

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee West **Date:** Wednesday, 8 February 2023

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.14 pm

Members Present: Councillors S Heather (Chairman), D Stocker (Vice-Chairman), R Bassett, H Kane, S Kane, J Lea, J Leppert, J Lucas, T Matthews, J Parsons and M Sartin

Apologies: N Avey and S Yerrell

Officers Present: A Marx (Development Manager Service Manager (Planning)), A Buckley (Higher Level Apprentice (Internal Communications)) and R Perrin (Democratic and Electoral Services Officer)

Officers Present (Virtually): S Dhadwar (Senior Planning Officer), J Leither (Democratic Services Officer) and M Rahman (Planning Officer)

48. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

49. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

50. DECLARATIONS OF INTEREST

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

51. MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 11 January 2023 be taken as read and signed by the Chairman as a correct record.

52. ANY OTHER BUSINESS

It was reported that there was no urgent business for consideration at the meeting.

53. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

It was noted that the Epping Forest District Council Planning Policy Briefing note was available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

54. SITE VISITS

There were no formal site visits requested by the Sub-Committee.

55. DECISIONS

Details of all decisions made at the meeting are shown the appendix to the minutes.

56. PLANNING APPLICATION - EPF/2072/22 LEABANK MEADGATE AND HILSIDE NURSERIES, SEDGE GREEN, ROYDON, HARLOW CM19 5JS

Deferred – Further information to be provided.

57. PLANNING APPLICATION - EPF/2417/22 67 PALMERS GROVE, NAZEING, WALTHAM ABBEY EN9 2QE

Decision: Approved with conditions and subject to S106 Legal Agreement

58. PLANNING APPLICATION - EPF/2628/22 LAND AT WINSTON FARM, HOE LANE, NAZEING, WALTHAM ABBEY EN9 2RJ

Decisions: Approved with conditions.

CHAIRMAN

Application Ref: EPF/2072/22
Application Type: Change of use
Case Officer: Muhammad Rahman
Site Address: Leabank Meadgate And Hilside Nurseries, Sedge Green, Roydon, Harlow, CM19 5JS
Proposal: Change of use of the site from horticulture to a site for storage purposes (Use Class B8).
Ward: Lower Nazeing
Parish: Nazeing
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Onm9>
Decision: Deferred

Deferred – Further information to be provided.

Application Ref: EPF/2417/22
Application Type: Full planning permission
Case Officer: Kie Farrell
Site Address: 67, Palmers Grove, Nazeing, Waltham Abbey, EN9 2QE
Proposal: Construction of new dwelling with associated car parking
Ward: Lower Nazeing
Parish: Nazeing
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UQMZ>
Decision : Approved with conditions and subject to S106 Legal Agreement

Conditions(8)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:
Drawing L-30 Rev A - Proposed Site Development Plan, Site Location and Block Plans
Drawing L-21 - Existing Ground and First Floor General Arrangement Plans & Elevations
Drawing L-32 Rev A - Proposed General Arrangement Plan, Elevations and Site Cross Section
Supporting Planning Statement, AATP, 2021
Ecological Assessment, AATP
Habitat Regulations Assessment, AATP
Supplementary Planning Statement, 2023, received 12.01.2023
Email from applicant dated 16.01.23 at 5.30pm (Personal Circumstances).

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policies DBE1 and DBE4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations

1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 5 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that 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 in accordance with policy RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 6 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with the guidance contained within the National Planning Policy Framework, policy ST4 of the adopted Local Plan and Alterations, and Policy T 1 of the Epping Forest District Council Local Plan Submission Version 2017.

- 7 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on

the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 8 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 Class A, B, D, E, F of Part 1, and Class A and B of Part 2 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

UNILATERAL UNDERTAKING

Required in order to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

INFORMATIVES (1)

- 9 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

Application Ref: EPF/2628/22
Application Type: Householder planning permission
Case Officer: Sukhvinder Dhadwar
Site Address: Land at Winston Farm, Hoe Lane, Nazeing, Waltham Abbey EN9 2RJ
Proposal: Demolition of Existing Bridge and Erection of New Access bridge.
Ward: Lower Nazeing
Parish: Nazeing
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001Uhqa>
Decision: Approve with conditions

Conditions: (8)

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

1512_330; 1512_331; 1512_332; 1512_333.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

3. Prior to the commencement of any works a Preliminary Ecological Assessment must be submitted to the Local Planning Authority. Should the assessment reveal the likely presence of any European Protected Species. Or their breeding sites or resting places, then protected species surveys need to be carried out. These surveys should also be submitted to the Local Planning Authority. Should the protected species reveal the presence of protected species, or their breeding sites or resting places on the site, then a detailed mitigation strategy must be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to the Local Planning Authority. In some cases a European Protected Species Licence may be required from Natural England. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: In order to conserve protected species or their breeding sites, or resting places in accordance with chapter 15 of the NPPF and policies NC3 and NC4 of the Epping Forest District Local Plan and Alterations and DM 1 of the Submission Version Local Plan.

4. Prior to the installation of any external lighting, a "lighting design strategy for biodiversity" 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 and that are likely to cause disturbance in or around their breeding sites and resting places along important routes used to access key areas of their territory for example, for foraging; and
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contours plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In order to conserve protected species or their breeding sites, or resting places in accordance with chapter 15 of the NPPF and policies NC4 and NC5 of the Epping Forest District Local Plan and Alterations and DM 1 of the Submission Version Local Plan

5. Tree protection shall be installed as shown on Ligna Consultancy Tree Protection Plan, drawing No: P1935-TTP01 v1 dated 16/10/2021, prior to the commencement of development activities (including any demolition).
The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

6. If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or 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. 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

7. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

8. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with Policy ST4 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

Informatives:(2)

9. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
10. You are advised that as works are proposed 'on or near' a Environment Agency designated main river, you will be required to follow the environmental permitting rules regulated under 'environmental permits', see below link for further information:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

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