

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

**Committee:** Area Planning Sub-Committee **Date:** 10 May 2017  
East

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

**Members Present:** S Jones (Chairman), P Keska (Vice-Chairman), N Bedford, W Breare-Hall, A Grigg, R Morgan, J Philip, B Rolfe, D Stallan, B Surtees, G Waller, H Whitbread, J H Whitehouse and J M Whitehouse

**Other Councillors:**

**Apologies:** N Avey, A Boyce, H Brady, M McEwen and C Whitbread

**Officers Present:** J Shingler (Principal Planning Officer), J Leither (Democratic Services Officer), V Messenger (Democratic Services Officer (Trainee)) and P Seager (Chairman's Secretary)

### **92. 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.

### **93. WELCOME AND INTRODUCTION**

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 Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

### **94. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 12 April 2017 be taken as read and signed by the Chairman as a correct record.

### **95. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor H Whitbread declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the objector. The Councillor had determined that her interest was non pecuniary and she would remain in the meeting for the consideration of the application and voting thereon:

- EPF/3034/16 – Norton Heath Riding Centre, Fringrith Hall Lane, High Ongar, Ongar.

(b) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a non-pecuniary interest in the following item of the agenda by virtue of the objector and applicant being customers of his business. The Councillor had determined that his interest was non pecuniary and he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0082/17 – 5 Bluemans, North Weald Bassett.

(c) Pursuant to the Council's Code of Member Conduct, Councillor H Whitbread declared a non-pecuniary interest in the following item of the agenda. The Councillor had determined that her interest was non pecuniary but she would leave the meeting for the consideration of the application and voting thereon:

- EPF/0576/17 – 3 Kendal Avenue, Epping.

(d) Pursuant to the Council's Code of Member Conduct, Councillor W Breare-Hall declared a non-pecuniary interest in the following item of the agenda by virtue of the applicant being known to him. The Councillor had determined that his interest was non pecuniary and he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0576/17 – 3 Kendal Avenue, Epping.

**96. ANY OTHER BUSINESS**

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

**97. DEVELOPMENT CONTROL**

**RESOLVED:**

That the planning applications numbered 1 – 5 be determined as set out in the schedule attached to these minutes.

**CHAIRMAN**

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/3034/16
<b>SITE ADDRESS:</b>	Norton Heath Riding Centre Fingrith Hall Lane High Ongar Ongar Essex CM4 0JP
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of all existing buildings and apparatus and redevelopment of the site comprising the construction of 30 no. new dwellings together with associated car parking, garden space, access improvements onto Fingrith Hall Lane, soft landscaping and associated development
<b>DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=589433](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=589433)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: FLU.354.2.02 Rev A, FLU.354.2.04 Rev A, FLU.354.2.06 Rev A, FLU.354.2.07 Rev A, FLU.354.2.08 Rev A, FLU.354.2.09 Rev A, FLU.354.2.10 Rev A, FLU.354.2.11 Rev A, FLU.354.2.12, FLU.354.2.13 Rev L, FLU.354.3.14, FLU.354.3.15, FLU.354.3.16, FLU.354.3.17, FLU.354.3.18, FLU.354.3.19, FLU.354.3.20, FLU.354.3.21, FLU.354.3.22 Rev A, FLU.354.3.23, FLU.354.3.24, FLU.354.3.25, FLU.354.3.26, FLU.354.3.27 Rev A, FLU.354.3.28 Rev A, FLU.354.3.29 Rev A, FLU.354.3.30 Rev A, FLU.354.3.31 Rev A, FLU.354.3.32 Rev A, FLU.354.3.33 Rev A, FLU.354.3.34 Rev A, and FLU.354.3.35 Rev A
  
- 2 No construction works above ground level shall take 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. The development shall be implemented in accordance with such approved details.
  
- 3 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.
  
- 4 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and

associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

- 5 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.
- 6 No development shall take place 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.
- 7 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]
- 8 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 9 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report 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.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 12 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.
- 13 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.

- 14 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, 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.
- 15 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 16 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.
- 17 No development shall take place until details of tree planting for the 'buffer' zone on the northern edge of the site have been submitted to and approved in writing by the Local Planning Authority. This shall, including positions or density, species and planting size(s) and a timetable for implementation (linked to the development schedule) These works shall be carried out as approved. If within a period of five years from the date of planting any tree, or replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives it's written consent to any variation.
- 18 No development shall take place, including any ground works or demolition, until a construction management plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for the following all clear of the highway:
  - Safe access into the site
  - The parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - Wheel and underbody washing facilities.

- 19 Prior to first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 60 metres to the east and west, as measured to a 1m offset from the carriageway edge. Such visibility splays shall be maintained as such in perpetuity.
- 20 Prior to first occupation of the development the access arrangements, as shown in principle on drawing no.FLU.354.2.13 Rev E, shall be fully implemented and retained as such in perpetuity.
- 21 Compensation for the loss of bird nesting habitat shall be made following the recommendations at 8.1 in the Ecology Assessment by Ethos Environmental Planning in August 2016. This involves bird boxes for house sparrow, house martin, swallow and pied wagtail. A plan of where these boxes will be erected and their design shall be submitted to the Local Planning Authority for approval prior to commencement of works and implemented in accordance with such approved details.
- 22 No demolition of buildings or structures that are used by breeding birds shall take place between 1st March and 31st August inclusive, unless a qualified ecologist has undertaken a careful, detailed check for active birds' nests immediately before demolition and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and approved by the Local Planning Authority.
- 23 An enhancement plan following 8.2 in the Ecology Assessment by Ethos Environmental Planning in August 2016 shall be submitted to the Local Planning Authority for approval and implemented in accordance with such approved details. This plan shall include bat boxes, bird boxes for great and blue tits, new planting, bee- friendly wildflower planting, habitat piles, permeable fencing and covered trenches at night.
- 24 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 25 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 and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 26 Prior to commencement of development details of the proposed air source heat pumps and water butts including specification and location shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with such approved details.
- 27 Details of external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan and a schedule of equipment in the design (luminaire type and mounting height). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

**And subject to the completion by the 14<sup>th</sup> July 2017 (unless otherwise agreed in writing for a further extension of time with the Local Planning Authority) of a legal agreement to secure the provision of 15 affordable homes and a financial contribution towards education places and education transportation.**

**In the event that the developer/applicant fails to complete a Legal Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would not comply with Local Plan policies regarding the provision of affordable housing.**



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/3156/16
<b>SITE ADDRESS:</b>	Rothwell 28A Piercing Hill Theydon Bois Epping Essex CM16 7JW
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective planning approval to extensions to dwelling (alternative to those approved under EPF/0375/12).
<b>DECISION:</b>	Withdrawn from Agenda

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=589759](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=589759)

This item was withdrawn from the agenda.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0082/17
<b>SITE ADDRESS:</b>	5 Bluemans North Weald Bassett Epping Essex CM16 6EU
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey side extension and single storey rear extension. New front porch. Demolition of existing outbuilding, and creation of new double garage. Widening of drive. Internal alterations.
<b>DECISION:</b>	Deferred

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=590873](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590873)

This application was deferred for a members site visit and for additional information.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0512/17
<b>SITE ADDRESS:</b>	42 Forest Drive Theydon Bois Epping Essex CM16 7EZ
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Brick wall with railings (1.5m high) to front boundary of house, with 1.6m high railings to side boundary.
<b>DECISION:</b>	Refuse Permission

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=592106](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592106)

**REASONS FOR REFUSAL**

- 1 The height of the wall, piers and railings is excessive and inappropriate within the streetscene, where there are few walls and none of this height, the development is therefore harmful to the character and visual amenity of the area contrary to policy DBE1 of the adopted Local Plan.

Way Forward

Members considered that a reduction in height to no higher than the wall at the adjoining property, number 40 Forest Drive would be more likely to be acceptable.

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0576/17
<b>SITE ADDRESS:</b>	3 Kendal Avenue Epping Essex CM16 4PN
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a detached building comprising 4 No. self contained apartments with associated car parking
<b>DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=592315](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592315)

**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: BRD/17/013/001-B, BRD/17/013/002, BRD/17/013/003
- 3 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.
- 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 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.

- 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 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.
  
- 7 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
  
- 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.
  
- 9 There shall be no discharge of surface water onto the Highway.
  
- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
  
- 11 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.

The planning officer referred to three further representations that had been received from 4 and 10 Ambleside (raising additional objection) and from 26 Hartland Road (withdrawing their objection on the basis of negotiated restrictions agreed with the applicant).

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