing by, the Local Planning Authority. The Development shall then be carried out and maintained in accordance with the approved details. Reason: To prevent the pollution of ground water

(5) The development hereby permitted shall be carried out and maintained thereafter in accordance with the approved Flood Risk Assessment (FRA) by HCD Group Revision A dated October 2010 and the following mitigation measures detailed within the FRA:

(i) Limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm so that it will not exceed 5 Litres per second and not increase the risk of flooding off site (section 3.1)

(ii) Use green roofs, ponds and wetlands to provide the storage needed to manage the surface water from the site (section 3.3).  
Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to provide biodiversity and amenity benefits whilst managing surface water flood risk.

(6) The development shall be carried out in strict accordance with the recommendations made within the Applied Ecology surveys document dated May 2010 comprising either a SUDs and Landscape enhancement or an appropriate contribution in lieu as set out in the accompanying S106.

Reason: To preserve and enhance the habitats onsite.

(7) Prior to the commencement of works, all existing structures on site shall be demolished and removed in their entirety. Reason: In order that the development accords with the approved plans, to preserve the character and appearance of the Green Belt and in the interests of the amenities of future occupiers.

(8) 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 07.30 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. Reason: In the interests of the amenities of neighbouring properties.

(9) 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, ground waters 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.

(10) 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. The Application does not secure the

provision of affordable housing. The District is subject to a significant and increasing demand for affordable housing and accordingly the failure of this development to provide affordable housing would be contrary to Policies H5A and H6A of the adopted Local Plan and Alterations.

(11) 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.

(12) 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.

(13) 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.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety.

(14) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the premises shall be used solely as care accommodation for persons defined medically as in need of care and for no other purpose within Class C2.

Reason: The very special circumstances set out to justify the development in the Green Belt and the loss of glass house land relate to the need for care in the District, therefore any other use would be unacceptable in the Green Belt and on a former glass house site and in order that the development accords with the approved particulars.

(15) No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing trees are safeguarded.

(16) 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 an 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.

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 with particular attention to the boundary treatments adjacent the neighbouring glasshouse sites.

#### **43. COMPLIANCE WITH REQUIREMENTS OF ENFORCEMENT NOTICES - BLUNTS FARM, COOPERSALE LANE/ABRIDGE ROAD, THEYDON BOIS**

The Committee noted that since the date of the agenda preparation, a further officer visit had been undertaken to the Blunts Farm site to view areas of concern to local residents. Having visited the site, the officers concurred with local views that there were areas on the site where further work was required to comply with the Enforcement Notices and as such recommended that the item be deferred and once work was completed a site visit be undertaken by the Committee.



**Resolved:**

That this item be deferred for site visit once officers were satisfied that the Enforcement Notice was fully complied with.

**44. CONFIRMATION OF TREE PRESERVATION ORDER EPF/119/10 - TOWN MEAD PLAYING FIELDS, WALTHAM ABBEY**

The Committee received objections made to the confirmation of a tree preservation order at Town Meads Playing Fields in Waltham Abbey. It was noted that the site was also subject to an application for a golf driving range which would come to a subsequent meeting, the development of which would effect a small woodland on this site.

The Committee concurred with the view of officers that pending consideration of the golf driving range the existing trees should be protected as they provided effective screening from the adjacent motorway.

**Resolved:**

That Tree Preservation Order EPF/119/10 be confirmed without modification.

**45. ANY OTHER BUSINESS**

It was noted that there was no further urgent business for consideration at the meeting.

**CHAIRMAN**