

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

- Committee:** District Development Control Committee    **Date:** 27 February 2012
- Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 - 10.10 pm
- Members Present:** B Sandler (Chairman), R Bassett (Vice-Chairman), A Boyce, K Chana, D Dodeja, C Finn, J Hart, Mrs S Jones, J Markham, J Philip, Mrs C Pond, H Ulkun, Ms S Watson and J Wyatt
- Other Councillors:** K Angold-Stephens, K Avey, Ms R Brookes, Mrs T Cochrane, Mrs D Collins, Ms J Hart, J Knapman, L Leonard, G Mohindra, Mrs M Sartin, Mrs P Smith, D Stallan, Mrs L Wagland, C Whitbread and D Wixley
- Apologies:** J M Whitehouse
- Officers Present:** N Richardson (Assistant Director (Development Control)), D Macnab (Acting Chief Executive), K Smith (Senior Planning Officer), S G Hill (Senior Democratic Services Officer), T Carne (Public Relations and Marketing Officer) and A Hendry (Democratic Services Officer)
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### **47. WEBCASTING INTRODUCTION**

The Senior Democratic Services Officer 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.

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

It was noted that no substitutes had been appointed to the meeting.

### **49. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, the following Councillors declared personal interests in agenda item 7 (planning application at Council Depot Site and Adjacent Land ) as shown.

Councillors Cochrane, Hart, Finn, Leonard, Markham – Members of the LRA Group who had responded to the planning consultations.

Councillors Angold-Stephens, Pond and Wixley - Members of the LRA Group and as members of Loughton Town Council who had responded to the planning consultations.

### **50. ANY OTHER BUSINESS**

It was noted that there were no further items of business for the meeting.

**51. PLANNING APPLICATION EPF/2580/10 - COUNCIL DEPOT SITE AND ADJACENT LAND OFF LANGSTON ROAD, LOUGHTON IG10 3UE - OUTLINE APPLICATION FOR THE REDEVELOPMENT OF THE SITE FOR A RETAIL PARK WITH ASSOCIATED LANDSCAPING, CAR PARKING, GROUND REMODELLING WORKS, RETAINING WALL STRUCTURES AND TWO ACCESSES OFF LANGSTON ROAD**

The Committee considered an outline planning application for the construction of a retail park, associated landscaping, car parking, ground works, retaining wall structures and proposals for the access to the site off Langston Road, Loughton.

The application indicated a layout plan of two blocks of units containing eleven retail units aimed at A1 (comparison retailers) use with up to 1000m<sup>2</sup> gross internal floor area for A3 use. A planning policy statement submitted also confirmed that no more than 1000m<sup>2</sup> of the gross internal floor area would be used for A1 food retail.

The application also set out indicative car parking at the front of the development together with proposals for two access points off Langston Road to provide an entrance to the car park and for a service/delivery access road. The members of the Committee had previously attended a visit to the site concerned.

The Committee also received a presentation of the proposed off-site highways works which sought to mitigate the impact of the additional traffic generated by the proposed retail park. The works had been developed following consultation with County Highways who had now approved the scheme from a highways perspective.

It was proposed that, as part of any permission, an agreement completed to secure these highway works; pedestrian improvements; street lighting, a contribution to the costs of associated Traffic Regulation Orders; a travel plan for the site; a £40,000 contribution towards the Broadway Parking Review and to limit net retail sales floor space/A1 Food Retail/ A3 use within the development. The planning officer also asked for members to agree that tree replacement condition (12) include provision for 'compensatory' tree replacement of lost highways trees.

The Committee heard representations made by an objector, the Loughton Town Council and the applicant.

The Committee made observations on the following:

(i) It was requested that further investigations be made with transport operators in an effort to extend bus services into Langston Road as the existing bus stop in Rectory Lane was a distance from the proposed site. Officers commented that this could be taken into account in the formulation of the travel plan for the site.

(ii) Whether it was possible to extend cycle ways to the site and to complete works on Rectory Lane which had been secured under a previous Section 106 agreement. It was agreed that cycle ways could be considered further at detailed design stages.

(iii) Members were concerned that the site entrances were the only matter not reserved and that traffic management of the car park was important to avoid congestion. The Committee asked for a traffic management plan be included in any agreed conditions.

(iv) Members noted the retail viability assessment had taken account of smaller local shopping parades, the effect on which had been estimated at between – 0.6% to – 1.4%.

(v) That the proposed retail park would mean the creation of approximately 200 jobs in an area of regeneration.

(vi) That further work was required to ensure effective lighting and pedestrian access and security.

The committee considered and approved recommendations to grant the outline permission subject to the Section 106 and approval from the National Casework Unit as a departure from the Local Plan and resolved accordingly taking account of amendments suggested by members.

**Resolved:**

That subject to:

(i) the referral of the planning permission to the National Planning Casework Unit as a departure from the adopted Local Plan; and

(ii) the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 within six months to secure:

(a) The provision of highway works and associated signage as shown in principle on drawing numbers STH2468-08 rev. H and STH2468-12 rev. A, to be completed before occupation of the development. Applicant also to explore potential to extend the existing cycle path in the vicinity of the site and implement improvement works where appropriate. Details to be agreed with Essex County Council.

(b) The provision of pedestrian improvements (including signage directing pedestrians towards The Broadway) as shown in principle on drawing number STH2468-07 rev. A, to be completed before occupation of the development. Details to be agreed with Essex County Council.

(c) A pedestrian crossing facility on Langston Road in lieu of a pedestrian phase at the Langston Road arm of the signals given capacity constraints, to be completed before occupation of the development. Details to be agreed with Essex County Council.

(d) The upgrade to Street Lighting including the improvement of pedestrian security in Langston Road, Station Approach and Torrington Drive, to be completed before occupation of the development. Details to be agreed with Essex County Council.

(e) A financial contribution of up to £25,000 towards the cost of advertising the Traffic Regulation Orders, to be paid before implementation of the development.

(f) The provision of signing and lining necessary to implement the Traffic Regulation Orders, to be completed before occupation of the development. Details to be agreed with Essex County Council.

(g) A Travel Plan, which must incorporate a scheme of monitoring by Essex County Council must be supported by a non-returnable fee of £3,000 payable by the Developer on implementation of the development. The Travel Plan shall include evidence of approaches to companies providing local bus services to extend those services into Langston Road.

(h) A contribution of up to £40,000 towards the funding of the Broadway Parking Review and to implement/fund any outcomes deemed necessary as a result of the proposed development.

(i) Limitations on the types/amounts of retail which may be permitted within the proposed retail park, to include:

(j) A limit on the maximum floor space within the development to ensure that the net retail sales floor space (including any mezzanines) does not exceed 12,915m<sup>2</sup>;

(k) The total amount of A1 food retail within the development shall not exceed 1,000m<sup>2</sup> net internal sales floor space; and

(l) The total amount of A3 use within the development shall not exceed 1,000m<sup>2</sup> gross internal floor space;

Planning application EPF/2580/10, Council Depot and Adjacent Land off Langston Road, Loughton be granted subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2. a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (i) layout;
- (ii) scale;
- (iii) appearance; and
- (iv) landscaping.

b) The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

3. The total gross internal floor space provided within the development shall not exceed 16,435m<sup>2</sup>.

Reason: To ensure that adequate space is retained within the development for the provision of car parking and landscaping.

4. The retail park hereby permitted shall at no time include a dispensing pharmacy or a Post Office counter.

Reason: To ensure that the development does not harm the vitality and viability of the retail function of the nearby Loughton Broadway Centre.

5. Prior to the first use of the development hereby permitted the drainage system, including the subsurface attenuation storage and flow reduction shall be installed in accordance with the specification detailed in the plans attached to the Flood Risk Assessment (dated December 2010). The drainage system will be maintained in accordance with the manufacturers recommendations thereafter.

Reason: To ensure that adequate drainage is provided for the development.

6. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 2010 Ref 24128/003 and the following mitigation measures contained within the FRA:

a. Limiting the surface water run-off up to a 1 in 100 year critical storm so that it will not exceed the run-off as stated on Table 1 within the technical notes of the FRA.

Reason: To prevent flooding by ensuring satisfactory storage of/disposal of surface water from the site and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, as required by the Environment Agency.

7. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. The completed Phase 1 report shall be submitted to and approved in writing 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, 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 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.

8. 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.

9. 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.

10. 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.

11. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

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. No development shall take place until details of tree planting, including positions or density, species and planting size(s) and a timetable for implementation have been submitted in relation to compensatory replacement planting for trees lost through the proposed off-site highway works (which have been secured by legal agreement) and approved in writing by the Local Planning Authority. These works shall be carried out as approved. If within a period of five years from the date of planting any tree, or replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree 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 a satisfactory appearance to the development and to ensure that there is no harm to highway safety caused by the positioning of replacement trees.

13. No development to take place until such time that Traffic Regulation Orders have been secured to:

a. prevent the parking of vehicles along the service road adjacent to Chigwell Lane between the petrol filling station and Station Approach, except for loading

b. make the service road adjacent to Chigwell Lane one way preventing traffic travelling southeast to northwest along it between the petrol filling station and Station Approach

c. no entry from the service road onto Chigwell Lane from the north-western access

d. make the section of Barrington Green from the edge of the access adjacent to no. 34 to the junction with Chigwell Lane one way preventing traffic travelling from southeast to north west

e. no parking along Oakwood Hill in the vicinity of the Langston Road signalised junction

f. the prohibition of vehicles on the section of Barrington Green adjacent to the Winston Churchill Public House, as necessary to implement the highway works as shown in principle in drawing number STH2468-08 rev. H

g. Any other TRO's considered necessary to implement the highway works as shown in principle in drawing number STH2468-08 rev. H, STH2468-12 rev. A and STH2468-07 rev. A. Details to be submitted to and agreed in writing with the Local Planning Authority and implemented.

Reason: In the interest of highway safety and efficiency.

14. Prior to commencement of the development details of the provision of suitable temporary construction access arrangements, including appropriate visibility splays, adequate access width and radii to accommodate the simultaneous entry and exit of vehicles using the temporary access, temporary traffic management/signage and wheel cleaning facilities for the duration of the construction phase to prevent the deposition of mud or other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site shall be submitted to and approved in writing by the Local Planning Authority. The measures shall subsequently be implemented as approved.

Reason: In the interests of highway safety and efficiency.

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.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

16. Prior to commencement of development, details of the parking provision for cars, the number, details of the location and design of powered two wheelers and secure and covered bicycle parking facilities to accord with the requirements of the Parking Standards Design and Good Practice guide dated September 2009 shall be submitted to and approved in writing with the Local Planning Authority. The approved facilities shall be provided prior to occupation and retained available for parking at all times thereafter and not used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: In the interests of highway safety, efficiency and accessibility and to ensure that adequate car parking is available for staff and customers of the retail park.

17. Prior to commencement of development, the provision of details relating to the vehicular and pedestrian access arrangements as shown in principle on PRC drawing 002 (proposed site plan) to be submitted to and



agreed in writing with the Local Planning Authority. The approved scheme shall be provided prior to occupation.

Reason: In the interest of highway safety and efficiency

18. The existing redundant accesses shall be permanently closed and replaced with full upstand kerbs and footway, immediately the proposed new accesses are brought into use. Details to be submitted to and agreed in writing with the Local Planning Authority prior to commencement of development.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

19. Prior to the commencement of the development hereby approved, details of refuse storage shall be submitted to the Local Planning Authority for approval in writing. The agreed storage shall be provided prior to the first use of the retail park.

Reason: To ensure that adequate provision is made for refuse storage within the development.

20. Details of ventilation and extraction equipment to mitigate cooking odours shall be submitted to the Local Planning Authority for approval in writing and installed in accordance with the agreed detail prior to the commencement of A3 use of any part of the retail park.

Reason: To protect the amenity of the surrounding environs.

21. Prior to the commencement of the development hereby approved, a Car Park Management Plan shall be submitted to the local planning authority for approval in writing. The Car Park Management Plan shall include details of the car park layout, markings, signage and lengths of stay. The car park shall operate in accordance with the detail agreed within the Car Park Management Plan at all times.

Reason: In the interest of ensuring that the car parking provided is conveniently accessible for use by staff and visitors of the development.

**CHAIRMAN**