

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 24 August 2011
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.32 pm
High Street, Epping

Members Present: B Sandler (Chairman), R Bassett (Vice-Chairman), A Boyce, K Chana, D Dodeja, J Hart, Mrs S Jones, L Leonard, J Markham, J Philip, H Ulkun, J M Whitehouse and J Wyatt

Other

Councillors: K Avey, J Knapman, Ms Y Knight and D Stallan

Apologies: C Finn and Mrs C Pond

Officers Present: S Solon (Principal Planning Officer), K Smith (Senior Planning Officer), A Hall (Director of Housing), A Hendry (Democratic Services Officer) and S G Hill (Senior Democratic Services Officer)

10. 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.

11. MINUTES

Resolved:

That the minutes of the meeting held on 29 June 2011 be taken as read and signed by the Chairman as a correct record.

12. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted the Councillor L Leonard was substituting for Councillor C Pond at the meeting.

13. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors B Sandler and K Chana declared a personal interest in agenda item 6 (planning application EPF/0116/11 – Garden Centre, 212 Manor Road, Chigwell) by virtue of being a member of Chigwell Parish Council. The councillors advised that they had determined that their interest was not prejudicial and would remain in the meeting for the consideration and voting on the matter.

(b) Pursuant to the Council's Code of Member Conduct, Councillor J Wyatt declared a personal interest in agenda item 7 (planning application EPF/0116/11 – Valley Grown Nurseries, Paynes Lane, Nazeing) by virtue of being a deputy representative member of the LVRPA. The councillor advised that he had

determined that his interest was not prejudicial and that he would remain in the meeting for the consideration and voting on the matter.

(c) Pursuant to the Council's Code of Member Conduct, Councillor R Bassett declared a prejudicial interest in agenda item 7 (planning application EPF/0116/11 – Valley Grown Nurseries, Paynes Lane, Nazeing) by virtue of personal knowledge of the applicant. The councillor advised that he proposed to leave the meeting for the consideration and voting on the matter.

14. 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 further consideration to a site at 212 Manor Road, Chigwell which had last been considered on 5 April 2011.

At that meeting it had been resolved to give the applicants a further period in which to complete an agreement under Section 106 of the Town and Country Planning Act 1990 which sought to secure a number of planning obligations without which the Council was of the view that the 'very special circumstances' test on applications within the Green Belt was not met.

Since that meeting, officers from the Planning and Housing Services Directorates had held further discussions with the applicant to attempt to secure the Heads of Terms of the agreement.

The applicant had stated that the affordable aspects of the development were no longer viable as previously submitted. The tenure mix of affordable dwellings had been agreed at a time when there was an assumption that capital grant would be provided by the Homes and Communities Agency (HCA). This grant funding was no longer available on sites where there was a Section 106 Agreement. Without this grant funding, the applicant had expressed the view that only 33% of the dwellings could be provided as affordable.

Additionally, it was considered that given the passage of time which had passed since the original approval, the changes in economic circumstances meant that the contribution towards the re-opening of the post office counter also affected the viability of the proposal. On balance, therefore, officers considered that the need for affordable housing on the site was greater than the need for the contribution to the Post Office Counter. The sum envisaged for this had therefore been taken into account in subsequent discussion with the applicant on tenure mix and number of affordable housing before the Committee.

Negotiations with the proposed housing association, Moat, had indicated that subject to consent of their board and of the HCA following the date of the meeting, it would be prepared to use its own grant monies to provide 60% of the total number of affordable homes as rented housing. The Committee noted two different permutations of tenure mix which demonstrated the effect of approval or non-approval from the HCA.

The Committee also noted that the Applicant was to transfer part of the site to provide surface level car parking for the adjacent site which was desirable and would reduce the number of dwellings by one.

Members heard from an objector to the scheme and late representations were reported.

The Committee were of the view that that, locally, there was a wish for the post office to be reopened. The original contribution was split with the adjacent site and was designed to cover a three year period of operation. It was noted that if the sum was included, it would have the effect of reducing the amount of affordable housing by 1-2 units reducing the overall percentage to approximately 76% and would require further negotiation with the applicant. The Committee considered and adopted a motion that the contribution should be included.

The Committee granted the changes to the proposed Section 106 Agreement subject to the above alteration and granted a further period of three months to agree the revised Heads of Term with the applicant with a further three months to complete the Section 106 agreement. It was agreed that the application would not come back before members unless agreement on the new tenure mix was not reached.

Resolved:

(1) That planning permission be granted, subject to the completion of an altered Section 106 Legal Agreement to secure the following planning obligations:

(a) The provision of affordable housing (in accordance with the detailed Heads of Terms attached as Appendix 1 to these minutes, which have been negotiated with and agreed by the Applicant), subject to the outcome of further discussions with the applicant on the tenure mix;

(b) Highway improvements (works and/or financial contributions);

(c) Vehicular access into the adjacent site;

(d) The provision of an area of public space within the site to be transferred to Epping Forest District Council at nil consideration and a financial contribution towards the maintenance of the public open space; and

(e) A contribution of £120,000, over a three-year period, towards the provision of a new post office in the locality;

(2) That the matter only be referred back to the Committee if officers are unable to agree acceptable terms with the applicant for the tenure mix, subject to a minimum of 52 affordable homes being provided; and

(3) That the final Heads of Terms for the Section 106 Agreement be agreed within a period of 3 months of the date of the Committee meeting and the Section 106 be signed within a period of 6 months of the date of the Committee meeting.

15. PLANNING APPLICATION EPF/1181/11- VALLEY GROWN NURSERIES, PAYNE'S LANE, NAZEING, ESSEX . - CONSTRUCTION OF GLASSHOUSE, ANCILLARY WAREHOUSE AREA, OFFICE AND WELFARE FACILITY SPACE, HABITAT ENHANCEMENT AND LANDSCAPING.

The Committee considered a major development application in Nazeing.

The planning application sought the construction of a 87,119 m² (approximately 9 hectares) glasshouse with ancillary warehouse, office space, welfare facility space and landscaping of the site to include habitat enhancement. The proposed development was to be sited south of an existing glasshouse site in Paynes Lane, Nazeing, but on land outside the local plan designated glasshouse area and therefore contrary to policy.

The proposed site, at the end of a private lane, lay within the Lee Valley Regional Park, it also contained a pond area and a footpath crossed the site. Paynes Lane was also a footpath.

The committee viewed plans of the proposed glasshouse and associated buildings and had visited the site in the week before the meeting. The applicant had also provided details to the local authority of a proposed unilateral agreement covering subdivision, removal of buildings if the site was not being used for production and maintaining a wildlife habitat.

The Committee noted that there had been considerable local objection and received additional representations received since the publication of the agenda including those of Nature England about the habitat area. The Environment Agency had, in a letter dated 24 August 2011, withdrawn their objection to the proposals subject to a number of additional suggested conditions dealing with contamination, groundwater and flooding.

In noting that the site was out with the designated glasshouse area, officers informed the committee that no other suitable site existed in the designated area and this site was immediately adjacent to it. The Highways Authority had commented that the junction of Paynes Lane with the main road was suitable and could accommodate the additional traffic generated by the proposals but had not commented on the use of the use of the private road. The increase in traffic levels of approximately 8% was, in their view, insufficient to refuse planning permission.

The officers stated that the main issue for consideration was whether the governments emerging draft planning policy of the presumption in favour of sustainable economic development and the appropriateness of agricultural development outweighed the potential harm to the Metropolitan Greenbelt and the Regional Park given the visual impact of the building.

The Lee Valley Regional Park Authority had objected to the proposal. The Committee heard representations from the Park Authority, a local objector, the Parish Council and the applicant.

Members were of the view that the access via Paynes Lane was not fit for purpose and use by lorries would increase the chance of accidents along the narrow lane. Moreover members had concerns that the proposed glasshouse would have a material impact on the openness of the Metropolitan Green Belt and upon the residents of the area by its size and position. Members were mindful of the precedent for other such developments and the maintained objection from the LVRPA.

Members considered and approved a motion to refuse planning permission on those grounds.

Resolved:

That planning application EPF/1181/11 be refused for the following reasons:

- (1) By reason of its very large bulk and scale, together with its siting outside of an area designated for glass houses on the Local Plan Alterations proposals map, the proposed glasshouse and associated warehouse would have an excessive adverse impact on the open character of the Green Belt, undermining planning policy objectives for the locality. The proposed development is, therefore contrary to polices DBE1, DBE4, GB7A, E13A and E13B (i) of the Adopted Local Plan and Alterations;
- (2) The proposed development, by reason of the noise and disturbance caused by related vehicle movements, would cause material harm to the amenities presently enjoyed by nearby neighbouring residents, contrary to policies RP5A, DBE2 and DBE9 of the Adopted Local Plan and Alterations;
- (3) The proposed development would set an undesirable precedent for similar developments to take place on comparable sites within the Metropolitan Green Belt and outside of designated glasshouse areas, contrary to the principles of Policies GB7A and E13A of the Adopted Local Plan and Alterations; and
- (4) The proposed development, would have a significant adverse impact on the character of the Lea Valley Regional Park contrary to policy RST24 of the Adopted Local Plan and Alterations.

16. ANY OTHER BUSINESS

It was noted that there was no further business to be transacted at the meeting.

CHAIRMAN