

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 15 February 2012
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.50 pm
High Street, Epping

Members Present: B Sandler (Chairman), A Boyce, K Chana, D Dodeja, Mrs S Jones, Mrs M McEwen, Mrs C Pond, H Ulkun, Mrs L Wagland, Ms S Watson, G Waller, J M Whitehouse and J Wyatt

Other Councillors:

Apologies: R Bassett, C Finn, J Hart, J Markham and J Philip

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

36. 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.

37. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The following substitute were noted:

Councillor McEwen for Councillor Bassett, Councillor Waller for Councillor Philip, Councillor Wagland for Councillor James Hart.

38. VICE CHAIRMAN FOR THE MEETING

Resolved:

That in the absence of the Vice Chairman, Councillor A Boyce be appointed as Vice Chairman for the duration of the meeting.

39. MINUTES

Resolved:

That the minutes of the meeting of the Committee held on 14 December 2011 be taken as read and signed by the Chairman as a correct record.

40. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor declared a personal interest in agenda item 7 (Olympic Look and Free Plan) by virtue of being a member of Loughton Town Council the councillor had determined that her 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 Billie Jeans, 26 High Street, Epping) by virtue of being members of the Area Plans Subcommittee East:

Councillors Jones, McEwen, Stallan and Waller;

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

(c) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in agenda item 8 (planning application at Billie Jeans, 26 High Street, Epping) by virtue of being a member of Epping Town Council and the Epping Society, a consultee on the proposals, the councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration and voting on the matter.

(d) Pursuant to the Council's Code of Member Conduct, the following Councillors declared a personal interest in agenda item 9 (planning application at 212 Manor Road, Chigwell) by virtue of being members of Chigwell Parish Council:

Councillors Chana, Knapman (Non-member of the Committee), Sandler, Wagland;

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

(e) Pursuant to the Council's Code of Member Conduct, Councillor J Wyatt declared a personal interest in agenda items 10 and 11 (planning application at Valley Grown Nursery, Paynes Lane, Nazeing) by virtue of being (i) a member of Area Plans Subcommittee West and a deputy representative on the LVRPA. The councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration and voting on the matter.

41. OLYMPIC "LOOK AND FEEL" PLAN

The Committee considered proposals for the Olympic 'Look and Feel' at a number of sites in the district. Specifically the Committee were asked to agree a request that express consent be given to the proposals under normal advertisement regulations. The proposals related to flags and banners along transport routes to the White Water Centre; Park and ride facilities and the Olympic Torch route. The Committee concurred with the proposals.

Resolved:

- (1) That the 'Look Plan' proposals be noted; and
- (2) That the Committee confirms that in this instance an application for express consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 is not required for these proposals subject to compliance with the following standard conditions for the display of advertisements:

Standard condition 1 requires no advertisement to be displayed without the

permission of the owner of the site (this includes land or buildings where the advertisement is displayed), or any other person with an interest in the site entitled to give permission.

Standard condition 2 prohibits the siting or display of an advertisement that would endanger anyone using any highway, railway, waterway, dock, harbour or aerodrome (civil or military), or would obscure or hinder the ready interpretation of any traffic sign, railway signal, or aid to navigation by water or air. It also prohibits the siting or display of an advertisement that would hinder the operation of any device used for the purpose of security or surveillance (such as closed circuit television cameras) or for measuring the speed of any vehicle (speed cameras or other speed-measuring devices).

Standard condition 3 requires the advertisement and any land or building used for the purpose of its display to be maintained in a reasonably clean and tidy condition so that it does not impair the visual amenity of the site.

Standard condition 4 requires any structure or hoarding used for the display of advertisements to be maintained in a safe condition that does not endanger the public.

Standard condition 5 is about the removal of advertisements and requires the site to be left in a safe condition that does not endanger the public and in a reasonably clean and tidy condition so that it does not impair the site's visual amenity.

42. PLANNING APPLICATION EPF/2126/11 - BILLIE JEANS, 26 HIGH STREET, EPPING - DEMOLITION OF EXISTING BAR AND AND REPLACEMENT WITH MIXED USE DEVELOPMENT AND 12 RESIDENTIAL UNITS

The Committee considered an application referred to it by Area Planning Subcommittee East at its meeting on 12 January 2012. The Subcommittee had recommended refusal of the application based on its mass, a cramped appearance, too overbearing and detrimental to the street scene.

The Committee heard from a supporter of the application and the applicants agent. Further representations received since the Planning Subcommittee were also reported.

The Committee were of the view that the proposed building had been designed with relief to the frontage and was of an acceptable design in a town centre location. The Committee requested a restriction on construction hours and that the Council should approve the ground floor A1/A3 class uses before occupation.

The Committee therefore granted permission accordingly subject to the completion of a Section 106 agreement for an education contribution and conditions.

Resolved:

That subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months requiring the developer to pay an index linked education contribution to Essex County Council of £11,944, planning Application EPF/2126/11 at Billie Jeans, 26 High Street, Epping 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.
- (2) The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 2768 L01-1A, 2768 PL04D, 2768 PL05D, 2768 PL06B, 2768 PL07B, 2768 PL10D, 2768 PL10-1D, 2768 PL10-2D, 2768 PL10-3D, 2768 PL10-4D, 2768 PL11-1B, 2768PL11-2B.
- (3) No development, including demolition or preliminary groundwork's 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 in writing by the Local Planning Authority.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) The use hereby permitted shall not be open for customers / members to enter outside the hours of 0700 to 2330 on Monday to Saturday and 0800 to 2300 on Sundays and Bank/Public Holidays.
- (8) 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.
- (9) A flood risk assessment and management and maintenance plan 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 best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- (10) Prior to commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority for the permanent closure of the redundant vehicular access onto the High Street and to include:

- The construction of a footway with kerbing to replace the redundant lay-by/vehicular access across the site frontage,
- Position and type/design of bollards on the new footway.
- The provision of two dropped kerb crossing points with tactile paving across Half Moon Lane at its junction with the High Street

The approved details shall be implemented prior to first occupation and use of the development.

(11) There should be no obstruction above ground level within a 2.4m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway of Half Moon Lane. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

(12) Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport approved by Essex County Council.

(13) Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

(14) The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

(15) Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

(16) No deliveries shall take place at the site outside the hours of 0700 to 2100 on Monday to Saturday and 0800 to 1800 on Sundays and Bank/Public Holidays.

(17) Notwithstanding the details shown on the approved drawings submitted with this planning application, prior to commencement of works, details of waste storage shall be submitted to and agreed in writing by the local planning authority and shall be implemented and maintained in accordance with the approved details.

(18) Equipment shall be installed to suppress and disperse cooking/food preparation fumes and smells to a minimum. The equipment shall be effectively operated and maintained for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to

the satisfaction of the Local Planning Authority prior to first commencement of use or occupation.

(19) 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.

(20) Prior to first occupation of the ground floor commercial use, details of the proposed class A1 and A3 uses shall be submitted to and approved in writing by the local planning authority. The approved Class Use(s) shall be implemented on site thereafter.

Reason: To seek to clarify of the implemented use and the need for changes of use may result in the need for further planning permission.

43. 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)

Councillor M McEwen declared a prejudicial interest in this item and left the meeting for the duration of the debate and voting on this item. This was on the basis of being Housing Portfolio Holder.

The committee considered proposed revisions proposed to the grant of permission at 212 Manor Road, Chigwell first considered by the Committee in June 2010.

The applicant sought to build surface parking for the site (rather than underground parking), a change to the mix of affordable housing and a relaxation of the commencement of the development to secure housing grant funding.

The committee noted late representations and that Redbridge Borough Council were re-iterating their objections to the proposals.

The Committee concurred with the view of the officers that these changes were acceptable but were concerned that the new parking spaces should not be separated from the development at any time and asked for this to be conditioned.

Resolved:

That, subject to the application of the original planning conditions agreed on 8 June 2010 and to the completion of the original legal agreement (as amended below) within 6 months of the date of this meeting, the following revisions to the planning application EPF/2361/09 be approved:

(i) The enlargement of the application site to accommodate surface level car parking, instead of the underground car parking which was previously approved (resulting in a reduction in the number of car parking spaces provided from 25 to 20);

- (ii) A change to the proposed mix of affordable housing, resulting in 53% of affordable units being available for affordable rent and 47% available for shared ownership; and
- (iii) The requirement for the proposed access to be built prior to commencement to be relaxed to allow the development to be built up to a height no more than 1 metre above ground to allow the securing of housing grant funding; and
- (iv) The surface level car park not to be subdivided or sold off from the 21 flat development.

44. PLANNING APPLICATION EPF/2456/11. VALLEY GROWN NURSERIES, PAYNES LANE, NAZEING. ADDITIONAL ACCESS ROUTE FROM GREEN LANE, IN CONNECTION WITH EPF/2457/11.

The Committee considered an application seeking alternative means of vehicular access to an application site in Paynes Lane, Nazeing. The application sought the creation of a nine metre wide stone track leading from the Valley Grown Nursery site linking to an existing private access track and road previously used for gravel extraction. The applicants intention was that HGV's would use this access rather than Paynes Lane.

The Committee received representations from a local objector, the Parish Council, the Lee Valley Regional Park Authority and the applicant. The Committee also noted further letters of objection received since the publication of the agenda.

The committee were of the view that the creation of a separate access way would impact on the amenity of residents who had previously been subject to HGV movements from extraction activity and was not proportionate response to the level of traffic proposed for the site. Members were also concerned that the nursery development itself was premature in advance of the formulation of glass house policy within the emerging local plan therefore the need for the road was also premature.

Resolved:

That planning application EPF/2456/11 at Valley Grown Nurseries, Paynes Lane, Nazeing be refused permission for the following reasons:

- (1) The proposed development intrudes into an area that is being restored following gravel extraction within the Metropolitan Green Belt. The new road is considered excessive for the amount of traffic that is envisaged it will take. It is not considered that the development is necessary or proportionate in relation to the horticultural use that it is intended to serve and therefore it is inappropriate development within the Green Belt, Contrary to Policy GB2 of the adopted Local Plan.
- (2) The creation of the new haul road across open land intrudes in the landscape and introduces additional commercial traffic into an area utilised for recreation, as such the development fails to conserve and enhance the landscape of the Lee Valley Regional Park or safeguard the amenity of the Park and is therefore contrary to policy RST24 of the adopted Local Plan.
- (3) The proposal is contrary to current adopted policy and is considered premature in advance of the emerging Local Plan which will address the

future policy for glasshouse development in the District on the basis of evidence provided by a study that is currently being undertaken.

45. PLANNING APPLICATION EPF/2457/11- VALLEY GROWN NURSERIES, PAYNE'S LANE, NAZEING, ESSEX . - CONSTRUCTION OF GLASSHOUSE, ANCILLARY WAREHOUSE AREA, OFFICE AND WELFARE FACILITY SPACE, HABITAT ENHANCEMENT AND LANDSCAPING. (REVISED APPLICATION)

The Committee gave consideration to a further application on the Valley Grown Nurseries site on Paynes Lane, Nazeing. The matter had last been considered by the Committee at their meeting on 24 August 2011. This application provided further additional supporting information and sought to address the issues of harm to residential amenity of occupants of Paynes Lane from the increased vehicle movements. The Committee noted the proposed unilateral planning obligation put forward with the application.

The Committee received representations from an objector, the local parish council, the LVRPA and the applicant.

The committee were concerned that the application was premature in advance of the emerging Local Plan which would address the future policy for glasshouse development in the District. Additionally the committee maintained that the application would have an impact on the Green Belt, adversely affected the Lee Valley Park and contrary to local plan policy and refused the application accordingly.

Resolved:

That Planning Application EPF/2457/11 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 glasshouses 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 policies 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 Policy GB7A and E13A of the Adopted Local Plan and Alterations.

(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.

(5) The proposal is contrary to current adopted policy and is considered premature in advance of the emerging Local Plan which will address the future policy for glasshouse development in the District on the basis of evidence provided by a study that is currently being undertaken.

46. ANY OTHER BUSINESS

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

CHAIRMAN