

## **EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** District Development Management Committee      **Date:** Thursday, 15 February 2018

**Place:** Council Chamber, Civic Offices, High Street, Epping      **Time:** 7.30 - 8.00 pm

**Members Present:** Councillors B Sandler (Chairman), H Brady, R Jennings, G Chambers, S Heap, S Jones, H Kauffman, J Knapman, S Kane, C C Pond, D Stallan, J M Whitehouse, D Sunger and H Kane

**Other Councillors:** -

**Apologies:** B Rolfe, R Morgan and G Shiel

**Officers Present:** N Richardson (Assistant Director (Development Management)), J Shutt (Senior Housing Development Officer), G J Woodhall (Senior Democratic Services Officer) and A Rose (Webcasting Officer)

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### **46. WEBCASTING INTRODUCTION**

The Senior Democratic Services Officer made a short address to remind everyone present that the meeting would be broadcast live to the internet, and would be capable of repeated viewing, which could infringe their human and data protection rights.

### **47. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUB-COMMITTEES**

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Committee, during the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at Council Planning Committee meetings.

### **48. SUBSTITUTE MEMBERS**

The Committee noted the following substitutions for this meeting:

- (a) Cllr Sunger for Cllr Rolfe; and
- (b) Cllr H Kane for Cllr Shiel.

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

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

### **50. EPF/1849/17 - CHIGWELL PRIMARY SCHOOL, HIGH ROAD, CHIGWELL**

The Assistant Director of Governance (Development Management) introduced a report for the complete refurbishment of Chigwell Primary School and enabling

residential development comprising 59 residential properties together with associated off-street parking, a dedicated parking court for existing residents, garden space, new vehicular accesses from the High Road (A113) and Vicarage Lane, external landscaping and associated development. The application was before the Committee as it was classified as a '*large scale major*' development as defined within the guidance issued by the Ministry of Housing, Communities & Local Government.

The Assistant Director stated that the application site comprised the Chigwell County Primary School and the former BI Sports Ground fronting the High Road and extending along Vicarage Lane and the full length of the access road serving the School. The School comprised a mixture of single storey buildings dating from between the 1930's and 1960's, and a number of temporary classrooms; there were three principal School buildings. All buildings on the former Sports Ground had been removed above ground level and the land was mainly given over to scrubland, other than an access on Vicarage Lane and the mature tree screens that laid around and within the land. The surrounding area comprised a mixture of residential and non-residential uses, and there were three listed buildings opposite the site on the High Road. All of the land within the site boundaries was inside the metropolitan Green Belt, but the site laid outside the Chigwell Conservation Area which abutted it. Much of the site was covered by group Tree Preservation Orders and a number of trees were subject to individual orders; there were also two public rights of way crossing the site.

The Assistant Director reported that the current application was based upon previous submissions. The original planning permission had sought to refurbish the School within the existing buildings with an enabling development of 32 houses (submitted in outline only). Revised proposals for the School were approved in March 2017 as a minor amendment to the original permission. The current application had been submitted on the basis that the revised proposal for the School was not viable without additional enabling development. The associated development now comprised 59 residential units, submitted as a full application, and consisted of 7 x 2-bedroom flats, 15 x 3-bedroom houses, 13 x 4-bedroom houses, 23 x 5-bedroom houses and 1 x 7-bedroom house. All of the houses were detached and would be provided with a minimum of 2 parking spaces each and private gardens.

The Assistant Director reminded the Committee that this application had previously been deferred at the last two meetings of the Committee when it had been recommended for refusal, pending discussions between the Applicant and Planning Officers principally concerning the provision of affordable housing. Following further discussions in January 2018, the Applicant had accepted that an additional contribution of £1million towards the provision of off-site affordable housing should be made. Whilst this remained below the full assessment originally requested by the Council, consideration had been taken of the estimated cost of the works to the School of £5.23million and the proposed contribution of £800,000 to the local public transport infrastructure. In addition, following the publication of the agenda, it was proposed to make some minor amendments to planning conditions 5, 12, 13, 15, 16 and 25, as well as the removal of planning condition 21 concerning the provision of a detailed surface water drainage scheme. Therefore, there were now 31 planning conditions attached to this application.

The Assistant Director also informed the Committee that the content and wording of a Section 106 Agreement had been agreed between all parties and would be signed as submitted, subject to the Committee agreeing to grant planning permission. The financial contributions necessitated by the development would be paid in instalments to the Council as follows:

- (a) Affordable Housing:
- (i) an initial payment of £500,000 to be paid prior to implementation and this would be index linked with the date of commencement of the index linking being 4 November 2016;
  - (ii) a further £500,000 to be paid prior to 15 of the residential dwellings being occupied with a further £1,000,000 being paid prior to 35 of the residential dwellings being occupied - in both those cases, the index linking would again run from 4 November 2016; and
  - (iii) the third and final instalment of £1,000,000 to be paid prior to 50 residential dwellings being occupied or before the expiration of a period of three years from the implementation of the residential development whichever was the sooner with the index linking in that instance running from the date the planning permission was issued.
- (b) Local Transport Infrastructure:
- (i) an initial payment of £250,000 to be paid prior to implementation;
  - (ii) the remaining balance to be paid in five equal instalments of £110,000, the first instalment of which to be paid on the anniversary of the implementation of the planning permission or the date the payment was made to the Council, whichever was the earliest, and thereafter annually on the anniversary date for a period of four years the sum of £110,000.

The Assistant Director advised the Committee that Planning Officers were satisfied the scheme as now presented represented an appropriate level of development, delivered appropriate infrastructure in terms of the School and local transport, delivered a realistic level of provision for affordable housing and could be achieved without significant harm to the character of the surrounding area or more directly to nearby occupiers. Consequently, it was now recommended to approve planning permission for the application, subject to the planning conditions outlined within the report and the proposed Section 106 Legal Agreement.

The Committee noted the summary of representations received in respect of this application, including support from Chigwell Parish Council and Chigwell Residents Association, and objections from 19 local residents and the West Essex Ramblers Group. The Committee heard from the Applicant's Agent before proceeding to debate the application.

Cllr C Pond enquired about the wording for condition 14. Chigwell High Road was a Roman road whose course had been altered in the 17<sup>th</sup> Century, and the original course of the road could be across this site as no maps of the original course existed anymore. Cllr C Pond felt that the wording of the current condition was a little weak and would like to see ground surveys at the site included. The Assistant Director reassured the Committee that Planning Officers took advice from the specialist Archaeological team at Essex County Council and this was their recommended condition. A written scheme of investigation would be submitted by the Applicant and a programme of trial trenches would be dug. Cllr Chambers stated that he would not want the School refurbishment delayed by Archaeological studies, and condition 14 should remain as is.

In relation to the contribution towards the local transport infrastructure, the Assistant Director emphasised that this was one of many contributions to the upkeep of the

local bus service in Chigwell from Section 106 Legal Agreements. Cllr J Knapman stated that the bus service would be kept running for at least eight years, if not longer.

Cllr Kauffman enquired as to whether there was a mechanism in place to review the contributions from the scheme if the housing market changed or the residential units were not built? The Assistant Director informed the Committee that there was no such mechanism in the draft Section 106 Legal Agreement, although the final instalment of £1million for off-site affordable housing had to be paid to the Council no later than three years from the date of the decision, regardless of whether any or all of the residential units were constructed.

The Senior Housing Development Officer reminded the Committee that the Council's consultants had originally recommended a contribution for affordable housing in the sum of £4.4million, the Applicant had originally offered £2million, so the final agreement for a contribution of £3million was a compromise. The Committee welcomed the agreement reached with the Applicant regarding the contribution for affordable housing within the District and congratulated the efforts of the Officers involved in the negotiations.

**Decision:**

(1) That planning application EPF/1849/17 at Chigwell Primary School in High Road, Chigwell be granted permission, subject to the conditions listed below and, by 30 April 2018, a completed legal agreement (under Section 106 of the Town and Country Planning Act 1990) to provide:

(a) a contribution towards the provision of off-site affordable housing in the sum of £3million (£2million of which was index linked to 4 November 2016) as follows:

(i) an initial payment of £500,000 to be paid prior to implementation and this to be index linked with the date of commencement of the index linking being 4 November 2016;

(ii) a further £500,000 to be paid prior to 15 of the residential dwellings being occupied with a further £1,000,000 being paid prior to 35 of the residential dwellings being occupied - in both those cases, the index linking was again to run from 4 November 2016; and

(iii) the third and final instalment of £1,000,000 was to be paid prior to 50 residential dwellings being occupied or before the expiration of a period of three years from the implementation of the residential development whichever was the sooner with the index linking in that instance running from the date the planning permission was issued; and

(b) a contribution towards local transport infrastructure in the sum of £800,000 as follows:

(i) an initial payment of £250,000 to be paid prior to implementation;

(ii) the remaining balance to be paid in five equal instalments of £110,000, the first instalment of which to be paid on the anniversary of the implementation of the planning permission or the date the payment

was made to the Council, whichever was the earliest, and thereafter annually on the anniversary date for a period of four years the sum of £110,000; and

(2) That the planning conditions be as follows:

1. The school and residential developments hereby permitted must each 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:

School development: r2i-050-040 rev D, 041 rev O, 042 rev O, 043 rev O, 044 rev O, 045 rev O, 046 rev A, 047 rev O and 048 rev A

Housing development: 241. 200.05, 201.02, 202.02, 203.00, 204.00, 205.00, 206.00, 207.00, 208.00, 209.00, 210.00, 211.00, 212.00, 213.00, 214.01, 215.00, 216.00, 217.00, 218.01, 220.00, 221.01 and 222.01.

3. No development shall take place on the residential scheme until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

4. No development, including works of demolition or site clearance, shall take place on the residential development site 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.

5. No construction works above ground level 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) for the residential development site 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.

6. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
7. No construction works above ground level shall take place until samples and 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. The development shall be implemented in accordance with such approved details.
8. Details of all walls, fences, gates and other means of enclosure to the residential development, including details of measures to separate the car park serving the surrounding area to prevent this being accessed from within the development shall be submitted for approval by the Local Planning Authority in writing prior to any development above ground level, and the development shall be implemented in accordance with such approved details.
9. No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds, shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared, provided a written report of confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site, and that written confirmation has been approved by the Local Planning Authority.
10. Prior to the commencement of the residential development, a precautionary working method statement to ensure no amphibians, reptiles or dormice are injured or killed during clearance of suitable habitat shall be submitted to and approved by the Local Planning Authority. All works shall thereafter proceed in accordance with the approved strategy unless otherwise agreed in writing.
11. Prior to the commencement of the residential development, a detailed mitigation and compensation strategy in relation to bats identified in the report accompanying the application written in accordance with current guidelines available from Natural England (or other relevant body), accompanied by a Natural England European Protected Species licence (EPS) shall be submitted to and approved by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless otherwise agreed in writing.
12. Prior to commencement of development, other than ground works, a lighting design strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a. Identify those areas/features on site that are particularly sensitive for bats, e.g. along important routes used to access key areas of their territory, for example, for foraging.
- b. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- c. Identify lighting to roads, communal parking areas, and external lighting on all buildings within the site.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without prior consent from the Local Planning Authority.

13. In accordance with the recommendations in the Ecological Assessment accompanying the application, prior to any development above ground level, a biodiversity enhancement statement should be submitted to and approved by the Local Planning Authority. This should include a wildlife buffer with swales and marshland habitat, two bat boxes, four bat bricks, ten bird boxes, native wildflower sowing, native hedgerow planting, a free-standing four-chamber bat house and a new pond. All works shall then proceed in accordance with the approved strategy unless otherwise agreed in writing.
14. No preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
15. Prior to any development above ground level, details of refuse and recycling storage and a cycle shelter for the flatted development shall be submitted to and approved by the Local Planning Authority. The works as agreed shall be fully completed prior to first occupation of the said flatted development.
16. No residential development shall take place until a Phase 2 site investigation has been carried out in accordance with the protocol for the investigation agreed by the Local Planning Authority on 31 August 2017 (under application reference EPF/0591/17). 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.]

17. 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.]

18. 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.
19. 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.
20. The development be carried out in accordance with the flood risk assessment (Flood Risk and Drainage Assessment, Ref 171120-01 Rev. A produced by Ardent Consulting Engineers, September 2017) and drainage strategy (Drwg no. 171120-004 Rev.A) submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
21. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. The applicant or any successor in title

must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

22. Prior to the first occupation of the development the visibility splays for each access, the access arrangements and footway improvement works, as shown in principle on Ardent Consulting Engineers drawing no.171120-003, dated 23 Jul 2017, shall be fully implemented and maintained as such in perpetuity.
23. Prior to the first occupation of the development the developer shall implement a pedestrian dropped kerb crossing, within the vicinity of the mini-roundabout, across Vicarage Lane, with the exact location and detail to be agreed with the Highway Authority.
24. No diversion of any existing definitive right of way (as shown on drawing no.241.200.05) shall take place until such time as an Order securing the diversion of any such rights of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.
25. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
26. The proposed car park barrier to the Vicarage Lane access shall be set back a minimum of 6 metres from the back edge of the carriageway.
27. Measures for the eradication of Japanese Knotweed on the site shall be completed wholly in accordance with the details approved under application reference EPF/0949/17 and such works shall be completed and certified as complete by a competent person prior to the commencement of the residential development, unless otherwise agreed in writing by the Local Planning Authority.
28. 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:
  - a. Safe access into the site for construction traffic;
  - b. The parking of vehicles of site operatives and visitors;
  - c. Loading and unloading of plant and materials;
  - d. Storage of plant and materials used in constructing the development;

- e. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f. Measures to control the emission of dust and dirt during construction, including vehicle wheel and underbody washing; and
- g. A scheme for recycling/disposing of waste resulting from demolition and construction works.

All measures shall be retained for the duration of the construction programme unless otherwise agreed in writing by the Local Planning Authority.

- 29. 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.
- 30. All material excavated from below ground level shall be removed from the site unless otherwise agreed by the Local Planning Authority.
- 31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, E and F of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

**51. ANY OTHER BUSINESS**

It was noted that there was no other urgent business for consideration by the Committee.

**52. EXCLUSION OF PUBLIC AND PRESS**

The Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.

**CHAIRMAN**