

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 14 December 2011
Committee

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

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

Other

Councillors: Mrs D Collins and D Stallan

Apologies: D Dodeja, C Finn and Mrs C Pond

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

26. 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.

27. MINUTES

Resolved:

That the minutes of the meeting held on 19 October 2011 be taken as read and signed by the Chairman as a correct record subject to the word 'complement' for the word 'compliment' in the resolution of item 22 (40 Forest Drive, Theydon Bois).

28. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted that Councillor L Leonard was substituting for Councillor C Pond at this meeting.

29. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, the following Councillors declared a personal interest in agenda items 9 and 10 (planning applications at Pine Lodge, Lippetts Hill) by virtue of the applicant being a serving district Councillor.

Councillors B Sandler, R Bassett, A Boyce, K Chana, J Hart, Mrs S Jones, L Leonard, J Markham, J Philip, H Ulkan, Ms S Watson and J Wyatt.

The councillors 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, the following Councillors declared a personal interest in agenda item 8 (planning application at Copperfield Lodge, Hainault Road) by virtue of being members of Chigwell Parish Council.

Councillors K Chana, B Sandler

The councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration and voting on the matter.

30. PLANNING APPLICATION EPF/1570/11 - JUBILEE BUNGALOW, BOURNEBRIDGE LANE, STAPLEFORD ABBOTTS - REPLACEMENT DWELLING.

The Committee considered an application for a replacement dwelling at Jubilee Bungalow, Bournebridge Lane, Stapleford Abbots. The application had been referred to the committee by Area Plans Subcommittee at its meeting on 12 October 2011 with a recommendation that the application should be approved.

The Committee heard from the applicants agent.

The Committee were of the view that the design of the proposed new dwelling was significantly better in design terms to that which could be undertaken under permitted development without permission and took into consideration the poor state of the existing dwelling. As such they concurred with the view of the Subcommittee and approved the application subject to conditions which included flood risk assessment.

Resolved:

(1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this meeting.

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

(2) No construction works above ground level shall have taken place until documentary and photographic 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 or 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.

(4) A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that

adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

Reason:- To conform with the principles of PPS25 and to satisfy Policy U2B of the Adopted Local Plan and Alterations (2006), since the development is located in an area identified as being in an Epping Forest District Council flood risk assessment zone and would be likely to result in increased surface water run-off.

(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) and implementation programme (linked to the development schedule) have been submitted to and 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.

(6) 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.

(7) 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 noise sensitive properties.

(8) Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed prior to the commencement of the development and maintained in working order for the duration of the demolition and construction phase of the development. The 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.

(9) All material demolished from the existing building on the site shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to control any alteration to levels or spreading of material not indicated on the approved plans in the interests of amenity and the protection of natural features.

(10) No development shall take place until details of the proposed surface materials for the vehicular access and paving areas have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.

Reason:- To ensure that a satisfactory surface treatment is provided in the interests of highway safety, visual amenity and to reduce the risk of flooding and pollution.

31. 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 gave further consideration to an application for the erection of a new five bedroomed house on land next to Victory Hall in Hainault Road, Chigwell. The Committee had last considered the matter at their meeting on 5 April 2011 (minute 38 refers) when they had given an extension of time for the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of additional car parking for the adjacent Victory Hall and the transfer of associated land to the Council.

The Committee noted that, as yet, no legal agreement had been completed due to problems in its execution and the timescale for the completion for the Council to accept the car parking given the existing lease of Victory Hall.

The Committee heard from the Applicants Agent.

Following negotiations with the Applicant's Agent an alternative planning obligation had been proposed, whereby the Applicant would agree to contribute the land and

the cost of constructing the car parking. Accordingly, if the Council considered it appropriate at a later date, it could construct the parking at no additional public cost. However, if at that time it was considered that there would be a more positive community benefit which could be secured through the provision of an alternative community benefit, either within the Victory Hall site or elsewhere within the locality, then the contribution could have been put towards that purpose.

The Committee, however, were of the view that within the original special circumstances of the development, the provision of the new spaces was a key factor and resolved that the contribution made by the developer should be to provide the parking spaces originally envisaged by the approval given on 9 June 2009 and for other purpose.

Resolved:

That, subject to the completion of a Section 106 legal agreement within six calendar months to secure:

- (a) The transfer of land adjacent to the Victory Hall site to Epping Forest District Council, at no cost;
- (b) The payment of the sum of £31,400 to Epping Forest District Council to be spent on the construction of parking bays as envisaged by the original planning consent EPF/1767/09; and
- (c) The payment (sum to be confirmed) of the Council's costs incurred in maintaining the site for a period of five years;

planning application EPF/0247/09 be granted subject to the conditions previously imposed by the Committee at their meeting on 9 June 2009 namely:

- (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) 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.

- (3) 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.

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.

(4) All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to control any alteration to levels or spreading of material not indicated on the approved plans in the interests of amenity and the protection of natural features.

(5) 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.

(6) No demolition or preliminary ground works 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 to and approved by the local planning authority.

Reason: To protect any material of archaeological interest of the site, due to the location of the proposed development on the site of a Roman Road.

(7) 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.

(8) 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, B, 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.

(9) 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.

(10) Prior to the commencement of the development details of the proposed surface materials for the access 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.

(11) Prior to the first occupation of the development hereby permitted there shall be no obstruction within a parallel band visibility spay 2.4m wide as measured from the back edge of the carriageway across the entire site frontage. This area shall be retained free from any obstruction in perpetuity.

Reason: To provide adequate inter-visibility between users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with policy ST4 of the Adopted Local Plan and Alterations.

(12) Any gates provided at the vehicular access shall only open inwards and shall be set back a minimum of 4.8 metres from the nearside edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway/footway whilst gates are being opened and closed in accordance with policy ST4 of the Adopted Local Plan and Alterations.

(13) Prior to the first occupation of the development permitted the existing crossover shall be removed and the footpath resurfaced and the kerb reinstated for use as approved in writing by the local planning authority.

Reason: In the interests of highway safety in accordance with policy ST4 of the Adopted Local Plan and Alterations.

(14) 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.

32. PLANNING APPLICATION EPF/1972/11 - PINE LODGE, LIPPITTS HILL, HIGH BEECH - ERECTION OF EXTENSION TO FORM RESIDENTIAL ANNEXE

The Committee considered and approved an application for the extension of the dwelling to provide a home office/utility room and rebuilding of the area, together with a further single storey addition, to provide a kitchen/diner and bedroom with en suite bathroom for use as an annexe to the existing dwelling.

The matter had been brought to the committee as the applicant was a serving Councillor.

Resolved:

That planning application EPF/1972/11 be approved 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; and
- (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.

33. PLANNING APPLICATION EPF1758/11 – PINE LODGE, LIPPITTS HILL, WALTHAM ABBEY – PROVISION OF ROOF MOUNTED SOLAR ARRAY ON EXISTING EQUESTRIAN BUILDING.

The Committee considered and approved an application for the installation of 150 solar panels on the south facing slope of an existing indoor riding building at the Pine Lodge site in Lippitts Hill. The panels would be mounted 50mm above the roof and would comprise of 5 rows of 30 columns. The solar panels would provide a renewable source of energy to the subject site.

Members were of the view that, given the proximity of the site to the Police Helicopter Base, non reflective coating should be applied to the panels and maintained to avoid glare being created for landing helicopters.

The matter had been brought to the committee as the applicant was a serving Councillor.

Resolved:

The planning application EPF/1758/11 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) The solar panels shall at all times be covered in an anti-reflective coating.

Reason: To minimise any glare or reflection from causing harm to the open character of the Green Belt or the safe operation of the flight paths of air support aircraft serving the Metropolitan Police Cadet Training Camp located north of the site.

34. ANY OTHER BUSINESS

The Committee noted that the Chairman had approved for an additional item of business to be considered at the meeting relating to an application at Oakley Lodge, Hoe Lane Nazeing, previously considered by the Committee.

35. EPF/1910/10 - OAKLEY HALL, HOE LANE, NAZEING - EXTENSION OF TIME TO COMPLETE SECTION 106 AGREEMENT

The applicant for the Oakley Hall site had been unable to complete a legal agreement under Section 106 of the Town and Country Planning Act 1990 within the 6 months allotted due to issues relating to the changing ownership of the land. They had now advised the Council's Solicitor that they were in a position to complete the agreement, but were unable to do so as they are outside the timescale for completion set by Committee.

Officers are of the view that as there had been no change in circumstances since the original decision of the Committee, an extension of time of 3 months to enable satisfactory completion of the Legal Agreement was an appropriate course of action.

The matter had been brought as an urgent matter to the meeting with the permission of the Chairman.

Resolved:

That an extension a further 3 months of time from the date of this meeting be approved for the completion of the Section 106 agreement, previously required, to enable Planning Application EPF/1907/10 to be granted subject to the conditions set out in the minutes of the District Development Control Committee Meeting of 5 April 2011.

CHAIRMAN