

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

**Committee:** District Development Management Committee    **Date:** 2 December 2015

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 - 9.10 pm

**Members Present:** B Sandler (Chairman), B Rolfe (Vice-Chairman), A Boyce, R Jennings, H Kauffman, J Knapman, Y Knight, A Mitchell, G Mohindra, C C Pond, J M Whitehouse, D Dorrell, J Lea and J Philip

**Other Councillors:** -

**Apologies:** H Brady, R Butler, J Hart and S Jones

**Officers Present:** N Richardson (Assistant Director (Development Management)), P Pledger (Assistant Director (Housing Property)), G J Woodhall (Senior Democratic Services Officer) and J Leither (Webcasting Officer)

### **38. WEBCASTING INTRODUCTION**

The Senior Democratic Services Officer reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

### **39. 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 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 Council Planning Committee meetings.

### **40. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23 JULY 2002)**

The Committee noted the following substitutions for this meeting:

- (i) Councillor Dorrell for Councillor Butler;
- (ii) Councillor Lea for Councillor Hart; and
- (iii) Councillor Philip for Councillor Jones.

### **41. DECLARATIONS OF INTEREST**

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

**42. MINUTES****Resolved:**

(1) That the minutes of the meeting held on 4 November 2015 be taken as read and signed by the Chairman as a correct record.

**43. EPF/1531/15 - GARAGES COURT NORTH OF 52 STEWARDS GREEN ROAD, EPPING**

The Assistant Director of Governance (Development Management) presented a report for the erection of four affordable homes with nine parking spaces at the Garages Court north of 52 Stewards Green Road in Epping.

The Assistant Director advised the Committee that this application had been deferred by Area Plans Sub-Committee East on 9 September 2015, with a request that additional information concerning parking displacement and parking surveys be provided. These surveys had now been carried out and the Highways Authority had been re-consulted. The additional information within the report was highlighted to the Committee.

The Assistant Director stated that the application site was currently occupied by a group of 14 garages arranged in two blocks across an entrance court with a grassed strip to the front. The garages were located to the north of Stewards Green Road and served residents in the local area. The proposal was for the construction of four terrace dwellings facing the road with private amenity space to the rear, and the provision of nine parking spaces. The buildings would be similar in design to the terrace of properties to the south and would be affordable rented units as the land was owned by the Council.

The Assistant Director reported that Officers had concluded the proposed scheme represented a small brownfield development at a sustainable location which would have no serious impact on the amenity of neighbours. Whilst the loss of the garages and some parking displacement was recognised as an issue, it was considered that this would not lead to serious parking issues in the immediate vicinity. Furthermore, this concern was outweighed by other positive attributes of the development, including the provision of much needed affordable housing. Therefore, it had been recommended to grant planning permission, subject to the conditions listed in the report and an extra standard condition to limit the hours of working at the site during construction.

The Committee noted the Summary of Representations received in relation to the application. There had been three letters of objection received from residents in Stewards Green Road, and the Town Council had offered no objection to the scheme. The Committee heard from an Objector and the Applicant's Agent, who suggested the provision of a resident's off-street parking scheme in Stewards Green Road be investigated, before proceeding to debate the application.

A local Member for Epping Hemnall informed the Committee that Area Plans Sub-Committee East had requested a parking survey to be undertaken during daylight hours, between 7.00am & 9.30am and 3.00pm & 7.00pm, to ascertain the problems with commuter parking in the area. The overnight surveys conducted by the Applicant did not meet the requirements of the Merton Parking Survey Methodology and the surveys should have been conducted between 7.00am & 8.00am and 6.00pm & 7.00pm as a minimum requirement, with further occasional surveys undertaken during the rest of the day. The Member had no objections to the design of the houses

and welcomed the suggestion to investigate the possible provision of a resident's off-street parking scheme in the area.

Other Members also felt that the timings of the survey did not give any indication of the commuter parking problem in the area. It was highlighted that the problem of commuter parking in this area was not unique within Epping; commuters would park a considerable distance from the Tube station and then walk to catch their trains. Anecdotal evidence was given concerning the inability to park in Stewards Green Road one Friday morning at approximately 10.30am about a year ago. In addition, there were possibly seven vehicles being displaced from the garages and that this area had a strong case for the implementation of a resident's parking scheme. Some Members had also requested dropped kerbs and repairs to the pavements from damage caused by commuter parking.

The Assistant Director added that the consultants had chosen the timings of the survey to be those when the need for residents' parking was greatest, i.e. during the night, and this was normal practice. The proposal was requesting permission for nine parking spaces to serve four dwellings; the Council could not ask for three parking spaces per dwelling. The implementation of dropped kerbs and repairs to damaged pavements were a highways issue that was beyond the remit of planning.

However, some Members felt that the Highways Authority had agreed the timings of the parking surveys, the results of which had removed parking as a planning issue in this instance, and it was not possible to condition the construction of a Residents Parking Scheme. There was no guarantee that the occupied garages were being used to store cars and the need for affordable housing was becoming desperate throughout the District. It was accepted that parking was a planning issue, and amenity issues were also of importance. However, the conclusion of the report that the amount of potential parking displacement was outweighed by the sustainable means to help meet housing need within the District was also highlighted.

As a result of the concern of the Committee with local parking issues, an extra condition was proposed to undertake an off street parking assessment of Stewards Green Road, once work had commenced, with its findings reported to the Director of Communities.

**Resolved:**

(1) That planning application EPF/1531/15 for the Garages Court north of 52 Stewards Green Road in Epping be granted permission, 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 strictly in accordance with the approved drawings nos: 612 040 PI 01a, 02a, 03b, 04a, 05a, 06a, 07a, 08, 09, 10.
3. 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.

4. 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.
5. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
6. 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.
7. 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.
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 extensions generally permitted by virtue of Class A and B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
9. 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.]

10. 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.]

11. 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.]

12. 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.

13. 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
14. Prior to the first occupation of the development the access arrangements and vehicle parking areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access and parking areas shall be retained in perpetuity for their intended purpose.
15. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
16. There shall be no discharge of surface water onto the Highway.
17. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
18. 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 on Saturday, and at no time during Sunday and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.  
  
[Reason: In the interests of the amenities of noise sensitive properties, in accordance with the guidance contained within the National Planning Policy Framework and policies RP5A and DBE9 of the adopted Local Plan and Alterations.]
19. Once work commences, an off street parking assessment of Stewards Green Road, Epping shall be carried out and its findings reported to the Director of Communities.

[Reason: In the interest of highway safety and parking.]

#### **44. EPF/1771/15 - GARAGES BEHIND 17 QUEENS ROAD, NORTH WEALD**

The Assistant Director of Governance introduced a report for the demolition of 54 existing garages and the erection of 12 affordable homes with 34 parking spaces.

The Assistant Director advised the Committee that as the proposal was for more than 10 new properties, it was classed as a major application and had not been considered by Area Plans Sub-Committee East but submitted directly to this Committee.

The Assistant Director stated that the application site was currently occupied by 54 garages, an entrance court and a large grassed area to the south of the site. The garages were located on the western side of the site, behind existing dwellings on Queens Road, and there were allotments to the north and west of the site. The proposal was for the demolition of the existing garages, to be replaced with 12 two storey dwellings laid out as three terraces of four properties. There would be 2 two-bedroomed properties and 10 three-bedroomed properties provided, with 34 off-street parking spaces. In addition, the existing access to the site would be widened by 2.5m through the reduction in the garden of 17 Queens Road (owned by the Council).

The Assistant Director reported that Planning Officers had concluded the development would provide much needed affordable housing, and was predominantly the redevelopment of a brownfield site within an existing urban location. Whilst the proposed private amenity space for each dwelling was below the recommended standard, this was considered acceptable in this instance as all of the properties would be affordable housing for applicants on the Council's Housing Waiting List. It was acknowledged that the development would result in the loss of occupied garages, but it was felt that the displaced parking would be adequately mitigated. The insufficiencies of the submitted Drainage Strategy could also be addressed by way of a condition. The benefits of the development through the provision of affordable housing was considered to outweigh any harm and the application had been recommended for approval.

The Committee noted the summary of representations received in relation to the application. There had been 13 letters of objection received, including from North Weald Bassett Parish Council, and the North Weald & District Preservation Society. The Committee heard from the Parish Council and the Applicant's Agent before proceeding to debate the application.

In response to a number of questions from the Members present, the Assistant Director stated that conditions could be added for the provision of lighting and also 'No Parking' signage along the access road. Any requirement for a fire hydrant would be dealt with by building regulations, and the access road would be regarded as a private road for the Council to maintain as owners of the land. All of the off-street parking provision would be unallocated and available for users of the nearby allotments. It was reiterated that the proposed width of the access road, internal roadway and turning head would be sufficient to allow for the manoeuvring of refuse freighters, although some of the trees would require trimming to provide height clearance for the freighters. A number of Members felt that there should be a specified footpath provided alongside the access road, but this was not currently part of the proposals before the Committee.

The Committee agreed that two additional conditions should be added to those listed in the report: the first concerned lighting for the access road, in the interest of pedestrian safety; and the second concerned the addition of no parking signage for the access road, to ensure the free movement of vehicles. The application was granted permission, subject to the conditions listed in the report and the two additional conditions requested by the Committee.

**Resolved:**

(1) That planning application EPF/1771/15 at the Garages behind 17 Queens Road in North Weald Bassett be granted permission, 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 strictly in accordance with the approved drawings nos: 612040 PL01, 612040 PL02E, 612040 PL03, 612040 PL04, 612040 PL05B, 612040 PL06, 612040 PL07.
3. 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.
4. 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.
5. No development shall take place until a Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed Strategy.
6. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
7. 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; and
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.



8. 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.
9. 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.
10. 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.
11. 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 extensions generally permitted by virtue of Class A and B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
12. 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]

13. 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]

14. 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]

15. 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.

16. 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.
17. 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 and parking areas shall be retained in perpetuity for their intended purpose.
18. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
19. There shall be no discharge of surface water onto the Highway.
20. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
21. All recommendations as set out in Section 5 of the Phase 1 Habitat Survey (undertaken by LaDellWood – June 2015) shall be followed, including the submission of and approval in writing by the Local Planning Authority of details regarding a bat sensitive lighting scheme (if necessary), position and design of bat boxes and bird boxes, and a planting scheme to improve the habitat for foraging bats. The development shall be implemented in accordance with such agreed details.
22. Prior to commencement of the proposed development, details of lighting of the access road from Queens Road shown to be widened on drawing no 612/038/PL02E, shall be submitted to and agreed in writing by the Local Planning Authority. The details as agreed shall be implemented in accordance with the approved details before first occupation of the development.  
  
[Reason: To allow safe and secure access and in the interest of pedestrian safety.]
23. Prior to first occupation of the development, details and location of signage stating no parking in the site access road off Queens Road, shall be submitted to and agreed in writing by the Local Planning Authority. The details as agreed shall be implemented on site prior to first occupation of the development.  
  
[Reason: In the interest of ensuring the free movement of vehicles.]

**45. ANY OTHER BUSINESS****Resolved:**

(1) That, as agreed by the Chairman and in accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules, the following items of urgent business be considered following publication of the agenda:

- (a) EPF/2198/15 – Dragons, Nursery Road, Loughton.

**46. EPF/2198/15 - DRAGONS, NURSERY ROAD, LOUGHTON**

The Assistant Director of Governance (Development Management) presented a report for the sub-division of 'Dragons' in Nursery Road, Loughton and the erection of a new dwelling fronting on to Upper Park on the site of the former tennis court.

The Assistant Director reported that this application was originally considered by Area Plans Sub-Committee South on 25 November 2015. A motion to refuse the application, contrary to the Officer recommendation, was proposed and seconded but the vote was tied; four Members of the Sub-Committee then stood to refer this application to the District Development Management Committee under the Minority Reference rules within the Constitution.

The Assistant Director stated that the application site was part of the residential curtilage of 'Dragons', a Grade II listed late Victorian house in a gothic architectural style. The overall plot was square in shape and located on the corner of Upper Park and Nursery Road, with 'Dragons' located in the north east corner. The whole site was heavily treed and was covered by an Area Preservation Order. The application site itself was the area adjacent to Upper Park, on the site of the existing tennis court. The new dwelling was of a very contemporary design with a circular stair area and curved walls. Vehicular and pedestrian access would be from Upper Park, with the existing access to Dragons unaffected.

The Assistant Director informed the Committee that Planning Officers had felt the proposal was a contemporary and unique design which would add to the character of the immediate and wider area. It was not considered to harm the setting of the existing listed building and was acceptable in respect of the protected trees on the site. There were also no significant amenity or highways concerns with the application. Therefore, Planning Officers was recommending approval for the application, with conditions.

The Committee noted the summary of representations received in relation to the application. Four letters of objection had been received, including one from Loughton Town Council. The Committee heard from the Applicant before proceeding to debate the application.

The Committee was divided over the design of the building. Some Members felt that it was a stunning piece of architecture, with good design and good use of materials. Other similar modern designs had been built in Loughton, and this proposed design would add to the setting and complement the existing listed building at 'Dragons'. Other Members took a contrary view and regarded the proposal as a poor modern design, where two of the walls had no windows. It was felt that any dwelling built here should not detract from the original building ('Dragons') and its setting. It was noted

that the Tree and Landscape Officer had no objections to the scheme, and that the proposed dwelling would be screened by the existing trees from 'Dragons'.

**Resolved:**

(1) That planning application EPF/2198/15 at 'Dragons' in Nursery Road, Loughton be granted permission 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 strictly in accordance with the approved drawings nos: Site Location Plan, 261-EX-01, 261-EX-02, 261-PL-02, 261-PL-03, 261-PL-04, 261-PL-05, 261-PL-06, 261-PL-07, 261-PL-08, 261-PL-09, 261-PL-10, 261-PL-11.
3. The external finishes of the development hereby permitted shall match those as submitted:
  - Patinated Copper;
  - MARSA stone (cladding); and
  - Split Slate (cladding).
4. No construction works above ground level shall take place until documentary and photographic details of the types and colours of the proposed hardstanding have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
5. Additional drawings that show details of proposed new windows and doors 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.
6. 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.

7. 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.
8. 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.
9. 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.]
10. 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.]

11. 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.]

12. 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.
13. 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.
14. 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.
15. 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.

16. No development shall take place until details of 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.
17. Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
18. Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
19. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
20. There shall be no discharge of surface water onto the highway.
21. 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, C, D, E, F and G of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
22. Prior to first occupation of the development hereby approved, the proposed first and second floor window openings in the north flank elevation closest to the boundary with 'Dragons' shall be entirely fitted with obscured glass 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.

#### **47. 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**