

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 8 August 2012
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.30 pm
High Street, Epping

Members Present: B Sandler (Chairman), C Finn, J Hart, Mrs S Jones, Ms Y Knight, J Markham, Mrs M McEwen, R Morgan, J Philip, Mrs C Pond, D Stallan, Ms S Watson, J M Whitehouse and J Wyatt

Other Councillors: K Avey

Apologies: A Boyce, J Knapman and Mrs P Smith

Officers Present: S Solon (Principal Planning Officer), R Rose (Senior Lawyer), S G Hill (Senior Democratic Services Officer) and R Perrin (Democratic Services Assistant)

1. 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.

2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor Stallan was substituting for Councillor and Councillor McEwan was substituting for Councillor Smith at the meeting.

3. VICE CHAIRMAN FOR THE MEETING

Resolved:

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

4. DECLARATIONS OF INTEREST

(a) Councillor Phillip declared a Disclosable Pecuniary Interest in item 13 – Chigwell School under paragraph 6.2 of the Code of Conduct and indicated that he proposed to leave the meeting for the duration of the discussion and voting on that item.

(b) The following Councillors declared a non-pecuniary interests.

(i) Councillor Morgan in item 7 (Rolls Farm Barn, Magdalen Laver) as he knew the applicant and objector;

(ii) Councillor Pon in item 9 (29 The Broadway, Loughton) as a member of the Loughton Residents Association; and

(iii) Councillor McEwen in item 7 (Rolls Farm Barn, Magdalen Laver) as she knew the applicant.

5. MINUTES

Resolved:

That the minutes of the meeting held on 11 April 2012 be taken as read and signed by the Chairman as a correct record.

6. **PLANNING APPLICATION EPF/2552/11- ROLLS FARM BARN, HASTINGWOOD ROAD, MAGDALEN LAVER, ONGAR ESSEX, CM50EN -ERECTION OF 2 NEW BUILDINGS TO ACCOMMODATE INSECT BREEDING AND STORAGE ASSOCIATED WITH PEREGRINE LIVEFOODS LTD (REVISED APPLICATION)**

The Committee considered an application referred to it by Area Plans Subcommittee East following their meeting on 9 May 2012 with a recommendation to grant planning permission.

The Planning Officer reported that since that meeting, the Council had received views on the application from English Heritage relating to the effect on Wynters Armourie, a Grade II* listed building which was also a Scheduled Ancient Monument. The officer advised therefore that the planning application should be considered afresh by the Committee.

The application sought approval for the erection of two additional buildings in connection with an existing insect breeding business on the site. One was an extension to the existing building on the site to provide further breeding rooms and the second, separate building to be used for storage of feed, packaging and other equipment associated with the business.

The officer reported the views of English Heritage who were of the view that the harm to the adjacent Wynters Armourie was 'less than substantial' and that the approval should only be granted if the Council concluded that the public benefits arising from the proposal outweighed any harm to the setting of the listed building.

The officer reported that there would be no noise or disturbance associated with the development, it avoided further lorry movements created by consolidating the business on one site and these would be less than an agricultural use. Essex County Council had raised no objection as Highway Authority.

Members were asked to consider the very special circumstances put forward by the applicant outlined in the report and the wish to consolidate their business onto one site. On balance the officers were recommending that permission be granted subject to conditions.

The Committee noted advice from the Council's legal officer that an objector had put the Council on notice that they proposed to seek a Judicial Review of any decision to grant permission. Officers had already determined that an Environmental Impact Assessment was not required and in any event was not before the committee to determine. The Committee also noted the status of a further related Judicial Review.

The Committee heard representations from an objector and the applicant.

The Committee questioned whether the workforce came from the local area. The Planning Officer confirmed that from figures given by the applicant that the business had 99 employees, 48% of which came from Harlow, 38 came from the south of Harlow.

The Committee were of the view that the application met the test of very special circumstances rehearsed in the report to members which outweighed the harm to the Metropolitan Green Belt and any other harm, in summary:

- (i) The business was now an established and successful business in redundant buildings at Rolls Farm.
- (ii) The business needed to expand and they had considered relocating to a larger site or a split into two sites but neither of these options was sustainable or cost effective.
- (iii) The business wanted to remain in the District and had been searching for a site for 3 years but no such site had been forthcoming,
- (iv) The nature of the breeding activity was such that it required a site away from traditional industrial premises, preventing contamination of the breeding insect colony.
- (v) The siting of the warehouse and storage area within the site was likely reduce traffic movements compared to if they operated from a split site
- (vi) The stability that expansion of the existing site would create makes financial sense with economies of scale.
- (vii) The site was an important local employer largely of unskilled labour. 34% of the current workforce was under 25. This sector had traditionally high unemployment.
- (viii) The Peregrine Foods use of existing buildings at Rolls Farm was an important diversification of the farm following the move out of potato growing which had ceased to be profitable.

The Committee also gave weight to Officer advice that there were significant strong linkages between the applicants business and other businesses within the District.

The committee therefore concurred with the view of the Subcommittee that the application should be granted subject to conditions. They noted that the application would also be required to be referred to the National Planning Casework Unit for consideration.

Resolved:

That planning application EPF/2552/11 at Rolls Farm Barns, Magdalen Laver 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) 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.

(3) No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details within the first planting season following the commencement of any construction works. 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 in writing.

(4) 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 staff and visitors vehicles.

(5) This consent shall inure for the benefit of Peregrine Livefoods only and the buildings hereby approved shall be used only for the purposes set out within the application. That is breeding of insects, within the extension to barns 1 to 3 and storage and staff welfare facilities ancillary or incidental to the wider use of the site by Peregrine Foods for insect breeding, in Building 8.

(6) Should the buildings hereby approved cease to be used for the purposes set out in Condition 5 above for a period in excess of six months then the buildings shall be demolished and all resulting materials shall be removed from the land.

(7) No external lighting shall be erected at the site in connection with this development without the prior written approval of the Local Planning Authority.

(8) There shall be no external storage at the site in connection with the business operations of Peregrine Livefoods Ltd.

(9) There shall be no deliveries to or despatches from the site outside of the hours of 07:30 hrs – 19:00 hrs Monday to Friday and 08:00 hrs- 13:00 hrs on Saturdays and Sundays.

(10) The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Unnumbered site Location Plan, 1101 3A, 4, 5A, 6A, 7, 8, 9, and unnumbered landscaping scheme.

7. PLANNING APPLICATION EPF/0848/12 - ABBEY VIEW PRODUCE LTD, GALLEY HILL, WALTHAM ABBEY - EXTENSION OF EXISTING PACKHOUSE, ASSOCIATED DRAINAGE IMPROVEMENTS AND LANDSCAPING

The Committee considered an application for the extension of an existing pack house at Abbey View Produce, Galley Hill, Waltham Abbey. The application had been referred from Area Plans West with a recommendation to grant permission, subject to condition.

Members heard from the applicants agents in support of the proposals.

Members supported the application, located between other premises on the site, limiting its impact on the green belt. Members also supported the views of the Plans Subcommittee that very special circumstances existed in this case which would outweigh the harm to the Metropolitan Green Belt. In summary these were:

- (i) The support the proposal provided to the nursery business on the site and locally;
- (ii) Its limited impact on openness; and
- (iii) No objections being made by the Local Parish Council or the local community.

The committee therefore concurred with the view of the Subcommittee that the application should be granted subject to conditions. They noted that the application would also be required to be referred to the National Planning Casework Unit for consideration.

Resolved:

That the committee agrees the recommendation of the Area Plans Subcommittee East to grant planning permission 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 development hereby permitted will be completed strictly in accordance with the approved drawings No's: 3060/1-7

Reason: To ensure the proposal is built in accordance with the approved drawings.

- (3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development.

- (4) The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Statement dated April 2012, reference 231/2011 by EAS and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off to the calculated Greenfield run-off rate for the site.
2. Provision of on site surface water storage to attenuate all events up to and including the 1 in 100 year critical storm event, including a 30% allowance for climate change.
3. Surface water attenuation to be provided through the existing reed pond.

The mitigation measures shall be fully implemented prior to occupation of the building and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

(5) The landscape scheme shall be carried out in accordance with Tim Moya Associates Soft Landscape Specification, Method Statement and Landscape drawing number 210607-P-01 dated July 2011. 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 in writing.

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) The packing and processing of foodstuffs other than those grown on this nursery shall not take place other than between the hours of 7am to 7pm Monday to Fridays and 7am to 1pm on Saturdays and Sundays and at no other times.

Reason: To safeguard the amenities of the area.

(7) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 8 Class A 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 in the interests of keeping the Green Belt open.

(8) The development hereby approved shall form part of a mixed use of the site for horticultural purposes and for the packing, processing and distribution of foodstuffs (in accordance with condition 9 below) and shall not replace, supersede or otherwise operate separately from the commercial growing of horticultural crops from this nursery.

Reason: This site is within the Metropolitan Green Belt and permission has been granted because of the very special circumstances in this case.

(9) The packing and processing facilities hereby approved shall be used solely for the handling of fresh horticultural products and shall not be used for the handling of any other goods or foodstuffs.

Reason: The site is within the Metropolitan Green Belt where there is a presumption against development unless required essentially for the purpose of agriculture, forestry or for other recognised Green Belt purposes.

Permission is granted in this case in the light of the very special horticultural justification.

(10) 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, 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.

(11) 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.

(12) 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.

(13) 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.

(14) 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.

8. PLANNING APPLICATION EPF/0339/12 - 29 THE BROADWAY, LOUGHTON, ESSEX, IG10 3SP - CHANGE OF USE FROM A1 RETAIL TO A2 FINANCIAL AND PROFESSIONAL SERVICES

The Committee considered an application referred by Area Plans Subcommittee South with a recommendation contrary to officer views that the application should be granted.

The application sought the change of use of the application site from A1 Retail to A2 Financial and Professional Services uses.

The Subcommittee had felt that The Broadway had a low level of vacant shop premises and a low proportion of non-retail frontage, such that the use of the application site for purposes within Use Class A2 would be harmful to the vitality and viability of The Broadway as a shopping area.

The Committee, however, concurred with the view of officers had the use met local plan policy TC4 and resolved to grant planning permission as recommended by Officers subject to the imposition of a planning condition restricting the consent to the benefit of the applicant in order that the use of the premises would revert to retail use in the longer term in the interests of maintaining the vitality and viability of the Broadway shopping area.

Resolved:

That planning application EPF/0339/12 at 29 The Broadway, Loughton 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 the permission notice; and
- (2) The consent shall inure solely for the benefit of the applicant 'Instant Cash Loans Ltd' and for no other person or persons.

9. PLANNING APPLICATION EPF/0268/12 - 121 THEYDON PARK ROAD, THEYDON BOIS. - DEMOLITION OF RECREATION CHALET AND ERECTION OF SINGLE STOREY EXTENSION TO BUNGALOW

The Committee considered and approved an application referred by Area Plans Subcommittee East on 6 June 2012 for the demolition of a recreation chalet and erection of a single story extension for an adjacent bungalow. It was noted that the permission included a Section 106 agreement. The Committee were of the view that the application met the test of very special circumstances rehearsed in the report to members.

Resolved:

That, subject to the completion, within 6 months of a resolution to grant planning permission, of an agreement under Section 106 requiring land registered under titles for 121 Theydon Park Road and St Leonards, Theydon Park Road to not be sold separately and prohibiting the construction of buildings on land registered under the title for St Leonards, planning application EPF/0268/12 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 extension hereby approved shall not be commenced until the recreational chalet at St Leonards and shown to be removed on the approved plans has been completely demolished above ground level.
- (3) 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.
- (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 extensions, roof enlargements and outbuildings generally permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken to the house at 121 Theydon Park Road or within its curtilage as outlined in red and blue in the approved plans without the prior written permission of the Local Planning Authority.

10. PLANNING APPLICATION EPF/2543/11- NINE ASHES FARM, ROOKERY ROAD, HIGH ONGAR- CHANGE OF USE FROM AGRICULTURAL TO USE FOR RESIDENTIAL PURPOSES (USE CLASS C3A) AND FOR THE CONSTRUCTION OF 8 SEMI DETACHED THREE BEDROOM HOUSES. DEMOLITION OF EXISTING REDUNDANT BUILDINGS ON THE SITE.

The Committee considered an application referred by Area Plans Subcommittee East at their meeting on 9 May 2012 seeking the grant of planning permission at Nine Ashes Farm, High Ongar. The application sought the construction of eight semi detached houses on the site of disused agricultural buildings.

The committee noted the application history of the site and the previous rejection of B1, B2 and B8 uses and for a more intensified residential proposal. The Committee noted that the applicant had also now agreed the wording of a Unilateral Undertaking with the Council's legal officers which set out financial contributions towards off-site affordable housing and highways works.

The Committee heard from the applicants agent and from the Local Parish Council, who were supporting the current proposals.

Members of the Subcommittee were of the view that material planning considerations existed that were of sufficient weight to amount to very special circumstances in favour of granting planning permission. They included:

- The situation of the site within the built up enclave of Nine Ashes
- That the proposal would improve the openness of the Green Belt by substantially reducing the volume of built form on the land, setting the new built form away from the road and breaking it up to facilitate views through it to open fields rear of the site.
- That the reuse of the existing buildings for employment purposes had been previously found excessively harmful, especially to the living conditions of neighbouring houses.

Members of the committee noted the unusually strong local support for the proposed development.

The committee therefore concurred with the view of the Subcommittee that the application should be granted subject to conditions and the completion of the Unilateral Undertaking. They noted that the application would also be required to be referred to the National Planning Casework Unit for consideration.

Resolved:

That subject to the views of the Secretary of State following referral to the National Planning Casework Unit and a completed Unilateral Undertaking to secure:

- (a) a commuted sum of £16,000 towards off site affordable housing; and
- (b) a contribution of £4,000 towards highways works'

Planning application EPF/2543/11 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.
- (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.
- (3) The development hereby permitted will be completed strictly in accordance with the approved drawings nos: ETW 01 rev.A; ETW 03 rev.A; ETW 04 rev.D; ETW 10 rev.F; and ETW 20 rev.B
- (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 side extensions generally permitted by virtue of Part 1, Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- (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 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 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]

(7) 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]

(8) 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]

(9) 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.

(10) 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, including wheel washing.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

(11) 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.

(12) Prior to occupation of the proposed development, the Developer shall submit and have approval in writing from the Local Planning Authority a Travel information and Marketing Scheme for sustainable transport . The developer shall be responsible thereafter for the provision and implementation of the scheme in accordance with the approved details.

(13) 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.

11. PLANNING APPLICATION EPF/2613/11 - GREENACRES FARM, BOURNEBRIDGE LANE, STAPLEFORD ABBOTTS - DEMOLITION OF EXISTING BUNGALOW, DOMESTIC OUTBUILDINGS, B1 OFFICE BUILDING, B1/B8 WORKSHOP/STORAGE BUILDINGS, AND CESSATION OF OPEN STORAGE USE; AND THE ERECTION OF TWO, TWO STOREY DETACHED HOUSES

The Committee considered and approved an application referred by Area Plans Subcommittee East on 4 July 2012 for the demolition of an existing bungalow, outbuildings and associated buildings, cessation of outside storage uses in favour of the erection of two detached house on the application site.

It was noted that the proposals included two Unilateral Undertakings not to implement two certificates of lawful development on the site, a large two storey front extension to the main dwelling house and a further large outbuilding.

The Committee were of the view that the application met the test of very special circumstances rehearsed in the report to members.

Resolved:

That the Committee agrees the recommendation of Area Plans Committee East to grant planning permission subject to:

(a) The signing of a unilateral undertaking to prevent an outbuilding being erected in the rear garden of the main dwelling on the site. This outbuilding was certified as a lawful development under application reference EPF/CLD/1057/08, and:-

(b) 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 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.

(3) 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.

(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, B, C, and E shall be undertaken to the two new dwellings hereby approved, or to the existing main

dwelling to be retained on the site, without the prior written permission of the Local Planning Authority.

Reason:- The specific circumstances of this Green Belt site warrant the Local Planning Authority having control over any further development.

(5) 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.

(6) 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 planting on the west boundary of the site), 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.

(7) Details of the sustainable drainage system to be used on this site shall be submitted to and approved by the local planning authority before any works commence on site, and once approved these details shall be implemented in full on site.

Reason - To ensure surface water is disposed of in an appropriate manner.

(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 noise sensitive 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, 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.

(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.

(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) 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.

(14) The area of the site annotated on plan number 2472-3A as 'restored to open Green Belt' shall remain in use as agricultural land and shall not be used for any other purpose, including use as domestic gardens.

Reason - To avoid urban encroachment that would impinge on the openness of the Green Belt.

(15) The two dwellings hereby approved shall not be occupied before the buildings shown to be removed in this application are demolished and the land made good. Similarly all outside storage, including containers, shall be removed from the site and the the land made good before the dwellings hereby approved are occupied.

Reason - To safeguard the openness of the Green Belt, and to ensure the appearance of the site is improved.

12. PLANNING APPLICATION EPF/1016/12 -CHIGWELL SCHOOL, HIGH ROAD, CHIGWELL - DEMOLITION OF EXISTING GROUNDS YARD BUILDINGS AND BUNGALOW AT THE SANDON SITE AND CONSTRUCTION OF A NEW SINGLE-STOREY PRE-PREP SCHOOL BUILDING AND ASSOCIATED SOFT AND HARD LANDSCAPING WORKS. RECONFIGURATION OF EXISTING DRAMA CENTRE CAR PARK TO PROVIDE AN ADDITIONAL 4 PARKING SPACES AND NEW EXTENSION TO PROVIDE AN ADDITIONAL 20 PARKING SPACES FOR PUPIL DROP-OFF/COLLECTION.

The Committee considered and approved an application referred by Area Plans Subcommittee South for the demolition of buildings within the Chigwell School boundary to construct a single storey preparatory school.

The Committee concurred with the view of the Area Plans Subcommittee that, in this case, very special circumstances existed sufficient to outweigh the usual policy of restraint in the Metropolitan Green Belt. In summary the committee were of the view that these circumstances were:

- the demand for additional school places within the local area;
- previously unsuccessful proposals for the conversion of an existing building (The Grange, High Road, Chigwell) outside of the Green belt to meet this need;
- guidance within the NPPF, which includes a presumption in favour of sustainable development and the encouragement for greater provision/choice in relation to school places; and
- the application site, although located within the Green Belt, it is previously developed and would be viewed within the context of existing buildings and the all weather pitch and somewhat screened by existing/retained vegetation.

The Committee voted to grant permission with conditions accordingly.

Resolved:

That planning application EPF/1016/12 at Chigwell School, Chigwell 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 building and car park extension hereby approved shall be constructed using the external finishes listed in the submitted planning

application form, unless otherwise agreed in writing by the Local Planning Authority.

(3) The development hereby permitted will be completed strictly in accordance with the approved drawings nos:

BH&M drawing nos. 2662 A001; A010; A011; A100; A110; A130; A131; A150; A160; A400; A500;

LUC drawing nos. 3673.01 100 rev. E; 3673.01 101 rev. A; 201 rev. A; 202 re. A.

CTP drawing A1079 500

(4) 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.

(5) No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

(6) If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

(7) The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

(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.

(9) 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 staff, parent and visitors' vehicles.

(10) Notwithstanding the detail shown on the approved plans, prior to the commencement of development, details of a covered cycle/scooter storage facility shall be submitted to the Local Planning Authority for approval in writing. The approved facility shall be provided prior to the first occupation of the school hereby approved.

(11) The development shall proceed in accordance with the recommendations contained within the submitted Ecological Appraisal, Nocturnal Bat Roost Surveys (Preliminary Report 2012) and Daytime Bat Inspection Survey Report. In addition, prior to the first occupation of the school, at least 5 bird and 5 bat boxes shall be installed within the site.

13. DIRECT ACTION - OLD FORESTERS SITE, OFF ABRIDGE ROAD, THEYDON BOIS

The Committee noted that, following the serving of Enforcement Notices in 2008, and subsequent successful prosecution of the owners against the unlawful siting of a building, a caravan and a portable building on the Old Foresters Site, Theydon Bois, officers were now seeking authority to take direct action to comply with the notices.

The Committee noted the long enforcement history of the site and the Council's powers to take action to secure compliance with extant Enforcement Notices.

In approving the proposed action, it was noted that the Cabinet would be required to approve the resources required to take such action and in relation to this particular case, requested a report be prepared for the next meeting of Cabinet on 10 September 2012.

Members considered it unusual that Officers had to seek Committee authority to exercise powers under Section 172 of the Act in addition to having to then seek Cabinet authority for associated expenditure. They concluded the process resulted in an avoidable delay in securing compliance with effective enforcement notices and requested this procedural issue be considered in a report to Overview and Scrutiny Committee.

Resolved:

- (1) That, subject to Cabinet approval to incur associated expenditure, authority be given to the Director of Planning and Economic Development to take direct action under Section 178 of the Town & Country Planning Act 1990 (as amended) on one or more occasions to secure compliance with the requirements of the Planning Enforcement Notice issued under Section 172 of the Town and Country Planning Act 1990 (as amended) on 21 August 2008 covering the Old Forresters Site, off Abridge Road, Theydon Bois; and
- (2) That the Overview and Scrutiny Committee be asked to review the delegation and procedure relating to proposals for direct action in enforcement cases.

14. ANY OTHER BUSINESS

It was noted that there was no further items of business to be considered at the meeting.

CHAIRMAN