

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

**Committee:** District Development Management Committee    **Date:** 18 March 2020

**Place:** Council Chamber - Civic Offices    **Time:** 7.30 - 8.35 pm

**Members Present:** S Jones (Vice-Chairman), N Bedford, D Dorrell, J Philip, J M Whitehouse, G Chambers, S Heather and J Knapman

**Other Councillors:** -

**Apologies:** B Sandler, H Brady, I Hadley, H Kauffman, R Morgan, C C Pond, C Roberts and B Rolfe

**Officers Present:** I Ansell (Senior Planning Officer), S Kits (Social Media and Customer Services Officer), A Marx (Development Manager Service Manager (Planning)), N Richardson (Service Director (Planning Services)) and G Woodhall (Democratic & Electoral Services Officer)

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### **20. WEBCASTING INTRODUCTION**

On behalf of the Chairman, the Democratic & Electoral Services Officer reminded 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.

### **21. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING 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 in relation to the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at meetings of the Council's planning committees.

### **22. SUBSTITUTE MEMBERS**

The Committee was advised that the following substitute members had been appointed for the meeting:

- (a) Councillor J Knapman for Councillor B Sandler;
- (b) Councillor G Chambers for Councillor I Hadley; and
- (c) Councillor S Heather for Councillor H Brady.

### **23. DECLARATIONS OF INTEREST**

There were no declarations of interest were made by members of the Committee, pursuant to the Council's Code of Member Conduct.

**24. MINUTES****Resolved:**

- (1) That the minutes of the meeting of the Committee held on 22 January 2020 be taken as read and signed by the Chairman as a correct record.

**25. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE**

The Service Director (Planning Services) reminded the Committee that a briefing note had been prepared to ensure that a consistent approach was taken to the provision of planning policy advice, following the publication of the Epping Forest District Local Plan Submission Version on 18 December 2017. Members were advised that the primary purpose of the briefing note was to inform development management activities and to provide assistance for Councillors, Officers, Applicants, Planning Agents and other persons involved in the development management process.

**Resolved:**

- (1) That the Planning Policy Briefing Note for the Epping Forest District Local Plan Submission Version, be noted.

**26. PLANNING APPLICATION EPF/1681/19 - CHIGWELL PRIMARY ACADEMY, HIGH ROAD, CHIGWELL**

The Senior Planning Officer presented a report for the construction of a new Chigwell Primary Academy followed by the demolition of the existing buildings and creation of a new playing field and playground, together with residential development comprising 59 dwellings with car parking, garden spaces, vehicular access from Chigwell High Road (A113), external landscaping and associated development.

The Senior Planning Officer reported that the application site comprised the Chigwell County Primary School and the former BI Sports Grounds; the total area of the site was 4.76ha. The application site was outside but adjacent to the Chigwell Conservation Area, and the surrounding area comprised a mixture of residential and non-residential buildings, including three listed buildings. This application was an amendment to the scheme approved in 2018, but the changes were significant enough to warrant a new planning application. The key change was the construction of a replacement School building instead of refurbishing and extending the existing buildings. The residential element of the scheme had also been revised.

The Senior Planning Officer informed the Committee that Planning Officers had concluded the provision of a new School was a significant improvement from the previous scheme to refurbish the current facilities, and would provide a building with a longer potential lifespan. The benefits to the local area in general and the school community in particular would far outweigh any harm to the Green Belt. This also confirmed the previous assessment that the proposals provided unique and very special circumstances to justify the development in the Green Belt.

The residential elements of the scheme were largely the same as before. However, the application had to be considered in the context of changing policy and would have wider implications in terms of local policy on the provision of affordable housing, community infrastructure and the need to promote local transport. The measures in the revised legal agreement addressed these issues, including a contribution to deal

with the impact of further recreational pressure on the Epping Forest Special Area of Conservation (EF SAC). In considering the potential impact on air quality, the application would increase vehicle activity beyond the levels forecast for the previous scheme.

The Senior Planning Officer concluded that Planning Officers had recommended the application be approved, subject to appropriate conditions and the completion of a legal agreement.

The Committee noted the summary of representations received in respect of this application, including six letters of objection from local residents, support from Chigwell Parish Council and no objection from Essex Highways or Sport England. Essex County Council and NHS West Essex Clinical Commissioning Group sought contributions for Early Years and Childcare, Secondary School provision and General Practice health provision. The Committee heard from an Objector for the Chigwell Residents Association and the Applicant's Agent before proceeding to debate the application.

A number of Councillors felt that the basic principle was sound and that this was a better proposal as a new school would be provided and the size of the houses in the enabling development were reduced. It was accepted by most of the Committee that on-site affordable housing would affect the viability of the scheme and the provision of the School. In addition, a legal agreement was necessary to provide a new School in a relatively short space of time.

Some Councillors were concerned that the residential development would be completed without the new School being built, or if there was any guarantee that 59 houses could be built and sold in 15 months to enable the new School to be ready for the 2021/22 academic year. The Senior Planning Officer explained that the report detailed the scheduling for this application, which had been agreed between Planning Officers and the Applicant's Agent, and the approach adopted had been similar to that for the previous application whereby residential units would be released for sale when the building of the new School reached certain key stages. The Committee was reminded that the planning obligations would remain in force even if the site was sold to a different developer, and that condition 31 removed permitted development rights for the residential units constructed as part of this scheme.

There was some sympathy with the view of the Chigwell Residents Association that not all of the £800,000 contribution for local transport infrastructure should be committed to the local bus service in Chigwell Parish; however, Cllr J Knapman highlighted that an additional £800,000 for the local bus service would enable it to run for at least another nine years as it had been financed by the Parish Council for the previous three years. Cllr J Philip suggested that this contribution could also be used to extend the number 87 bus service from the Epping Forest Shopping Park in Loughton into Chigwell but that the detail of the local transport infrastructure contribution could be dealt with as the scheme progressed. Cllr J Knapman highlighted that Chigwell was not a cycle friendly area so buses could provide the necessary sustainable transport. To that end, Cllr J Knapman stated that he would like to see some of the proposed contribution be used for the Chigwell bus service, possibly £200,000 to pay for the next two years and subject to a review at that time.

The Service Director for Planning Services reminded the Committee that the Infrastructure Delivery Plan (IDP) in the Local Plan had identified schemes for Chigwell, which included cycle routes and to which this money could be directed to. The Chigwell bus service had not been identified in the IDP.

Councillor J Philip suggested some amendments to the schedule for the release of residential units for sale and occupation, which would form part of the Section 106 legal agreement. Firstly, that all the elements in the schedule should begin with the word 'After' and continue to say that "...no more than x% of the ...". Secondly, that the following amendments should be made to the schedule itself:

- After completion of school envelope / building watertight, no more than an additional 20% of residential units to be occupied;
- After fit out and handover of new school, no more than an additional 20% of residential units to be occupied;"

The Committee agreed these amendments and felt that they should be detailed within the planning obligations to be secured by the legal agreement.

**Decision:**

(1) That planning application EPF/1681/19 at Chigwell Primary Academy in the High Road, Chigwell be approved subject to a Legal Agreement under Section 106 of the Town & Country Planning Act 1990 and the following conditions:

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: (05)100 B, A1 PL A (05) 200 B, A 2 PL A (05)201A, PL A (05) 202 B, A PL A(05)220 C, PL A(05) 221 C, SK001 and SK002

Housing development: (05) 114 B, (05) 115 A, (05) 116, (05) 117 A, (05) 120 A, (05) 121 A, (05) 122 A, (05) 123 A, (05) 150 B, (05) 152 B, (05) 154 B, (05)156 B, (05) 158 B, (05) 160 B, (05) 161 B, (05)162 B, (05) 220 D, (05) 221 D, (05) 222, (05) 223, (05) 224, (05) 225 and (05) 226.

General - (05) 001 A, (05) 200 H, (05) 201 F, (05) 202 D, (05) 300 B, 171121-003, 171121-04 and 7549-D-AIA.

3...No development above ground 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...Prior to the commencement of the residential development other than groundworks, 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.

5...No development shall take place on the residential development site until tree protection measures indicated in the Arboricultural Impact Assessment accompanying the application and shown on drawing number 7549-D-AIA have been installed and in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations). The tree protection measures shall be fully retained for the duration of the development in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

6...Prior to the commencement of development other than ground excavation works, 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 such agreed details.

7...No development shall take place, including any works of demolition, until a full Construction Method Statement for the main contractor and following the principles set out in Construction Management Plan accompanying the application prepared by Avison Young dated August 2019 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

8...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.

9...No construction works above ground level shall take place 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 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.

10...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.

11...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 1st March and 31st 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.

12...Prior to the commencement of the residential development other than groundworks, 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.

13...Prior to any development above ground level, details of the 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.

14...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; and

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.

15...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, shall be completed before first occupation of the residential development and shall then be maintained.

16...No development shall commence until a Phase 2 site investigation for contamination is completed in accordance with the protocol for the investigation prepared by Gemco in November 2019 and submitted in the application. The assessment shall be carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

17...Following completion of the 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.

18...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 Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

19...No works other than groundworks 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.

20...Prior to any playing field construction works commencing on the site:

a...a survey of the ground conditions of the land proposed for the new playing field shall be undertaken to identify constraints which could affect playing field quality;

b...based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed playing field construction specification; and

c...a programme for the implementation of the detailed playing field construction specification;

shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The works shall be carried out in accordance with the approved specification and programme.

21...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.171121-003, dated 28 June 2019, shall be fully implemented and maintained as such in perpetuity.

22...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.

23...No diversion of any existing definitive right of way 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.

24...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.

25...All walls, fences, gates and other means of enclosure within the residential development shall be completed in accordance with the details shown on drawing number (05) 300 B prior to first occupation of any building to which the works relate, unless otherwise agreed by the Local Planning Authority.

26...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.

27...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.

28...All material excavated from below ground level shall be removed from the site unless otherwise agreed by the Local Planning Authority.

29...Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

30...Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space, 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking and 1 Electric Vehicle Charging Point for every five visitors parking spaces (or part thereof) shall be installed and retained thereafter for use by the occupants of the site.

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.

(2) That the Legal Agreement under Section 106 of the Town & Country Planning Act 1990 be concluded prior to any development on the site to secure the following planning obligations:

a...an affordable housing contribution of £3,000,000 for offsite affordable housing provision;

b...a local transport infrastructure contribution of £800,000;

c...an early years education infrastructure contribution of £92,336;

d... a secondary education contribution of £273,925;

e...a health care contribution for local GP capacity improvement of £22,402;

f... a contribution to mitigation of recreational pressure on the Epping Forest Special Area of Conservation of £20,768;

g... a community facility enhancement contribution in accordance with the identified local Infrastructure Delivery Plan requirements of £60,563.81; and

h...the following schedule for the sale and occupation of the residential units:

- School set up commencement to start June 2020;
- On completion of the School foundations and sub-structure, no more than 25% of the residential units can be occupied;
- On completion of the school superstructure, no more than 50% of the residential units can be occupied;
- On completion of the school envelope / building watertight, no more than 70% of the residential units can be occupied;
- On fit out and handover of the new school, no more than 90% of the residential units can be occupied;
- On completion of the demolition of the existing school buildings and external works to school grounds, the final 10% of the residential units can be occupied.

## **27. RELEASE OF PLANNING PERMISSIONS PREVIOUSLY AGREED BY THE COMMITTEE**

The Service Manager for Development Management, A Marx, presented a report concerning the release of planning permissions for four applications previously granted by a Planning Committee.

The Service Manager stated that before granting planning permission for an application which was likely to have a significant effect on the Epping Forest Special Area of Conservation (EFSAC), the Council had to undertake an appropriate assessment which included consultation with Natural England. The view of Natural England was that any development within the District which resulted in increased vehicle movements on roads within 200 metres of the EFSAC was likely to have a significant impact on the EFSAC. In addition, it was also the view of Natural England that such impacts were best dealt with by a plan-led strategic solution rather than on a case-by-case basis. Consequently, a number of planning applications had been held in abeyance pending an acceptable air quality mitigation strategy.

The Service Manager explained that the Council had undertaken a comprehensive review of all the planning applications that had been held in abeyance, and had identified a number of applications as having no likely significant effect on the EFSAC. Decisions relating to a number of these applications made under delegated authority were issued between December 2019 and January 2020. The following four planning applications had also been identified as having no likely significant effect on the EFSAC, but they had been agreed by one of the Planning Committees subject to a legal agreement for a financial contribution or mitigation measures relating to the air quality of the EFSAC:

- (i) EPF/1213/18 – Tower Nursery at Netherhall Road, Roydon. Planning permission originally granted by the District Development Management Committee on 28 November 2018.
- (ii) EPF/0238/19 – Stapleford Farm at Oak Hill Road, Stapleford Abbots. Planning permission originally granted by the Area Planning Sub-Committee East on 7 August 2019.
- (iii) EPF/0621/18 – Tutein Farm at Grove Lane, Chigwell. Planning permission originally granted by the District Development Management Committee on 1 August 2018.
- (iv) EPF/1424/18 – Land adjacent 240 The Broadway in Loughton. Planning permission originally granted by the Area Planning Sub-Committee South on 20 February 2019.

The Committee was requested to agree to the release of the planning permissions for the four applications in question, subject to the planning conditions as previously agreed, but not subject to a legal agreement relating to air quality mitigation measures only.

The Committee noted that the meaning of ‘significant impact’ was not clear; any additional traffic movements could be classed as ‘significant’. However, the Council had worked extensively with Natural England to obtain the release of these planning permissions, and this was a necessary process in order for the Council to meet its Local Plan housing targets.

**Decision:**

- (1) That planning permission be released for the following applications, subject to the planning conditions previously agreed but with no requirement to enter into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions or other mitigation measures relating to the air quality within the Epping Forest Special Area of Conservation:

- (a) EPF/1213/18 – Tower Nursery in Netherhall Road, Roydon;
- (b) EPF/0238/19 – Stapleford Farm in Oak Hill Road, Stapleford Abbots;
- (c) EPF/0621/18 – Tutein Farm in Grove Lane, Chigwell; and
- (d) EPF/1424/18 – Land adjacent to 240, The Broadway in Loughton.

**28. ANY OTHER BUSINESS**

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

**29. 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**