

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Management Committee **Date:** 11 November 2020

Place: Virtual Meeting on Zoom **Time:** 7.00 - 8.05 pm

Members Present: S Jones (Chairman), B Rolfe (Vice-Chairman), H Brady, D Dorrell, I Hadley, S Heap, H Kane, H Kauffman, R Morgan, J Philip, C C Pond, J Share-Bernia, J M Whitehouse, A Patel and C P Pond

Other Councillors: -

Apologies: J Lea and C Roberts

Officers Present: A Marx (Development Manager Service Manager (Planning)), N Cole (Corporate Communications Officer), V Messenger (Democratic Services Officer) and G Woodhall (Team Manager - Democratic & Electoral Services)

35. WEBCASTING INTRODUCTION

On behalf of the Chairman, the Team Manager for Democratic & Electoral Services reminded everyone present that this virtual meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

36. 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.

37. SUBSTITUTE MEMBERS

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

- (a) Councillor A Patel for Councillor J Lea; and
- (b) Councillor C P Pond for Councillor C Roberts.

38. DECLARATIONS OF INTEREST

The following interests were declared by members of the Committee pursuant to the Council's Code of Member Conduct:

- (a) Councillor S Heap declared a personal interest in item 8 (Planning Application EPF/1289/20 – 37 Fairlands Avenue, Buckhurst Hill) of the agenda for the meeting,

by virtue of having corresponded with the Applicant but at no time had the Councillor expressed an opinion on the application. Councillor S Heap had determined that his interest was not prejudicial and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

39. MINUTES

Resolved:

- (1) That the minutes of the meeting of the Committee held on 16 September 2020 be taken as read and signed by the Chairman as a correct record.

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

The Service Manager for Development Management reminded the Committee that a briefing note had been prepared to ensure 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.

41. PLANNING APPLICATION EPF/1289/20 - 37 FAIRLANDS AVENUE, BUCKHURST HILL

The Service Manager for Development Management, A Marx, presented a report for a proposed two-storey side extension and loft conversion with remodelling of the garage. This application had previously been considered by Area Planning Sub-Committee East with a recommendation to approve permission; the application was granted permission by the Sub-Committee but was then referred to this Committee for a final decision by way of a minority reference under Article 10 of the Constitution.

A Marx stated that the application site was a two-storey property with a detached double garage, shared by 36 Fairlands Avenue, and was located on the north side of Fairlands within the urban area of Buckhurst Hill. The site was not within the Metropolitan Green Belt or a conservation area. The application was a revised application to address concerns with the remodelling of the garage, as half of the garage which was to be partly demolished was in the ownership of the applicant's neighbour. This application kept the roof of the neighbour's garage as was but extended it towards number 37.

Planning Officers had concluded that the revised application was considered an acceptable design with limited impact to amenity. The proposed changes to the garage roof were also considered acceptable and it was recommended to grant planning permission for the application.

The Committee noted the summary of representations received for this application, which consisted of two objections to the application from the neighbour at 36

Fairlands Avenue and the Parish Council. The Committee heard from an objector and the applicant before proceeding to debate the application.

As the ward Member for the application site, Cllr A Patel felt that the revised application was acceptable and pointed out that the properties within this road were not uniform in appearance. The applicant had attempted to appease the neighbour in respect of the party wall dispute and acquiesce with planning policy. The neighbour would have the option to in-fill the space in the future and the Councillor would support this application. Cllr J Philip reminded the Committee that the applicant could construct the scheme previously approved but simply not finish the garage section. The Councillor also felt that the proposal was not out of keeping with the street scene, the applicant had taken a reasonable approach to building close to the border of the neighbour, and therefore the Councillor would support the application.

However, Councillor H Kauffman had reservations about the revised scheme as it made the neighbour's garage look part of the applicant's property. The Councillor felt that the previously approved scheme was acceptable, and would not support this application. Councillor H Brady agreed with Cllr H Kauffman and would also not support the application before the Committee. However, A Marx advised the Committee that he did not believe this would be acceptable grounds for refusing this application.

Councillor S Heap felt that the Committee should have the right to decide which scheme could be implemented and he felt that the proposed extension in the revised scheme appeared to take over the neighbour's garage. Cllr J Philip agreed that the Committee should have the right to decide but any decision it made had to be within the constraints of planning law.

Councillor C C Pond highlighted that the neighbour could refuse consent for the works on his side of the boundary. Cllr S Jones emphasised the fine line between planning law and civil law, and also reminded the Committee that the applicant would have the option of implementing either of the two schemes if this application was approved.

Decision:

(1) That permission for planning application EPF/1289/20 at 37 Fairlands Avenue in Buckhurst Hill be granted, subject to the following conditions:

1...The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

2...The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: Site Location Plan, FLS-002, FLS-003, FLS-004, FLS-005, FLS-006, FLS-007 Rev B, FLS-008, FLS-009 Rev B, FLS-070, FLS-072, FLS-073 Rev B, FLS-074 Rev B, FLS-075 Rev B AND FLS - 077.

3...Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

4...The window openings in the flank elevation of the dormer shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the

room in which the window is installed and shall be permanently retained in that condition.

42. PLANNING APPLICATION EPF/2378/20 - 2 PRINCES ROAD, BUCKHURST HILL

The Service Manager for Development Management, A Marx, presented a report for the proposed replacement of a single dwelling with a new building consisting of two commercial units and six fully accessible apartments. This application had previously been considered at the Area Planning Sub-Committee South meeting held on 23 September 2020. The application was approved by the Sub-Committee, with the addition of some extra conditions, but was referred to this Committee for a final decision by way of a minority reference under Article 10 of the Constitution.

A Marx reported that the site was located at the junction of Princes Road and Queens Road just outside the boundary of the Buckhurst Hill small District centre. On the three remaining corners of the junction, the buildings contained commercial units on the ground floor with flats above. The existing building on the site was a heavily extended, detached bungalow with dormers or roof extensions to three sides. The site was not within the Metropolitan Green Belt or a conservation area. The proposal for the new building to replace the existing bungalow included a refuse area, bike storage and a private amenity area, but no car parking was proposed.

The Committee noted the summary of representations, which included six objections from five neighbouring residences and the Buckhurst Hill Residents' Society. In addition, Buckhurst Hill Parish Council had also objected to the application. The Committee heard from the applicant's agent before proceeding to debate the application.

As the ward Member for the site, Cllr A Patel commented that this site was a sustainable location and welcomed the condition to remove parking permits. However, the Councillor had concerns with the relationship of the new building to the existing bungalows adjacent to the site as the buildings on the other three corners of this junction all wrapped around the corner. This development was harsh on the existing street scene and exaggerated the relationship to the existing bungalows with the elevation facing them. The Councillor felt that any development on this corner should extend up Princes Road and was not opposed to the principle of development on this site, but could not support this particular application. Cllr J Philip agreed that his real concern was the side of the building facing the existing bungalows as it created a sharp, flat elevation with a large expanse of brick worked wall. The Councillor could not support the application on this basis but accepted that the design was generally better for the elevation facing the underground railway.

Cllr C C Pond highlighted that the application had been supported by Area Planning Sub-Committee South, but requested that condition 21 should be deleted so that a separate planning application would be required for any air conditioning units. The Councillor cited the example of the problems currently being experienced with Landmark House in Loughton. However, A Marx confirmed that air conditioning units would need planning permission but the condition referred to would cover flues and ducts along with smaller grills and air vents. Perspective shop owners would not be under the impression that they had permission to install air conditioning units as well.

Councillor J Share-Bernia, who was also a ward Member for the application site, felt that this development would enhance Queens Road and replace the current unattractive building on the site. The Councillor felt that the design was sympathetic to the urban location of the site, which Cllr D Dorrell agreed with as well. Cllr S Heap would also support the application as he felt that it would improve the appearance of

the area, although he accepted that it would have some impact on the neighbouring bungalows. Cllr H Brady commented that it was an ideal location for commercial units, with a sympathetic and elegant design, but also acknowledged that the view from the neighbouring bungalow would be impacted.

Decision:

(1) That permission for planning application EPF/2378/20 at 2 Princes Road in Buckhurst Hill be granted, subject to the following conditions:

1...The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

2...The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 349-PL-01 Rev B, 349-PL-02 Rev B, 349 -PL-03 Rev B, 349-PL-04 Rev B, 349-PL-05 Rev B, 349-PL-07 Rev B, 349-PL-08 Rev B and 349-PL-09

3...No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. For the avoidance of any doubt render shall not be used as a material option. The development shall be implemented in accordance with such approved details.

4...Notwithstanding the approved plans, timber shall be used for the proposed windows and doors, unless otherwise agreed in writing by the Local Planning Authority.

5...The window opening(s) in the south west elevation (marked as elevation D on plan number 349-PL-07) shall be fitted with obscured glass with a minimum Level 3 obscurity to the extent as outlined on the same plan and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

6...The ground floor units shall only be used as Class A1/A2 and A3 (known as Class E from 1st September 2020) as shown on the approved ground floor plan 349-PL-02 and for no other purpose (including any other purpose of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

7...Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be 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.

8...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 such agreed details.

9...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.

10...No development shall commence until an assessment of the risks posed by any contamination, 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.

11...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.

12...In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the 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.

13...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:

1. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction, including wheel washing.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
7. Tree protection measures.

14...No ground works 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.

15...Additional drawings that show details of proposed new windows, doors, eaves, verges, fascias, cills and shopfronts by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.

16...Details of privacy screens (with a minimum height of 1.7m) to the south side of the balconies serving flats 2 and 5 shall be submitted and agreed in writing by the Local Planning Authority prior to first occupation. The agreed screens shall be installed prior to first occupation and shall be permanently retained in that agreed position and form.

17...The A1/A2 use hereby permitted shall not be open to customers / members or for deliveries outside the hours of 8am to 6.30pm on Monday to Saturday and 10am to 4pm on Sundays and Bank Holidays.

18...The A3 use hereby permitted shall not be open to customers / members or for deliveries outside the hours of 8am to 10.30pm on Monday to Saturday and 10am to 8pm on Sundays and Bank Holidays.

19...Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in

writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

20...The cycle store hereby approved shall be retained so that it is capable of allowing the storage of bikes and shall at no time be converted into a room or used for any other purpose.

21...No air conditioning units or extraction systems shall be installed without the prior written approval of the Local Planning Authority.

22...Prior to any above ground works a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. This shall include an agreed timescale for implementation and the approved scheme shall be implemented in accordance with the approved timescale.

43. ANY OTHER BUSINESS

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

44. EXCLUSION OF PUBLIC AND PRESS

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

CHAIRMAN