

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

**Committee:** District Development Management   **Date:** 20 April 2016  
Committee

**Place:** Council Chamber, Civic Offices,   **Time:** 7.35 - 9.40 pm  
High Street, Epping

**Members Present:** B Sandler (Chairman), B Rolfe (Vice-Chairman), A Boyce, H Brady, R Butler, R Jennings, S Jones, H Kauffman, J Knapman, A Mitchell, G Mohindra, C C Pond and J M Whitehouse

**Other**

**Councillors:** N Bedford, H Kane, S Kane, P Keska and G Shiell

**Apologies:** J Hart and Y Knight

**Officers Present:** N Richardson (Assistant Director (Development Management)), G J Woodhall (Senior Democratic Services Officer), S Kits (Social Media and Customer Services Officer) and J Leither (Democratic Services Officer)

### **62. 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.

### **63. 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 meetings.

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

The Committee noted that there had been no substitute Members appointed for this meeting.

### **65. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Member Code of Conduct, Cllr A Boyce declared a personal interest in the following items on the agenda, by virtue of being the Council's Tourist Champion. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/3028/15 Gunpowder Mill, Powdermill Lane / Beaulieu Drive, Waltham Abbey; and
- EPF/0018/16 Gunpowder Mill, Powdermill Lane / Beaulieu Drive, Waltham Abbey.

(b) Pursuant to the Council's Member Code of Conduct, Cllr G Mohindra declared a personal interest in the following items on the agenda, by virtue of being the independent Chairman of a Residents' meeting concerning the application in February 2016. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/3028/15 Gunpowder Mill, Powdermill Lane / Beaulieu Drive, Waltham Abbey; and
- EPF/0018/16 Gunpowder Mill, Powdermill Lane / Beaulieu Drive, Waltham Abbey.

(c) Pursuant to the Council's Member Code of Conduct, Cllrs H Kauffman, R Jennings and C Pond declared a personal interest in the following item on the agenda, by virtue of being acquainted with the Applicant, who was considered a personal friend. The Councillors had determined that their interest was not pecuniary but would leave the meeting for the consideration of the application and voting thereon:

- EPF/0241/16 58 York Hill, Loughton.

(d) Pursuant to the Council's Member Code of Conduct, Cllr H Kauffman declared a personal interest in the following item of the agenda, by virtue of being the Applicant. The Councillor had determined that this interest was pecuniary and would leave the meeting for the consideration of the application and voting thereon:

- EPF/3142/15 Briar House, 42 Church Lane, Loughton.

(e) Pursuant to the Council's Member Code of Conduct, Cllrs R Jennings and C Pond declared a personal interest in the following item on the agenda, by virtue of being acquainted with the Applicant, who was considered a personal friend. The Councillors had determined that their interest was not pecuniary but would leave the meeting for the consideration of the application and voting thereon:

- EPF/3142/15 Briar House, 42 Church Lane, Loughton.

(f) Pursuant to the Council's Member Code of Conduct, Cllr G Mohindra declared a personal interest in the following item on the agenda, by virtue of being the Chairman of the local Conservative Party for which the Anderson Group, who would be undertaking the construction, was a donor of funds.. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- Variation to Section 106 Agreement – Former Tottenham Hotspur Training Ground, Luxborough Lane, Chigwell.

## **66. MINUTES**

### **Resolved:**

(1) That the minutes of the meeting held on 24 February 2016 be taken as read and signed by the Chairman as a correct record.

## **67. EPF/3028/15 GUNPOWDER MILL, POWDERMILL LANE/BEAULIEU DRIVE, WALTHAM ABBEY**

The Assistant Director of Governance (Development Management) presented a report for a planning application at the Royal Gunpowder Mills in Powdermill Lane, Waltham Abbey.

The Assistant Director stated that the Royal Gunpowder Mills was considered to be one of the most extensive and significant heritage sites in the District, which could trace the history and manufacture of explosives from the 16<sup>th</sup> Century. The entire site was in excess of 63 hectares, most of which was designated as a Site of Special Scientific Interest and a Scheduled Ancient Monument. The site contained 20 Listed Buildings, many of which were Grade II with one being Grade I. The site was located to the north west of Waltham Abbey and close to the boundary of Broxbourne. To the west of the site, there was 800 metres of undeveloped open land before the urban town of Waltham Cross. The entire site was within the Lee Valley Regional park, as well as the Metropolitan Green Belt, and to the north there were a series of reservoirs, marshland and streams associated with the River Lee.

The Assistant Director informed the Committee that the proposal was a joint application between PGL Travel Limited and the Waltham Abbey Royal Gunpowder Mills Charitable Foundation Limited (WARGM Trust). The current visitor attraction received approximately 20,000 visitors, and 9,000 schoolchildren, per annum. Despite this, it had been claimed that the site could only generate 60% of its running costs, and since 2002 had required an average grant subsidiary of £400,000 per year. The strategy for the Gunpowder Mills was that it should become self-supporting, but there had always been a need for a separate income to cover the cost of maintaining the rest of the site, particularly the woodland area. There was also a legal obligation to maintain and retain the listed buildings. The application sought permission to use parts of the site as an outdoor recreation and activity centre for children, together with the erection of new buildings to provide guest accommodation, dining hall and kitchen, pavilion (changing rooms), and the conversion of several listed buildings to provide further guest accommodation and classrooms, together with a new lake for water based activities and the erection of free-standing activity structures.

The Assistant Director reported that Planning Officers had concluded the scheme was well designed, would bring employment and tourism benefits to Waltham Abbey, and would secure the long term maintenance of this important, historic site. It was felt that this could be achieved without significant harm to the openness of the Metropolitan Green Belt, or harm to the character and amenity of the area. Whilst there were concerns over contamination, drainage, sewerage and traffic issues, these were all matters which could be controlled by planning conditions. The proposal accorded with the National Planning Policy Framework, satisfied the presumption in favour of sustainable development, and complied with the adopted policies of the Local Plan. Therefore, the application was recommended for approval.

The Committee noted the summary of representations received in respect of the application. A total of 59 letters of objection had been received, of which 30 were from residents of Waltham Abbey. The Lee Valley Regional Park Authority had expressed reservations about the proposed development and its likely impact on the ecology and landscape of the wider site, including the Abbey itself and the Cornmill Meadow Site of Special Scientific Interest (SSSI). Waltham Abbey Town Council had objected to the proposal, whilst Broxbourne Borough Council had raised no objections. The Committee heard from an Objector and the Applicant before proceeding to debate the application.

A number of the Members of the Committee expressed concerns about the application. A local Member for Waltham Abbey Honey Lane was concerned about the possible loss of the tourist attraction as the proposal for an outdoor recreation and activity centre appeared to be taking over the site. The site was a very valuable asset to the District, providing educational activities for children to enjoy. The site needed to be promoted properly, and the Member supported an alternative for PGL

Travel Limited to use only the eastern flank of the site. A local Member for Loughton Broadway added that this was a unique site, which the Member had visited many times. The current lack of visitor numbers was acknowledged, but the application would devalue the international importance of the site. The Member also felt that the design of the accommodation was banal and unattractive. The whole site was a conservation area, and the application would detract from and not enhance the Heritage site. A local Member for Loughton St Mary's stated that the District was blessed with historical assets, and the Council had a responsibility to preserve and enhance the Gunpowder Mills. The Member felt that the proposal was overdevelopment and was not sympathetic to the current site layout.

A local Member for Waltham Abbey North East opined that the Royal Gunpowder Mills was only one of three sites remaining, and had an international reputation. The Member was minded to not support the application. A local Member for Theydon Bois could not see how both activities would be compatible at this site. The Member thought that the design was utilitarian and the development was inappropriate. A local Member for Loughton St John's appreciated the challenges facing the Trust, and the attraction of the application by PGL Travel Limited. However, this was an historical site, and the application was to the detriment of the site. The Council had a duty of care to the site, and a better solution should be found. A local Member for Epping Hemnall emphasised the reference to the site in the adopted Local Plan, and expressed concerns about the impact of the development on the Green Belt, and that the proposed wording of the Unilateral Undertaking was weak in relation to the aims for the site within the adopted Local Plan.

The Assistant Director added that there was deer management operated elsewhere in the SSSI, but Officers felt that the development would not unduly harm the deer. Historical enactments would not necessarily continue after the development, but this was not a planning issue, although PGL Travel Limited had agreed to allow four public events on site each year. It was still proposed to retain the current visitor attraction, and the report made clear that the site, although within the Metropolitan Green Belt, was considered as "previously developed land".

However, there were other Members of the Committee who supported the scheme. A local Member for Grange Hill reminded the Committee that the site was not profitable, and that a solution needed to be found or the site would be lost to the District. A local Member for Chigwell Village stated that the site contained a unique set of buildings and it was a disgrace that the site had been allowed to degenerate to its current state. The Trust did not have sufficient funding, the buildings would continue to degrade and they needed to be preserved. This application could allow the site to be saved and continue to be accessible to the public. A local Member for Passingford agreed that the condition of the buildings not open to the public had got worse as the Trust had not had the resources. The site was not currently open very often, with limited opening hours. The Member felt that the design of the buildings were sympathetic to the existing site and the proposed outdoor recreation and activity centre would be a good synthesis.

It was highlighted that there was nothing in the proposed legal agreement (Unilateral Undertaking) to save the current buildings on the site, but it was pointed out that the Trustees were looking to bring these buildings back into use. A local Member for Loughton Broadway accepted that the Trust currently did not have sufficient funding, but the application would subordinate the Heritage Site to the outdoor recreation and activity centre, which would then have a negative effect on the Heritage site. The site would need a rescue package – housing was suggested – and other options should be explored.

The Chairman closed the debate by saying that he was upset to see the current condition of the buildings, and it was very important to bring those buildings back into public use. The Royal Gunpowder Mills was an integral part of Waltham Abbey's history, and there was a very real threat that they might disappear. Therefore, the Chairman had resolved to support the application.

Following the vote by the Committee to grant planning permission for the development, subject to the addition of an extra condition concerning the erection of a screening fence, four Members of the Committee stood up and requested that the application be referred to the Council for a final decision under the Minority Reference rules within the Constitution (Part 4, "Council Procedure Rules", Rule M2 "Minority References" refers).

**Decision:**

(1) That a report be submitted to the Council recommending approval for planning application EPF/3028/15 at The Royal Gunpowder Mills in Powdermill Lane, Waltham Abbey, subject to:

(a) the completion of a legal agreement (Unilateral Undertaking) to ensure:

(i) the income from the PGL lease be used for the preservation and enhancement of the whole site, including the Scheduled Ancient Monument (SAM) and Site of Special Scientific Interest (SSSI) outside of the application site area, in accordance with the charitable objectives of the Trust;

(ii) the preparation of a Landscape & Ecological Management Plan (LEMP) and Access Management Plan (AMP) prior to the first occupation of the development; and

(iii) the implementation of the LEMP and AMP from the first occupation of the development; and

(b) the following planning 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 these being those set out in the Drawing Register (Sheets 1 to 4) submitted with the application.
3. 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.
4. 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]

5. 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]

6. 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]

7. 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.
8. 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.
9. 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.
10. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to occupation. The scheme shall include:
  - Run-off rates restricted to a minimum of 50% betterment on any areas where new developments are proposed on site.
  - Storage on site for the 1 in 100 inclusive of climate change storm event for any new developments on site.
  - An appropriate amount of treatment in line with the CIRIA SuDS Manual C753 for any areas where new developments are proposed.
  - A drainage plan highlighting final exceedance and conveyance routes, discharge rates and outfalls for the whole site.
11. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.
12. No works 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.

13. 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.
14. Development shall not commence until a Drainage Strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the Strategy have been completed.
15. Development shall not be commenced until:
  - (a) full details, including anticipated flow rates, and detailed site plans have been submitted to, and approved in writing by, the Local Planning Authority (in consultation with Thames Water); and
  - (b) where this development forms part of a larger development, arrangements have been made to the satisfaction of the Local Planning Authority (in consultation with Thames Water) for the provision of adequate water supplies for the whole of the development.
16. No burning of materials or operation of machinery shall take place on the former burning ground between 1 February and 31 July in any year, unless the heronry area has first been assessed by a competent ornithologist not more than 3 days before the carrying out of the activity in question and this assessment has confirmed that no breeding herons are present.
17. The burning ground shall be subject to an appropriate level of remediation and restored to appropriate semi-natural grassland and/or scrub habitat(s) within 6 months of the completion of the programme of treatment of the arisings from the demolition of the east flank buildings.
18. No structures are to be erected within 100 metres of the SSSI; with the exception of structures the height of which is less than that of the adjacent SSSI trees.
19. No conversion/demolition or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
20. No development shall have taken place until samples 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. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.



21. No development, including works of demolition, site clearance, or investigations / remediation in connection with contaminated land, shall take place until a Tree Protection Plan, and Arboricultural Method Statement 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.
22. Should any health and safety risks associated with the residential occupation of buildings, from either toxic or explosive substances be identified a report detailing the steps taken to remove such risks together with verification from an appropriate expert that these works have satisfactorily been completed and that no appreciable risks remain shall be submitted to the Local Planning Authority, prior to the first occupation of the site.
23. Should any possible risk of explosives within the soils at the site be identified during works at the site then full details of the remediation steps required to prevent risk, together with verification from an appropriate expert that the remediation required has been carried out in full shall be submitted to the Local Planning Authority prior to the first use of the site.
24. All ground works, deliveries and/or demolition shall be in accordance with the submitted Construction Management Plan (CMP). The CMP shall be adhered to throughout the construction period.
25. The submitted Traffic Management Plan for the site shall be implemented and adhered to throughout the operating life of the development with any changes being agreed in writing with the Local Planning Authority.
26. 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.
27. No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
28. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
29. No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside all

watercourses shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting and formal landscaping, and could form a vital part of green infrastructure provision. The schemes shall include:

- Plans showing the extent and layout of the buffer zone.
- Details of any proposed planting scheme (native species only).
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- Details of any proposed footpaths, fencing, lighting etc.

30. Prior to first occupation of the development, details of a screening fence adjacent to the rear garden boundary to Hoppit Road of residential properties at 2, 3 and 4 Gregory Mews shall be submitted to and agreed in writing by the Local Planning Authority. The details as approved shall be provided before first occupation of the development and retained thereafter.

**68. EPF/0018/16 GUNPOWDER MILL, POWDERMILL LANE/BEAULIEU DRIVE, WALTHAM ABBEY**

Following the referral of the previous planning application at the Royal Gunpowder Mills to the Council for a final decision, it was proposed that the Listed Building planning application for the same site also be deferred to the same Council meeting for a decision.

**Resolved:**

(1) That planning application EPF/0018/16 at the Royal Gunpowder Mill in Powdermill Lane, Waltham Abbey be deferred to the same Council meeting for a decision as planning application EPF/3028/15 for the same site.

**69. EPF/0144/16 LAND TO SOUTH-EAST OF FYFIELD ROAD AND NORTH OF ONGAR LEISURE CENTRE, FYFIELD ROAD, ONGAR**

The Assistant Director of Governance (Development Management) presented a report for the erection of a new school on land to the south-east of Fyfield Road, Ongar and north of Ongar Leisure Centre. The application was before the Committee as it was considered a "*large scale major application*" as defined within the guidance issued by the Department of Communities & Local Government.

The Assistant Director stated that the majority of the site consisted of playing fields that lied to the north and east of Ongar Leisure Centre, as well as a car park used as an overspill for the Leisure Centre and Medical Centre. The site was within the Metropolitan Green Belt and adjoined the north east boundary of Ongar. The school buildings would be mainly three storeys, with some one and two storey buildings, and would be erected on the smaller, existing playing field, to the north of the Leisure Centre. A Sports Hall was proposed close to the visitor entrance. The existing playing fields to the east and south would be retained in open use but adapted in part to provide a floodlit all weather sports pitch. A new vehicular access would be provided

from Fyfield Road into what was currently the overspill car park. A total of 26 parking spaces would be reserved for the Medical Centre, a drop-off and visitor parking area would be provided, as well as a 54 space car park for staff.

Planning Officers had concluded that the proposal would provide a much needed secondary school for the Ongar area, and also improve the range of leisure and sports facilities available to local people. Although the site was in the Green Belt, it was adjacent to the urban area of Ongar, and important agricultural land would not be lost. Therefore, it was felt that very special circumstances did exist and that planning permission should be granted.

The Committee noted the summary of representations that had been received in respect of this application. There had been five letters of objection received from neighbouring properties, along with 65 letters of support. In addition, the Town Council, Highways Agency, Sustainable Drainage Team, Trees and Landscape Team, CountyCare and Land Drainage Section had no objections. The Historic Environment Officer had recommended archaeological work on the site, and the Land Contamination Officer had recommended the imposition of the standard land contamination conditions. Sport England had objected to the application, as it involved the loss of existing playing fields; however, the Assistant Director tabled seven additional conditions for the proposal to deal with the objections raised by Sport England. The Committee heard from an Objector and the Applicant's Agent before proceeding to debate the application.

In response to questions from the Committee, the Assistant Director stated that a considerable amount of the existing hedge would be removed to provide the necessary sight lines outlined in condition 4. A mini roundabout at the entrance to the proposed new School had not been considered as this would push the road closer to the nearby residents. The imposition of a 20mph speed limit for Fyfield Road and flashing/lit School signs could not be performed by planning condition, but requests could be made to Essex Highways. It was reiterated that parking spaces allocated for the Medical Centre had been already been agreed.

The Committee felt that it was a well thought out project and the proposed School was much needed in the area. It was accepted that very special circumstances existed in this case to permit development in the Green Belt, and the Committee was entreated by local Ward Members to grant permission and allow the development of the new School to proceed.

#### **Decision:**

(1) That, subject to a referral to the National Planning Casework Unit, planning application EPF/0144/16 at land to the south-east of Fyfield Road and North of Ongar Leisure in Ongar be granted planning 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: 01001revP1, 01004revP3, 01005revP6, 01006revP5, 01008revP3, 02001revP6-Ground floor plan, 02001revP6-First floor plan, 02001revP6-Roof plan, 02001revP6-Second floor plan, 03001revP6, 03002revP6, 04001revP2, 04001revP6, 07501revP3, 100revP05, SK-001revP01, 09101-09107 inclusive and specified external brickwork materials: Ibstock Surrey Cream and Edenhall Sapphire Blue.

3. All ground works, deliveries and/or demolition shall be in accordance with the submitted Construction Management Plan (CMP). The CMP shall be adhered to throughout the construction period.
4. Prior to the first occupation of the development, the access at its centre line shall be provided with clear to ground visibility splays with dimensions of 2.4 metres by 50 metres to the north and south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction in perpetuity.
5. Prior to first occupation of the development the access and highway works, as shown in principle on Robert West drawing no.100 Rev P05, shall be fully implemented and maintained as such in perpetuity.
6. Prior to the first occupation of the development details of the Cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained as such in perpetuity.
7. The submitted and revised School Travel Plan shall be adhered to and should be continued to be updated as necessary throughout the life of the school.
8. There shall be no discharge of surface water onto the Highway.
9. If the gas sub-station will be affected by the development the features with potential for roosting bats should be removed by hand under supervision of a suitably licensed ecologist. The ecologist shall provide written confirmation to the Local Planning Authority that no bats will be harmed and/or that there are appropriate measures in place to protect bat interest on site.
10. Prior to the commencement of any works to moderate or high bat roost potential trees, dusk and dawn surveys for bats should be undertaken in accordance with guidelines from Natural England (or other relevant body). These should be submitted to the Local Planning Authority for approval.

Should the surveys reveal the presence of bats, or their breeding sites or resting places then an appropriate and proportionate detailed mitigation and compensation strategy must be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to the Local Planning Authority for approval.

Should a Natural England European Protected Species licence (EPS) be required then this should also be submitted to the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

11. Any trees with low bat roost potential, which are scheduled to be impacted by the development, should be soft-felled after inspection of potential roost features under supervision of a suitably licensed ecologist during the active bat season (May to September). If any bats or evidence of bats are found during soft-felling, works should cease until a Natural England (NE) European Protected Species (EPS) Mitigation License can be obtained and submitted to the Local Planning Authority. If no evidence of bats is found the ecologist will provide written confirmation to the Local Planning Authority that no bats will be harmed and/or that there are appropriate measures in place to protect bat interest on site.
12. A lighting design strategy for bats shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

It is recommended that to minimise risk of disturbance to foraging and commuting bats on site, that the development should follow lighting minimisation precautions, including the following:

- no works on site should be conducted after sunset and if security lighting is required then this should be kept to a minimal level (as necessary for safety and security);
  - post development lighting should be directed away from site boundary vegetation, and in particular, away from the on-site trees with bat roost potential;
  - installation of lighting columns at the lowest practical height level with box shield fittings will minimise glare and light spillage;
  - lux level of lamps should be as low as possible and be high pressure sodium (rather than metal halide, or other) with covers made from glass rather than plastic as this minimises the amount of UV light, reducing the attraction effects of lights on insects; and
  - security lights should be set on short timers, and be sensitive to large moving objects only.
13. The removal of limited amounts of hedgerows, scrub or trees or limited groundworks within the wooded area shall be undertaken under supervision of a suitably qualified ecologist, during the active season (April to September). This precautionary method will minimise the risk of harm to any reptiles using these areas for commuting or sheltering. The ecologist will provide written confirmation that no reptiles will be harmed and/or that there are appropriate measures in place to protect reptile interest on site.
  14. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
  15. A great crested newt (GCN) survey shall be undertaken to determine the presence or likely absence of this species in the surrounding area following guidelines from Natural England. If

GCNs are found to be present in the surveys pond, a NE EPS Mitigation License will be required prior to any groundwork at the site. The report, and the licence, must be submitted to the Local Planning Authority for approval prior to works commencing.

16. A landscaping enhancement plan should be submitted and approved by the Local Planning Authority prior to commencement of works. This should include enhancement for wildlife, corridors, foraging areas, native planting, wildflower areas, hibernacula, bat boxes, bird and house martin boxes as detailed in the Phase 1 Habitat survey submitted by James Blake Associates in November 2015.
17. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment 150455/AW/TG Rev 2, the surface water drainage strategy 150455/TG/JB Rev 2, the drainage construction details C163 the and the following mitigation measures detailed within the FRA:
  - limiting the discharge from the school development to 12.1l/s and the discharge from the external car pack to 5l/s;
  - provide attenuation storage for all storm events up to and including the 1:100 year storm event inclusive of climate change;
  - provide treatment in line with the approved FRA; and
  - the mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
18. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.
19. No works 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.
20. 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.
21. 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.

22. The development shall be carried out only in accordance with the James Blake Associates Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule unless the Local Planning Authority gives its written consent to any variation.
23. 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]

24. 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]

25. 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]

26. 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.
27. 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.
28. No preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
29. Prior to the occupation of the development, a scheme for lighting the MUGA pitch shall be submitted to and approved in writing by the Local Planning Authority and carried out as approved thereafter.



30. All car parks proposed as part of the development shall be completed and made available for the uses stated on drawing no. 01006 Rev. P5, prior to the first occupation of the school.
31. No development shall commence until a detailed playing field construction specification, including an implementation programme prepared in accordance with the Ongar Academy Sports Pitch Feasibility Study (Agrostis, 7 April 2016) recommendations and in consultation with Sport England, has been submitted to and approved in writing by the Local Planning Authority. The approved specification and implementation programme shall be complied with in full prior to the completion of the development unless otherwise agreed with the Local Planning Authority.
32. Following first occupation of the development hereby permitted, the annual playing field maintenance programme set out in Ongar Academy Sports Pitch Feasibility Study (Agrostis, 7 April 2016) shall be complied with in full.
33. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to, and approved in writing, by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the Sports Hall, Activity Studio, Changing Rooms, Multi-Use Games Area and natural turf playing fields and include details of pricing policy, hours of use, access by community users, management responsibilities, details of management arrangements with Ongar Leisure Centre and a mechanism for review, and anything else which the Local Planning Authority considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.
34. Details and specification of the proposed replacement artificial Cricket wicket, including a programme of implementation, shall be submitted to and approved by the Local Planning Authority before occupation of the development hereby permitted. Once approved, these details shall be implemented in full.
35. A detailed design of the proposed Sports Hall, including details of the flooring and court markings, shall be submitted to and approved by the Local Planning Authority before occupation of the development hereby permitted. Once approved, these details shall be implemented in full.
36. Details of the boundary enclosures to the Academy, including associated lands and car parking areas, shall be submitted to and approved by the Local Planning Authority before any work commences on the construction or provision of these enclosures.
37. Development shall not commence until a Drainage Strategy detailing any on and/or off site drainage works has been submitted to, and approved by, the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the

site shall be accepted into the public system until the drainage works referred to in the Strategy have been completed.

**70. EPF/0241/16 58 YORK HILL, LOUGHTON**

The Assistant Director of Governance (Development Management) presented a report for the formation of a street parking area in the front garden of 58 York Hill in Loughton with perimeter retaining walls, additional landscaping and the provision of a 3 metre wide opening on to York Hill.

The Assistant Director informed the Committee that the application was before the Committee as it had been submitted by a serving District Councillor.

The Assistant Director reported that the application site was a two storey semi-detached house, situated in a raised position on the north side of York Hill. The importance of hedgerows within the York Hill Conservation Area Character Appraisal and Management Plan was highlighted, along with the fact that Permitted Development Rights had been previously removed for the site. The possibility of placing a mirror on the opposite side of the road had been considered, but this was not recommended by the Highways Agency and was not encouraged by the Department of Transport either. The large number of objections received for this application was also emphasised. As a consequence, Planning Officers had concluded that permission should be refused, and that a compromise proposal could not be suggested as a 'way forward'.

The Committee acknowledged that parking was a problem in this area and understood the reason for the application, but the site was not conducive and the proposed development was not a solution. It was noted that the sightlines were dangerous and the highways concerns were a real issue. Members also noted the large number of objections that had been received for this application. It was agreed that there were fundamental issues to warrant a refusal and that there was limited flexibility for a way forward.

**Decision:**

(1) That planning application EPF/0241/16 at 58 York Hill in Loughton be refused permission for the following reasons:

1. The formation of a hard surfaced drive way with retaining walls, and the associated removal of a section of hedgerow and embankment, would be an unsightly development that would detract from the character and appearance of this Conservation Area to which hedgerows make a significant contribution. In addition, if approved, it would be difficult to resist other similar proposals in the locality, which would further erode the special character of this part of the conservation area. The proposal is therefore contrary to policies HC6 and LL10 of the adopted Local Plan and Alterations, and contrary to the National Planning Policy Framework.
2. The visibility sightlines for drivers exiting the proposed drive way parking would be inadequate, and the proposal would therefore cause a safety hazard to other road users. The proposal is therefore contrary to policy ST4 of the adopted Local Plan and Alterations, and contrary to the National Planning Policy Framework.

**71. EPF/3142/15 BRIAR HOUSE, 42 CHURCH LANE, LOUGHTON**

The Assistant Director of Governance (Development Management) presented a report for the erection of a detached single storey outbuilding to the west side of the house, close to the side shared boundary with 40 Church Hill, at Briar House, 42 Church Lane in Loughton.

The Assistant Director informed the Committee that the application was before the Committee as the Applicant was a serving District Councillor.

The Assistant Director stated that the application site contained a large two storey house with integral garage and rear outbuildings, and was an extensive, well landscaped plot with established roadside hedges. There was a row of protected trees along the south-eastern boundary of the site. It was intended to use the new outbuilding as a garage and the external materials of the proposed outbuilding would be predominantly glassed with a front bi-folder door.

The Assistant Director reported that Planning Officers had concluded the proposed detached outbuilding was acceptable in design terms as it would be appropriate to its setting, and therefore complied with the relevant policies of the adopted Local Plan and the National Planning Policy Framework. Consequently, the application had been recommended for approval.

The Assistant Director added that the protected trees were set far enough back to not be affected by the proposed new building.

**Decision:**

(1) That planning application EPF/3142/15 at Briar House, 42 Church Lane in Loughton be granted permission, subject to the following condition:

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

**72. VARIATION TO SECTION 106 AGREEMENT - TOTTENHAM HOTSPUR TRAINING GROUND, LUXBOROUGH LANE, CHIGWELL**

The Assistant Director of Governance (Development Management) presented a report on a variation to a Section 106 Agreement at the former Tottenham Hotspur Training Ground in Luxborough Lane, Chigwell, to permit occupation of part of the enabling development prior to the completion of the school.

The Assistant Director reminded the Committee that it had approved the redevelopment of the former training ground in March 2015 to provide an Autistic Spectrum Disorder (ASD) School for up to 128 pupils aged 4 – 19, and 60 dwellings on land to the west of the site to act as an enabling development. The Section 106 Agreement for the site prohibited the occupation of any of the houses until the school was completed. However, the Developer had advised the Council that this obligation was having a detrimental effect on the cash flow for the scheme, and had requested that the Agreement be varied to allow phased occupation of the housing. It was proposed to vary the agreement to restrict occupation of 40 houses until specific phases of the school construction had been completed and prevent occupation of the final 20 houses until the school was completed.

The Committee heard from the Applicant before proceeding to debate the application.

The Committee was reminded that it had also been agreed to raise the bridleway parapets over the M11 motorway, which had not yet been progressed; the development was preventing horse riders from using this route. The Committee was advised by Cllr Knapman that Essex Highways were not against this proposal and was confident that it would happen.

**Decision:**

(1) That the Section 106 Agreement at the former Tottenham Hotspur Training Ground at Luxborough Lane in Chigwell relating to planning permissions EPF/0853/14 and EPF1326/15 be varied to permit occupation of:

1. Up to 20 houses of the enabling development following: Completion of phases 1 and 2 to the point that they are watertight and the construction of phases 3 and 4 to ground floor slab level.
2. Up to 40 houses of the enabling development following: Completion of either phases 1 and 2 to the point that they are ready for occupation for the purposes of a school and the completion of phases 3 and 4 to the point that they are watertight.
3. The entire enabling development of 60 houses after all four phases are ready for occupation for the purposes of a school.

**73. ANY OTHER BUSINESS**

The Committee noted that there was no other urgent business for consideration at the meeting.

**74. EXCLUSION OF PUBLIC AND PRESS**

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

**CHAIRMAN**