

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** Wednesday, 3 October 2012
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.52 pm
High Street, Epping

Members Present: Councillors B Sandler (Chairman), A Boyce (Vice-Chairman), C Finn, J Hart, Mrs S Jones, J Knapman, Ms Y Knight, J Markham, R Morgan, J Philip, Mrs C Pond, Mrs P Smith, Ms S Watson, J M Whitehouse and J Wyatt

Other Councillors: Councillors Angold-Stephens, K Avey, L Girling, Ms J Hart, Mrs J Lea, Mrs M Sartin, Ms G Shiell, D Stallan, Ms S Stavrou, C Whitbread and D Wixley

Apologies:

Officers Present: J Preston (Director of Planning and Economic Development), N Richardson (Assistant Director (Development Control)), G Lunnun (Assistant Director (Democratic Services)) and A Hendry (Democratic Services Officer)

15. 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.

16. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING COMMITTEES

The Chairman drew attention to the advice note for the public and speakers at Council Planning Committees.

17. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted that there were no substitute members present at this meeting.

18. DECLARATIONS OF INTEREST

No declarations of interest were made pursuant to the Council's Code of Member Conduct.

19. MINUTES

RESOLVED:

That the minutes of the meeting held on 8 August 2012 be taken as read and signed by the Chairman as a correct record.

20. PLANNING APPLICATION EPF/2577/11 - ERECTION OF A TWO STOREY DETACHED DWELLING AND COMMUNITY NATURE RESERVE - SPARKS FARM, 185 NINE ASHES ROAD, HIGH ONGAR

The Planning Officer reported that this application had been considered by Area Plans Sub-Committee East at their meeting on 29 August 2012. Members of the Sub-Committee, whilst sympathetic to the scheme, had expressed concern about a Section 106 Agreement being able to ensure the retention of a publicly accessible nature reserve in the long term. The Sub-Committee had, therefore, referred the application to this Committee with a recommendation that planning permission be granted subject to conditions and to consideration being given to the validity and enforceability of a planning obligation and its suitability as a mechanism to secure long term benefits.

The Committee noted that there had been insufficient time to present a unilateral undertaking to this meeting. Members considered a statement made by the applicant's agent and noted that the Council's Solicitor had advised that a suitably worded Section 106 Agreement would be valid and enforceable as a mechanism to secure long term benefits in this case.

The Committee considered the proposed development had an acceptable appearance, would cause no harm to the interests of amenity and would be no less sustainable than any other modern house constructed within the built-up enclave of Nine Ashes. Members concluded that whilst being inappropriate development in the Green Belt, the significance of the improvement in the openness that would arise from the proposal together with the nature conservation and landscaped benefits offered would be great. The Committee also considered that the benefits to the interests of nature conservation could only be secured in connection with this proposal since the proposed nature reserve was entirely within land in the applicant's ownership and could not be secured anywhere else.

RESOLVED:

That, subject to the completion, within six months of the date of this meeting, of an agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the formation of a Community Nature Reserve accessible by members of the public in perpetuity and maintained by the owners of the proposed house in accordance with the approved 10 year Nature Conservation Management Plan and with an obligation for further agreed Management Plans to be in place thereafter for the future management of this community Nature Reserve, planning application EPF/2577/11 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 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1268 01A, 1268 04B and 956/03, 956/04, 956/05, 956/06, 956/07, 956/08, 956/09, 956/10 and 956/11.
- 3 The development hereby approved shall not be commenced until a detailed methodology for amphibian and reptile mitigation including capture effort and removal together with a relevant plan in respect of

the application site and adjoining land in the applicant's ownership as indicated on drawing number 1268 01A have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved methodology.

- 4 The development hereby approved shall not be commenced until a detailed description of "appropriate measures" that should be adopted if bats are found in trees, as referred to in section 6.8 of the ecological survey included with the application, have been submitted to and approved in writing by the Local Planning Authority in respect of the application site and adjoining land in the applicants ownership as indicated on drawing number 1268 01A . The development shall be carried out in accordance with the approved measures.
- 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 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) in respect of the application site and adjoining land in the applicants ownership as indicated on drawing number 1268 01A, 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 and the agreed timetable. 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.
- 7 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas within the application site and adjoining land in the applicants ownership as indicated on drawing number 1268 01A shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The landscape management plan shall be carried out as approved.
- 8 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]

- 9 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]

- 10 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]

- 11 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification 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.

- 12 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.
- 13 No work to construct the house hereby approved shall take place until all the buildings shown on drawing number 956/10 have been demolished and all resulting debris removed from the application site and adjoining land in the applicants ownership, as identified on drawing number 1268 01A.
- 14 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.
- 15 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, buildings and means of enclosure generally permitted by virtue of Classes A, B and E of Part 1, Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

21. PLANNING APPLICATION: EPF/0899/12 - THE SCOUT ASSOCIATION, GILWELL PARK, WALTHAM ABBEY - RESIDENTIAL BUILDING (INTERNATIONAL STAFF LODGE) INCLUDING SOCIAL AND SERVICE SPACES AND DEMOLITION OF TWO MAINTENANCE BUILDINGS

The Committee considered an application referred to it by Area Plans Sub-Committee West with a recommendation to grant planning permission following their meeting on 12 September 2012. The Committee concurred with the view of the Area Plans Sub-Committee that, in this case, very special circumstances existed sufficient to outweigh the usual policy of restraint in the Metropolitan Green Belt. The Committee were of the view that these circumstances were:

- (a) the applicant was the Scout Association and therefore the proposed development was to aid the activities of a national registered charity;
- (b) the proposed development would ensure that the site remained in operation for the benefit of the local community and further afield; and
- (c) the proposed development would help to ensure that the majority of the site remained open thus limiting impact on the urban character of the Metropolitan Green Belt.

The Committee agreed that the application should be granted subject to the conditions recommended by the Sub-Committee and to an additional condition restricting the use of the residential building to persons engaged in activities at the site. The Committee 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 Planning Casework Unit, planning application EPF/0899/12 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.

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 nos: FO-001, FO-002 ex, FO-002 pro, FO-100, HO -001, A3-101, A3-102, TCP_01, TPP_01.

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

(3) Materials to be used for the external finishes of the proposed development, shall be as detailed on the submitted plans and particulars, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To safeguard the visual amenities of the locality.

(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 works to the proposed mound) 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 (including planting details included at section 5.3 of the submitted Ecological Survey). 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.

(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.

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 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.

Reason:- To ensure satisfactory provision and disposal of foul and surface water in the interests of public health.

(7) Prior to commencement of development details of bird and bat boxes shall be submitted to the Local Planning Authority for approval. The proposed boxes shall be installed on trees within the site prior to the site clearance.

Reason:- In the interests of providing alternative roosting options for birds and bats within the site.

(8) No development shall take place until details of further bat and reptile survey works, as stated in para.5.1. of the Ecological Scoping Survey Report by Greenlink Ecology Ltd, accompanying this application, have been submitted to and approved in writing by the Local Planning Authority. If these surveys reveal that these protected species are likely to be affected, then before the development proposal commences on site, appropriate mitigation proposed shall be submitted to and approved in writing by the Local Planning Authority, including any timetable for mitigation to be carried out.

Reason: To minimise the impact on biodiversity at and within the vicinity of the proposed building.

(9) The development hereby permitted shall not be used for any permanent residential use or commercial hotel, boarding or guest house use, independent of the main recreational use of the site by the Scout Association.

Reason: To justify the very special circumstances that outweigh the in principle harm of the development on the Metropolitan Green Belt.

22. PLANNING APPLICATION EPF/1340/12 - REMOVAL OF CONDITION 8 REGARDING FENCING OF PLANNING PERMISSION EPF/2300/11 - ERECTION OF REPLACEMENT WORKSHOP AND RESURFACING EXISTING YARD AT BROOKSIDE GARAGE, GRAVEL LANE, CHIGWELL

The Planning Officer reported that this application was before the Committee since the recommendation to grant planning permission was contrary to an objection from a local council which was material to the planning merits of the proposal. In addition the recommendation conflicted with a previous resolution of a Committee.

Members were informed that Condition 8 of planning permission EPF/2300/11 required that prior to commencement of development, the existing fencing at the front of the site had to be removed or set back from the carriageway edge by a minimum of 2.4 metres and that thereafter the 2.4 metre strip between the carriageway edge and the new fence line should remain clear of any obstruction.

The Planning Officer reported that the Chigwell Parish Council had objected to the removal of the condition on the grounds that it served a highway safety purpose and improved aesthetics. He advised that the stated reason for attaching the condition solely related to the matter of highway safety and that it was not open to the Council to give weight to the matter of design.

The Committee were informed that Essex County Council as Highway Authority for the locality had been consulted on the proposal to remove the condition and had not raised any objection subject to the applicant being unable to erect a more solid boundary feature along the site frontage within 2.4 metres of the carriageway.

Members were informed that it was open to the Council to impose a replacement condition removing permitted development rights rather than simply agree the removal of Condition 8. The Planning Officer reported that if the Committee were minded to take that step it would be necessary to issue a decision notice repeating all other conditions on the planning permission since the consent would amount to a new planning permission for the approved workshop building.

The Committee heard representations from the applicant's agent.

The Committee concluded that since an alternative condition could be imposed that would properly deal with the matter of highway safety, condition 8 failed the tests of necessity and reasonableness.

RESOLVED:

That planning application EPF/1340/12 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. 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 with or without modification) no further buildings or extensions to existing buildings shall be erected (other than those expressly authorised by this permission).

3. Within three months of the new building being erected, the existing workshop (shown cross-hatched on drawing no. JTS/7419/02) shall be demolished.
4. The maintenance and repair of vehicles, including works associated with undertaking MOT's, shall not be undertaken in the open hard areas of the site as indicated as diagonally hatched on drawing no. JTS/7419/03.
5. 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.
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. All construction/demolition works and ancillary operations, including vehicle movements 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.
8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no works to erect, construct, improve or alter any gate, fence wall or other means of enclosure, including planting of vegetation, of the site adjacent to Gravel Lane permitted by virtue of Class A of Part 2 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

23. PROPOSED FIELDS LOCK POWER STATION, RATTY'S LANE, HODDES DON, HERTS - APPLICATION FOR A DEVELOPMENT CONSENT ORDER TO THE PLANNING INSPECTORATE (REF: EN010046) FOR A RAIL-LINKED POWER STATION

The Planning Officer reported that Veolia Environmental Services (UK) Plc had made an application for a Development Consent Order to the Secretary of State for Energy and Climate Change, to construct and operate a rail-linked power station at land off Ratty's Lane in Hoddesdon. Members noted that the proposed power station would have an electrical output capacity in excess of 50 mega watts and therefore fell within the definition of a "nationally significant infrastructure project". The Planning Officer reported that such projects were not decided by the Local Planning Authority but by the Secretary of State via the Planning Inspectorate who, after consultation and assessment, would consider whether the development was acceptable and if so would issue a Development Consent Order.

The Committee noted that pre-application had been carried out in two phases of public consultation and the Council had already made comments, particularly in regard to air quality, noise, visual impact and local traffic. The Committee was advised that local authorities in whose areas applications for national significant infrastructure projects were submitted were invited to produce a Local Impact Report. The Planning Act 2008 required that the Examination Authority (and Secretary of State) must have regard to local impact reports in determining applications for the Development Consent Orders. Members were advised that before this was produced there was an opportunity for those interested to make representations direct to the Planning Inspectorate between 17 September and 19 October 2012.

The Planning Officer reported that, although the site was all within the administrative area of Broxbourne Borough Council, it was close to the western boundary of the Epping Forest District and this Council was invited to make comments at this stage.

The Committee considered the proposed development. Members expressed the following concerns:

(a) the visual montages have been taken from a low level and do not accurately show the proposed building when viewed from locations in this District; existing uses on the site are in the main undertaken at ground level and cannot be seen from locations in this District unlike the proposed building;

(b) if Veolia is unsuccessful with its bid for the North London Waste Authority Fuel Use Contract it will be necessary to secure the primary source of solid fuel recovery for the power station from another area which despite current assurances could lead to more than 10% of waste being delivered to the site by road; although there is a weight limit restriction on Dobbs Weir Road this is already regularly abused and the situation is unlikely to be improved by the proposed monitoring; account should also be taken of the increased use of local roads when the M25/A10 are congested/closed;

(c) the current number of rail movements on the London-Cambridge/Stansted Airport line results in long delays of traffic using the level crossing at Roydon; additional rail movements including the need for trains carrying waste from London to go through Roydon to Harlow and back in order to access the application site will exacerbate this problem;

(d) the rail line is already heavily used and services are often disrupted due to signal failures, overhead line problems; any additional use of the line is likely to add to these disruptions;

(e) there will be air pollution resulting from emissions from the site and the planned Trent Developments Sustainable Energy Facility; tests should be undertaken now to establish current levels in the area which can be judged against those taken in the future; there will be increased noise/vibration from the railway which in any event has become more noticeable recently in nearby residential areas as a result of works to the line; there may be rail movements at unsocial hours;

(f) the proposed involvement of the Environment Agency in the process is too late to have any real meaning;

(g) figures for current/estimated traffic movements in the area are unclear and need clarification;

- (h) it is suspected that a large amount of natural gas will be used to fuel the facility rather than residual waste and if so this negates some of the arguments for using this site;
- (i) there will be unacceptable congestion and disruption in the area during the build period for the proposed development;
- (j) the future of the current user on the site is unclear; if this use needs to be relocated to another site locally the estimates of a reduction in vehicle movements will be negated.

RESOLVED:

- (1) That members elaborate on their concerns in e-mails to be sent to the Director of Planning and Economic Development in time for forwarding to the Planning Inspectorate by 19 October 2012;
- (2) That the comments made by members in their emails together with the report of the Director of Planning and Economic Development submitted to this meeting be sent to the Planning Inspectorate; and
- (3) That a report be made to a future meeting about this Council's further involvement in the application process.

24. PLANNING APPLICATION EPF/1907/10 - LAND REAR OF OAKLEY HALL, HOE LANE, NAZEING - DEMOLITION OF GLASSHOUSE AND SUNDRY STRUCTURES AND ERECTION OF 50 BED CARE HOME WITH ASSOCIATED ANCILLARY PARKING AND LANDSCAPING - EXTENSION OF TIME TO ENABLE COMPLETION OF SECTION 106 AGREEMENT

The Planning Officer reported that this application had been considered by the Committee in April 2011 when planning permission had been granted subject to conditions and to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months of the resolution.

Members noted the terms of the proposed agreement and the fact that it had not been completed within the six month period specified. Members were advised that a three month extension of the time for completion of the agreement had been authorised in December 2011 but again the agreement had not been completed within that time.

The Planning Officer reported on steps taken by the applicant during the last few months in an attempt to resolve outstanding issues as a result of which a revised agreement had been drafted and accepted by the Council's Solicitor. The Committee considered a draft of the proposed new agreement.

RESOLVED:

That an extension of time be approved to allow a further three months from the date of this meeting for the completion of the Section 106 Agreement, previously required, to enable planning application EPF/1907/10 to be granted subject to the conditions set out in the minutes of the Committee of 5 April 2011.

CHAIRMAN