

**committee agenda**



**Epping Forest  
District Council**

***District Development Management Committee  
Monday, 10th July, 2017***

You are invited to attend the next meeting of **District Development Management Committee**, which will be held at:

on **Monday, 10th July, 2017**  
at **7.30 pm** .

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

Gary Woodhall  
(Governance Directorate)  
Tel: 01992 564470  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

**Members:**

Councillors B Sandler (Chairman), B Rolfe (Vice-Chairman), H Brady, R Jennings, G Chambers, S Heap, S Jones, H Kauffman, J Knapman, S Kane, R Morgan, C C Pond, G Shiell, D Stallan and J M Whitehouse

**SUBSTITUTE NOMINATION DEADLINE:**

**18:30**

**1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Democratic Services Officer will read the following announcement:

*"I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by third parties).*

*If you are seated in the lower public seating area then it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.*

*This may infringe your human and data protection rights and if you wish to avoid this*

*then you should move to the upper public gallery.*

*Could I please also remind Members to activate their microphones before speaking.”*

**2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 6)**

(Director of Governance) General advice to people attending the meeting is attached.

**3. APOLOGIES FOR ABSENCE**

(Director of Governance) To be announced at the meeting.

**4. SUBSTITUTE MEMBERS**

(Director of Governance) To report the appointment of any substitute members for the meeting in accordance with Council Rule S1 in the Constitution (Part 4 “The Rules” refers).

**5. DECLARATIONS OF INTEREST**

(Director of Governance) To declare interests in any item on the agenda.

**6. MINUTES**

(Director of Governance) To confirm the minutes of the last meeting of the Committee held on 5 April 2017 (previously circulated).

[Click here for District Development Management Committee Minutes 5 April 2017](#)

**7. EPF/1139/17 - SITE OF PROPOSED NEW WALTHAM ABBEY LEISURE CENTRE, NINEFIELDS, WALTHAM ABBEY (Pages 7 - 16)**

(Director of Governance) To consider the attached report for a reserved matters application for appearance, layout, scale, massing, materials, external works, and landscaping of the Leisure Centre site only for approved outline consent EPF/2207/16.

**8. EPF/0816/17 THE GOLDEN LION, BORDERS LANE, LOUGHTON (Pages 17 - 26)**

(Director of Governance) To consider the attached report for the variation of Condition 2 'plan numbers' on planning application EPF/1269/15 (Demolition of existing Public House and 10 and 12 Newmans Lane and construction of 8 x 1 bed flats and 22 x 2 bed flats in two blocks with undercroft parking and landscaping).

Alterations to include: enlarged communal deck, removal of upper communal area, change to balcony design/size, alterations to window design, walls to roof terraces, alterations to materials, grills at car park level replaced by brick lattice and internal alterations.

**9. EPF/0232/17 - SHOTTENTONS FARM, PECK HILL, NAZEING (Pages 27 - 42)**

(Director of Governance) To consider the attached report for the erection of 24 x 1 bedroom units in two, two storey blocks for occupation by horticultural workers on the nearby nursery.

**10. SECTION 106 ANNUAL REPORT 2016/17 (Pages 43 - 48)**

(Director of Governance) To consider the attached report (DEV-002-2017/18).

**11. PUBLIC SEATING ARRANGEMENTS (Pages 49 - 50)**

(Director of Governance) To consider the attached report (DEV-001-2017/18).

**12. ANY OTHER BUSINESS**

(Director of Governance) Section 100B(4)(b) of the Local Government Act 1972 requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

**13. EXCLUSION OF PUBLIC AND PRESS**Exclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
Nil	None	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers

Article 17 (Access to Information) of the Constitution defines background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

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## Advice to Public and Speakers at Council Planning Sub-Committees

### Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

### When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Sub-Committee.

### Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

### What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Sub-Committee will determine the application in your absence.

### Can I give the Councillors more information about my application or my objection?

**Yes you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

### How are the applications considered?

The Sub-Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Sub-Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Sub-Committee. Should the Sub-Committee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee are required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
  - (i) the Council's approved policy framework; or
  - (ii) the development or other approved plan for the area; or

- (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

**Further Information?**

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

## **Report to the District Development Management Committee**



**Epping Forest  
District Council**

**Report Reference: EPF/1139/17  
Date of meeting: 10 July 2017**

**Address: Site of proposed new Waltham Abbey Leisure Centre, Ninefields,  
Waltham Abbey, EN9 3EH.**

**Subject: Reserved matters application for appearance, layout, scale,  
massing, materials, external works, and landscaping of the leisure  
centre site only on approved outline consent EPF/2207/16 (Outline  
application for Health Centre building; 60 Independent Living Older  
Persons Apartments Building; Leisure Centre and Swimming Pool  
Building; Open Space; Ancillary development including three  
vehicular accesses off Hillhouse, car parking, and SUDs  
Infrastructure and demolition of Ninefields Community Centre  
Building).**

**Responsible Officer: Graham Courtney (01992 564228).**

**Democratic Services: Gary Woodhall (01992 564470).**

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### **Recommendation:**

**(1) That planning application EPF/1139/17 at Ninefields in Waltham Abbey  
be granted permission, subject to the following conditions:**

- 1. The development hereby permitted will be completed strictly in  
accordance with the approved drawings numbers:  
P4560-110 Rev: B;  
P4560-1200 Rev: B;  
P4560-1210 Rev: B;  
P4560-1211 Rev: B;  
P4560-1212;  
P4560-1350 Rev: A; and  
P4560-1400.**
- 2. No construction works above ground level shall take place until  
documentary and photographic details of the types and colours  
of the external finishes have been submitted to and approved by  
the Local Planning Authority, in writing. The development shall  
be implemented in accordance with such approved details.**
- 3. Prior to the first use of the development hereby approved, full  
details of both hard and soft landscape works (including tree  
planting) and implementation programme (linked to the  
development schedule) shall be submitted to and approved in  
writing by the Local Planning Authority. These works shall be  
carried out as approved. The hard landscaping details shall  
include, as appropriate, and in addition to details of existing  
features to be retained: proposed finished levels or contours;**

means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

4. The parking area shown on the approved plan shall be provided prior to the first use of the development and shall be retained free of obstruction for the parking of staff and visitors vehicles.

#### **Report:**

1. This application is put straight to the District Development Management Committee since it is a “major application” for development, where the Council is the landowner, (*Pursuant to The Constitution, Part Two, Article 10(c)*).

#### **Planning Issues:**

2. The application is the first Phase of reserved matters consent following the approval of Outline consent reference EPF/2207/16, which related to an *outline application with all matters reserved except access for the erection of a Health Centre building; 60 Independent Living Older Persons Apartments Building (Use Class C2 - with a minimum of 6 hours care to be provided per week for each apartment) with a minimum of 40% affordable; Leisure Centre and Swimming Pool Building (to include Fitness Suite and Community Hall); Open Space including a mini soccer grass pitch for use by under 7/8 year olds and footpaths; and ancillary development including three vehicular accesses off Hillhouse, car parking, and SUDs Infrastructure and demolition of Ninefields Community Centre Building*. This phase of the reserved matters application relates solely to the site of the new leisure centre and is not seeking reserved matters consent for any other parts of the wider application site.

#### Description of Site

3. The wider application site is a 3.73 hectare area of land currently consisting of open space, a car park area and Ninefield Community Centre. The site is located to the southwest of Hillhouse within the Ninefields Estate and bordered to the south by a brook and a public footpath. To the immediate north, west and south of the site are residential dwellings. To the east of the site, on the opposite side of Hillhouse, are residential dwellings, Hillhouse Primary School, Hazelwood Childrens Nursery and Tallis House (nursing home). To the east of the community centre is a small shopping parade laid out within a pedestrianised square with residential flats on the first floor. Beyond these properties are further open spaces, including school playing fields.
4. The application site specifically related to this reserved matters application consists of the south eastern parcel of land that currently contains the vacant



community centre, the immediately surrounding area of open space, and the adjacent car park area.

5. The site is not located within the Metropolitan Green Belt, or a conservation area or any other designated land.

#### Description of Proposal

6. The first phase of reserved matters consent is being sought with regards to appearance, layout, scale, massing, materials, external works, and landscaping of the leisure centre site only following the approved outline consent EPF/2207/16, which related to the erection of a Health Centre building; 60 Independent Living Older Persons Apartments Building; Leisure Centre and Swimming Pool Building; Open Space; Ancillary development including three vehicular accesses off Hillhouse, car parking, and SUDs Infrastructure and demolition of Ninefields Community Centre Building.

7. The proposed leisure centre building would be situated within the south eastern corner of the wider application site in accordance with condition 10 of EPF/2207/16. This coincides with the indicative plans submitted with the original outline consent.

8. The proposed leisure centre building would contain a swimming pool, a fitness suite, dance studio, group cycle room (with associated changing rooms, viewing area, plant room, etc.), reception area, café, community room and a staff room. It would be served by a 98 space car park situated to the north and west of the new centre that would be accessed from Hillhouse. Pedestrian access to the proposed new leisure centre would be from the eastern elevation that opens onto the existing square that is in part enclosed by existing retail units. This would replace the existing, now vacant, community centre that previously bounded the square.

#### Relevant History

9. EPF/2207/16 - Outline application with all matters reserved except access for the erection of a Health Centre building; 60 Independent Living Older Persons Apartments Building (Use Class C2 - with a minimum of 6 hours care to be provided per week for each apartment) with a minimum of 40% affordable; Leisure Centre and Swimming Pool Building (to include Fitness Suite and Community Hall); Open Space including a mini soccer grass pitch for use by under 7/8 year olds and footpaths; and ancillary development including three vehicular accesses off Hillhouse, car parking, and SUDs Infrastructure and demolition of Ninefields Community Centre Building - approved/conditions (subject to a legal agreement) 24/03/17

#### **Policies Applied:**

##### Epping Forest Local Plan and Alterations (1998/2006)

10. CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP5 – Sustainable building  
CP6 – Achieving sustainable urban development patterns  
CP8 – Sustainable economic development  
CP9 – Sustainable transport  
NC4 – Protection of established habitat

- RP3 – Water quality
- RP4 – Contaminated land
- RP5A – Adverse environmental impacts
- H2A – Previously developed land
- RST1 – Recreational, sporting and tourist facilities
- RST3 – Loss or diversion of rights of way
- RST14 – Playing fields
- RST22 – Potentially intrusive activities
- CF12 – Retention of community facilities
- U2A – Development in flood risk areas
- U2B – Flood risk assessment zones
- U3A – Catchment effects
- DBE1 – Design of new buildings
- DBE2 – Effect on neighbouring properties
- DBE3 – Design in urban areas
- DBE6 – Car parking in new development
- DBE9 – Loss of amenity
- LL5 – Protection of urban open spaces
- LL6 – Partial development of urban open spaces
- LL10 – Provision for landscape retention
- LL11 – Landscaping schemes
- U2A – Development in flood risk areas
- U3B – Sustainable drainage systems
- ST1 – Location of development
- ST2 – Accessibility of development
- ST4 – Road safety
- ST6 – Vehicle parking

11. The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Epping Forest Draft Local Plan Consultation Document (2016)

12. The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

- SP1 – Presumption in favour of sustainable development
- SP6 – The natural environment, landscape character and green infrastructure
- E1 – Employment sites
- T1 – Sustainable transport choices
- DM1 – Habitat protection and improving biodiversity
- DM2 – Landscape character and ancient landscapes
- DM9 – High quality design
- DM11 – Waste recycling facilities on new development
- DM15 – Managing and reducing flood risk
- DM18 – On site management of waste water and water supply
- DM21 – Local environment impacts, pollution and land contamination

13. The wider site is listed in 'Draft Policy P3 Waltham Abbey', which forms part of the Epping Forest District Draft Local Plan Consultation October 2016, as site SR-

0385 for approximately 60 homes. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The site has been through the sifting process for suitable sustainable sites and has made the current Draft Local Plan that is currently out to consultation to which this proposal in principle is in accordance with.

**Consultation Carried Out and Summary of Representations Received:**

14. 324 neighbouring residents were consulted and Site Notices were displayed.
15. TOWN COUNCIL – No objection.
16. 3 CHEQUERS WALK – Object as this would have an impact on parking on the surrounding roads to the south and due to the loss of green space.
17. 9 HOWSE ROAD – Comment about possible vehicle access from Shernbroke Road and question what road improvements will be undertaken as without such improvements the development will detrimentally impact on traffic.
18. 75 MASON WAY – Comment that vehicle access should be provided from the south as this development would greatly exacerbate parking problems around Maynard Court and Shernbroke Road.
19. 46 CULLINGS COURT – Object as this would have a detrimental impact on residential amenities and the surrounding area.

**Issues and Considerations:**

20. This application is for reserved matters consent regarding appearance, layout, scale, massing, materials, external works, and landscaping for the leisure centre element of the wider development scheme. The principle of the development has been agreed by outline consent reference EPF/2207/16, and since this application is the first phase of reserved matters and relates to just the leisure centre element of the scheme, the only considerations are regarding the design and impact that would result from the Leisure Centre and Swimming Pool element of the scheme.

Design

21. The proposed new leisure centre building would provide a swimming pool (with associated changing rooms, viewing area, plant room, etc.), reception area, cafe and community room on the ground floor and a fitness suite, dance studio, group cycle room, associated changing rooms and a staff room on the first floor.

22. The bulk and layout of the proposed new leisure building has been designed in order to reduce its impact on the site and its surroundings whilst ensuring that the leisure centre remains visible and adds interest to the surrounding locality. The building would feature a sloping grass roof to act as an attractive feature that would suit the wider recreation ground site and would make use of single storey glazing to the north to provide a link between the leisure centre and the wider site (including the proposed new car park) and provide passive surveillance to these areas.

23. The eastern elevation, which contains the public entrance to the building, would be largely glazed to allow for views into the building and to ensure an active

frontage is provided onto the existing square. The first floor would overhang the entrance and would be finished in a contemporary metal cladding material to differentiate it from the brick palette on the ground floor.

24. The use of quality materials would be required in order to ensure that the new leisure building enhances the area and to help create more of a sense of place. To ensure this, a planning condition requiring the detail of the external materials is required for later approval.

25. As a statutory consultee, Sport England have raised no objection to the proposed development, however have provided a list of comments/advice as a non-statutory consultee with regards to the design and layout of the proposed leisure building. Whilst this list contains a few negatives/suggestions it does not appear that there are any significant shortcomings in the size, design and layout of the proposed buildings. These negatives largely consist of minor detailing such as some of the doors being inward rather than outward opening, the size of some of the storage rooms/offices (which are larger than expected), and the location of the toilets in the main changing area. Nonetheless many of the negative points are stated as being "a local management call".

26. Overall the comments from Sport England appear to be positive and praise many aspects of the design including, but not limited to:

- *The glazing on the north side of the pool is positive to provide natural light to the space and a connection from outside to in;*
- *The view from the entrance to the reception desk is positive and will make it easy for staff to supervise the area and users to understand user flow;*
- *Views in to the pool from this area is a positive;*
- *At 15x10 this is a positive learner pool solution offering flexible programming opportunities, particularly around learn to swim; and*
- *The inclusion of dedicated dry change to serve the health and fitness offer is positive.*

#### Impact on Amenities

27. Indicative layouts and massing assessments were provided with the original outline application and the parameter plans within the originally submitted Design and Access Statement indicated that the building height of the proposed leisure centre building would reach a 12m maximum height. The location of the leisure centre building would accord with the original submission (and condition 10 of EPF/2207/16) and would reach a maximum height of 8.5m, which is significantly below the original suggestion within the outline consent.

28. The wider application site is surrounded by residential dwellings however the neighbours closest to the proposed leisure centre building are those located in Maynard Court to the south along with the residential flats above the courtyard shops.

29. The proposed leisure centre would be located a minimum of 15m from the properties in Maynard Court. At its closest point the leisure centre would be 6m from the nearest residential flat above the courtyard shops, however this property does not have any flank windows directly facing the proposed building and therefore the leisure centre would not result in any excessive loss of amenity to the residents of these flats.

### Highways/Parking

30. The only aspect of the development that was dealt with at Outline stage was access and as such this has already been agreed.

31. Comments from a neighbouring resident suggest that vehicular access should be provided to the site from the south, however the outline consent, where access was a matter being determined, did not propose any such access and it is not considered that the provision of any such vehicle access would be necessary or justified.

32. The proposed development would be served by a 98 space car park (which includes 9 accessible (disabled) parking bays). This level of car parking has been calculated through the upscaling of the existing facilities that would be closed and currently operates with their current parking provisions (stated as being 69 spaces). Furthermore the location of the proposed new leisure centre is in a very sustainable location in the centre of a housing estate with access also to public transport. The parking provision is acceptable.

33. Essex County Council Highways have been consulted on the proposal and have responded as follows:

*“From a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 & ST6 of the Local Plan.”*

### Flooding

34. The majority of the application site is located within an Environment Agency Flood Zone 2. The leisure centre would be classified as a ‘less vulnerable use’.

35. The Environment Agency have been consulted on the application and have responded as follows:

*“We have no comments to make in regards to this application. However, we do ask to be consulted with future reserved matters applications for the other sections of the wider development site.”*

### Trees and Landscaping

36. There are few existing trees within the area of the application site and the proposed development of the leisure centre would not necessitate much in the way of new landscaping. Due to this there has been no objections raised by the Tree & Landscape Officer.

37. Nonetheless the proposed car park would provide some small landscaped areas that would need to be agreed, along with the necessary hard landscaping on the site. This matter can be adequately dealt with by way of a condition.

### **Conclusion:**

38. The proposed Leisure Centre/Swimming Pool is an appropriately designed

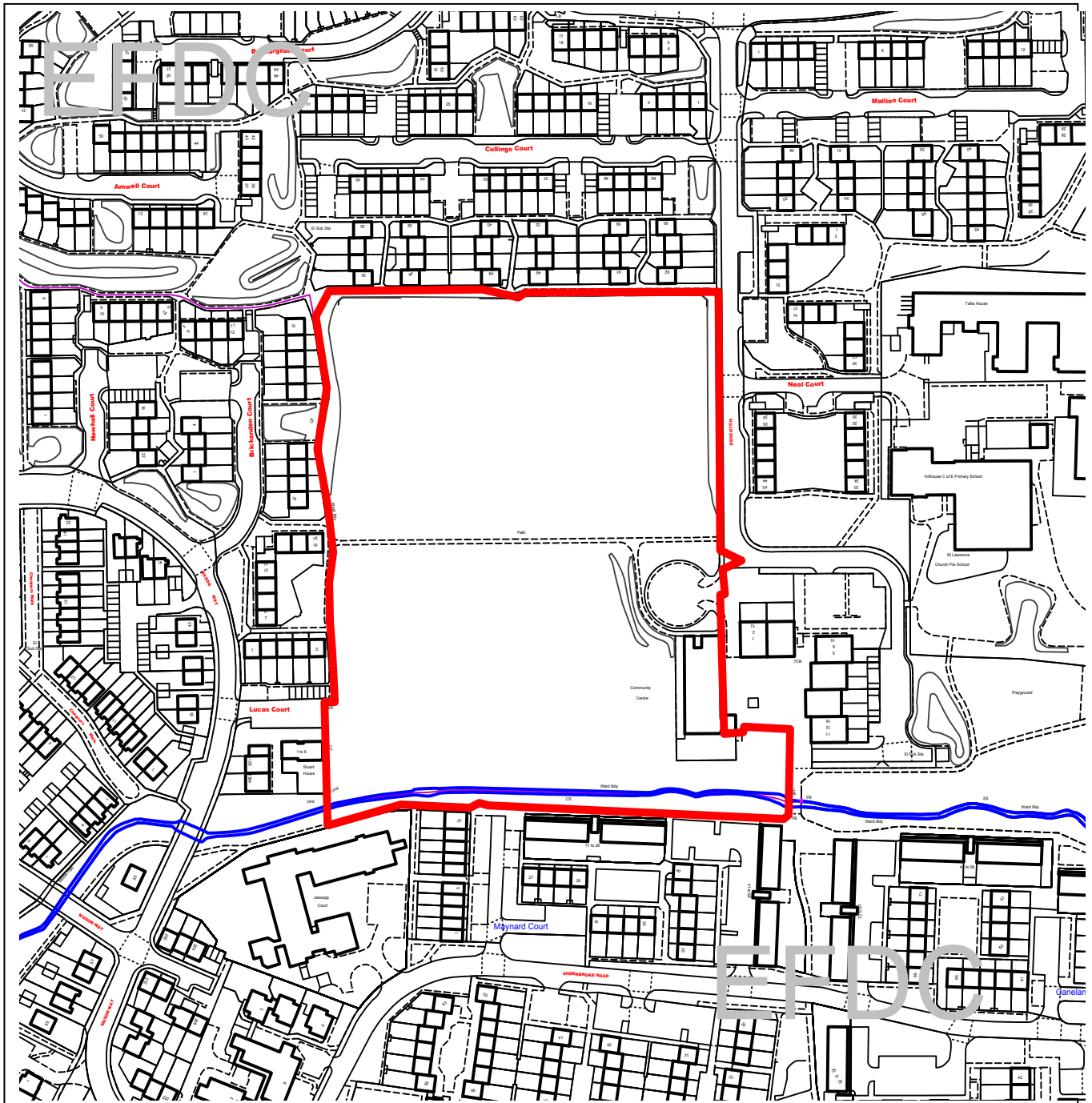
and laid out building that would meet the needs of the local community whilst retaining and enhancing the character and appearance of the area. The proposed development would not cause any undue detrimental impact on the amenities of surrounding residents and would be served by adequate off-street parking provision.

39. There have been no objections raised to the proposed details of this development from any statutory consultees and therefore, subject to conditions, the application complies with the relevant Local Plan policies and government guidance and is recommended for approval.



# Epping Forest District Council

## Agenda Item Number 7



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Application Number:	EPF/1139/17
Site Name:	Site of proposed new Waltham Abbey Leisure Centre, 19 Hill House, Waltham Abbey, EN9 3EL
Scale of Plot:	1/2500

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## **Report to the District Development Management Committee**

**Report Reference: EPF/0816/17**  
**Date of meeting: 10 July 2017**



**Epping Forest  
District Council**

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**Address:** The Golden Lion, Borders Lane, Loughton, Essex, IG10 1TE.

**Subject:** Application for variation of Condition 2 'plan numbers' on planning application EPF/1269/15 (Demolition of existing Public House and 10 and 12 Newmans Lane and construction of 8 x 1 bed flats and 22 x 2 bed flats in two blocks with undercroft parking and landscaping).

Alterations to include: enlarged communal deck, removal of upper communal area, change to balcony design/size, alterations to window design, walls to roof terraces, alterations to materials, grills at car park level replaced by brick lattice and internal alterations.

**Responsible Officer:** Nigel Richardson (01992 564110)

**Democratic Services:** Gary Woodhall (01992 564470)

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### **Recommendation(s):**

(1) That planning application EPF/0816/17 at The Golden Lion, Borders Lane, 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: PL10A, 14739-001, 14739-002, 14739-004, 14739-005, 14739-006, 14739-007, 14739-008, 14739-009, 14739-010, 14739-011, 14739-012, 14739-013, 14739-014, 17/2633-600, 17/2633-601, 17/2633-602, 17/2633-700 and 17/2633-701
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. Prior to first occupation of the development hereby approved, the proposed first and second floor window openings in the north east facing (serving hall/landing areas) and east facing windows (serving hall/landing areas, non habitable rooms) (labelled as elevation D on drawing number 17/2633-602) 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.

5. 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:
  - the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - measures to control the emission of dust and dirt during construction, including wheel washing; and
  - a scheme for recycling / disposing of waste resulting from demolition and construction works.
6. No development above ground level shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
7. 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.
8. No development shall take place until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
9. 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.

10. Prior to the first occupation of the development the access, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
11. Prior to the first occupation of the development the existing vehicular access shall be permanently closed off incorporating the reinstatement of the footway and full height kerbing.
12. Prior to first occupation of the development the developer shall be responsible for the implementation of Real Time Passenger Information, to Essex County Council specification, to the south-bound bus stop adjacent to the site.
13. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation per dwelling - of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
14. There shall be no discharge of surface water onto the Highway.
15. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
16. Before each phase of development approved by this planning permission, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, should be submitted to and approved in writing by the local planning authority. The scheme should be based on the surface water drainage statement referenced:  
  
**A3433/NSW/SurfaceWaterDrainageStatement/TheGoldenLionPC**  
  
issued 18 November 2015 for approved consent EPF/1269/15.
17. The scheme shall include:
  - A survey of existing drainage on site. Once the survey has been conducted the applicant should demonstrate permission from the relevant water body for any proposed connection to a surface water sewer.
  - Infiltration testing in line with BRE 365 and a ground survey to confirm underlying soils and groundwater levels. If infiltration testing is found to be viable, this method should be utilized where feasible with run-off rates from the site restricted to a maximum of 4.8l/s for the 1 in 1,

8.3l/s for the 1 in 30 and 9.7l/s for the 1 in 100 inclusive of climate change. If infiltration is found to be unviable run-off rates from the site should be restricted to a maximum of 5l/s for the 1 in 1, 8.5l/s for the 1 in 30 and 10l/s for the 1 in 100 inclusive of climate change event.

- Storage for the 1 in 100 year event inclusive of climate change storm event.
  - An appropriate level of treatment for all runoff leaving the site in line with CIRIA Guidance.
  - Details of final exceedance and conveyance routes.
18. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
  19. The development hereby permitted shall not be commenced until such time as 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.
  20. Prior to commencement of the development the applicant must submit 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.
  21. The adopting body responsible for maintenance of the surface water drainage system shall record 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.
  22. 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.
  23. The development shall be carried out only in accordance with the Daytime Bat Assessment Report by Betts Ecology unless the Local Planning Authority gives its written consent to any variation. If any bats are found during this demolition all works must stop immediately and advice sort from a fully licenced ecologist.
  24. Prior to first occupation of the development hereby approved, the proposed screen around the communal terrace shall be fitted with a brick wall to a height of 1.3m with a 0.5m obscured glass screen on top as shown on drawing No. 14739-014 and shall be permanently retained in that condition.

**Report Detail:**

*This application is put to the District Development Management Committee since it is a major category application as defined by DCLG (more than 10 dwellings) for development on the Council's own land. (Pursuant to The Constitution, Part Two, Article 10(c). The Council is not the applicant. In this case the Council owns the freehold of the Public House site and is the owner of No. 10 Newmans Lane.*

### **Description of Site:**

The application site is situated on the north side of Borders Lane at the junction with Newmans Lane and is a roughly rectangular site. The site slopes up to the north and is on a much higher level than the shopping parade opposite on Borders Lane and the properties to the rear on Borders Walk. The southern part of the site is the Public House Site with the two storey, flat roof Golden Lion pub located at an angle facing the Newmans Lane/Borders Lane junction. There is a car parking area to the north of the pub building and beyond this Nos. 10 and 12 Newmans Lane – a pair of semi-detached two storey dwellings. No. 10 is unoccupied and is currently boarded up and it is understood that this is due to subsidence issues with the property.

The site particularly at the junction corner is quite well screened by existing vegetation and the southern part of the site is grassed over. Several trees are preserved (2 oaks and 1 ash) and there is a veteran oak on the site.

The land to the east is a relatively recently developed housing estate, located behind a large open green area, and previously was the “Upper” site to Epping Forest College, before it was redeveloped.

Works have started on the site with demolition underway at the time of writing.

### **Description of Proposal:**

This proposal seeks a variation of Condition 2 ‘plan numbers’ on planning application EPF/1269/15 which gave consent for the demolition of the existing public house and 10 and 12 Newmans Lane and the construction of 30 flats located within two blocks with associated parking and landscaping. 8 x 1 bed flats are proposed and 22 x 2 bed flats are proposed. 45 parking spaces in total are to be provided.

This proposal seeks amendments to this scheme to include an enlarged communal deck area, removal of upper deck area, changes to the balcony design and size, alterations to window design, walls to the roof terraces, alterations to materials, grills at car park level replaced by brick lattice and some internal alterations.

### **Relevant History:**

EPF/1269/15 - Demolition of existing Public House and 10 and 12 Newmans Lane and construction of 8 x 1 bed flats and 22 x 2 bed flats in two blocks with undercroft parking and landscaping – App/Con

### **Policies Applied:**

#### Epping Forest District Local Plan and Alterations

CP1 Achieving Sustainable Development Objectives  
CP2 Protecting the Quality of the Rural and Built Environment  
CP3 New Development  
CP6 Achieving Sustainable Urban Development Patterns  
CP7 Urban Form and Quality  
H2A Previously Developed Land  
H3A Housing density  
H4A Dwelling Mix  
H5A Provision for Affordable Housing

H6A Thresholds for Affordable Housing  
H7A Levels of Affordable Housing  
DBE1 Design of New Buildings  
DBE2 Affect on Neighbouring Properties  
DBE3 Design in Urban Areas  
DBE6 Car parking in new development  
DBE7 Public Open Space  
DBE8 Private Amenity Space  
DBE9 Loss of Amenity  
DBE12 Shopfronts  
LL11 Landscaping Schemes  
ST1 Location of Development  
ST2 Accessibility of development  
CF12 – retention of Community facilities

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

**Summary of Representations:**

LOUGHTON TOWN COUNCIL: The Committee had NO OBJECTION to this application.

149 Neighbours consulted and site notices erected:

1 BORDERS WALK – Concern with regards to loss of privacy from enlarged communal area and balconies/terraces on north elevation, concern regarding proximity of block to Borders Walk.

11 NEWMANS LANE – Comment concerns relating to the inadequate parking provision

3 BORDERS WALK – OBJECTION – Trees appear to be being removed outside of the application site.

**Issues and Considerations:**

The principle of the development has been accepted with the previous approval and therefore the main issues that arise are whether the proposed changes result in any design or amenity issues.

**Design and Appearance**

The design has been altered to include a border around the windows, which as well as being a design feature also acts as a sunshade around the windows and some of the windows have been slightly increased in size, both of which are considered acceptable in design terms.

The material changes proposed are again considered acceptable. The submission of further details can still be applied as a condition to ensure that the proposed choices are acceptable but the change from a light and dark brick at ground floor with white render above to a blue brick for the damp course, then a lighter buff brick with the uppermost floors in render is considered acceptable and the submitted CGI images clearly show that this pallet of materials does work together.

The design of the balconies has also been simplified and some balconies have been removed. The angled supports have been removed as have the increase in size as the height increased. Although a simpler form, the design works well with the overall proposed design and provides an attractive vertical emphasis to the design.

The design of both Block A and B have been altered in unison (in terms of the materials, window design and balcony design) and the blocks complement each other.

The alterations to the ground floor parking area of Block A to remove the metal grill fencing is considered a welcome improvement and the brick detailing is considered more cohesive to the overall design and appearance of the building.

A further slight change has been made to block B to remove a rounded corner and is replaced by a chamfered edge on the most northern section of the block and this slight change is considered acceptable.

### Amenity

The second floor communal area has been deleted from the scheme and to compensate for this loss of amenity area, the first floor communal area has been increased in depth by 4m. This communal terrace will retain a 1.8m high privacy screen around the edge to prevent any overlooking as with the previous approval. This element has been altered so that the brick wall height is increased to 1.5m with a 0.3m high obscure glazed screen. The proposal will be closer to properties in Borders Walk, however a minimum distance corner to corner of 15m is retained and if any overlooking were possible this would only be across the front, more public areas of Borders Walk and the public green to the front.

The internal layout of block B has also been altered to create a better internal flow. Previously, concerns were raised with regards to overlooking either actual or perception of overlooking from the north east facing and rear facing windows from this block. Although the internal layout has been altered, a re-worded condition can be applied to ensure privacy is retained particularly for 14 Newmans Lane and 1 Borders Walk.

### Comments on Representations Received

Permission from the land owner of trees outside of the site would be required for their removal, planning permission does not override any ownership rights. No additional trees are to be removed beyond that of the approved permission.

The parking numbers have not changed since the previous submission and these were considered acceptable given the sustainable location of the site.

### **Conclusion:**

The proposed amendments to the approved scheme are considered acceptable and do not give rise to any excessive design or amenity issues. Therefore given the above assessment the proposal is recommended for approval.

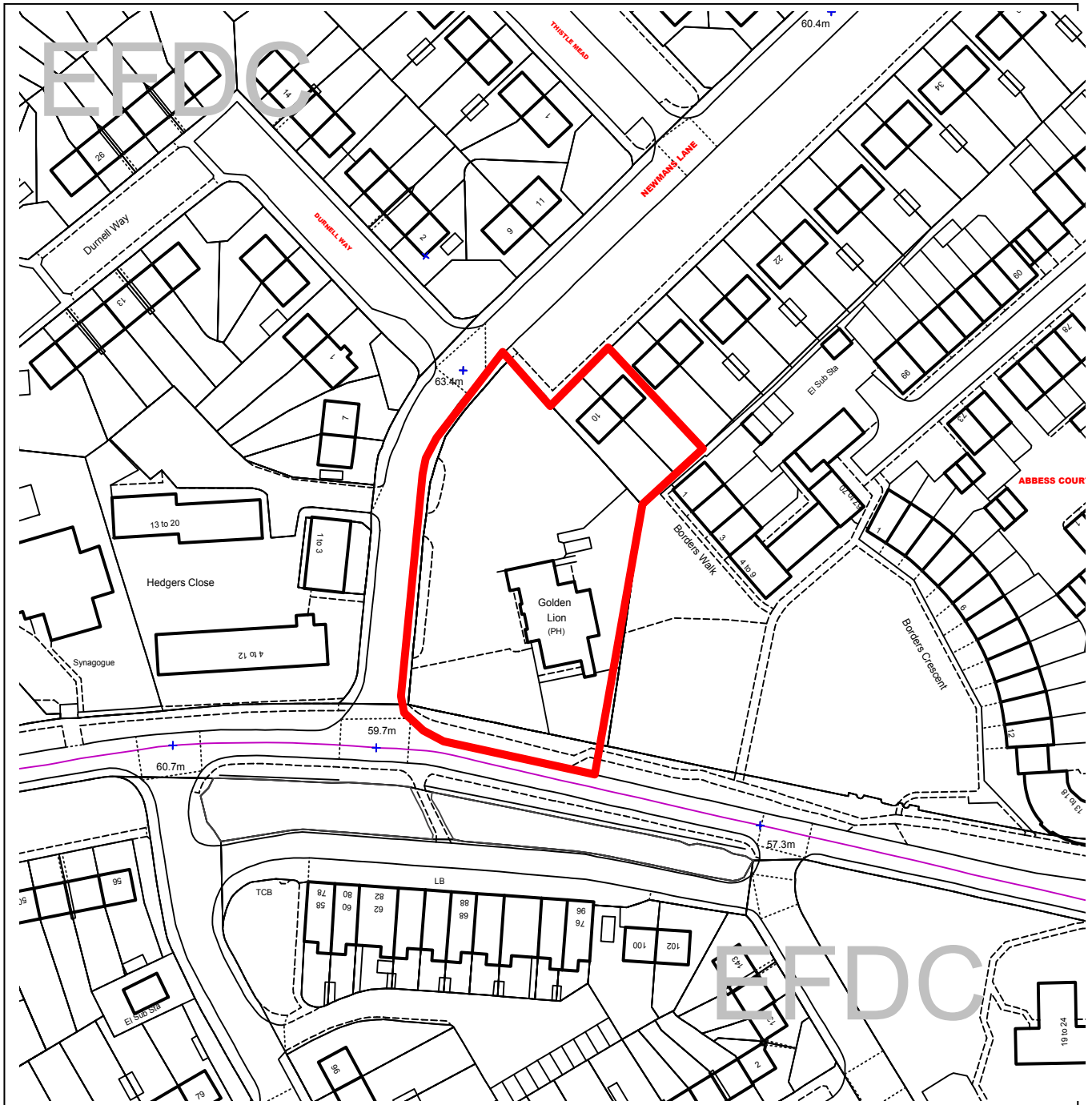
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# Epping Forest District Council

## Agenda Item Number 8



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Application Number:	EPF/0816/17
Site Name:	Golden Lion, Borders Lane, Loughton, Essex, IG10 1TE
Scale of Plot:	1/1250

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## **Report to the District Development Management Committee**



**Epping Forest  
District Council**

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**Report Reference: EPF/0232/17**  
**Date of meeting: 10 July 2017**

**Address: Shottentons Farm, Pecks Hill, Nazeing, EN9 2NY.**

**Subject: Erection of 24 x 1 bedroom units in two, two storey blocks for occupation by horticultural workers on the nearby nursery.**

**Responsible Officer: James Rogers (01992 564371).**

**Democratic Services: Gary Woodhall (01992 564470).**

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### **Recommendation:**

**(1) That planning application EPF/0232/17 at Shottentons Farm in Pecks Hill, Nazeing be refused permission for the following reasons:**

- 1. The proposal constitutes inappropriate development in the Green Belt and is therefore by definition harmful to its openness and to the purposes of including land within it. The circumstances of this proposal do not amount to very special circumstances which clearly outweigh the identified harm and it has not been demonstrated that the dwellings are essential in this part of the Green Belt. Furthermore the total floor area exceeds 150sqm and therefore the proposal is contrary to policies GB2A, GB7A and GB17A of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.**
  - 2. By reason of their size, scale, massing and detailed design, the proposed new buildings will appear overly prominent and incongruous within its setting and will therefore significantly detract from its appearance. The proposal therefore fails to respect the character and appearance of the area and is therefore contrary to policies DBE10 and CP2 of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.**
- 

### **Report:**

1. This application is put to District Development Management Committee since Members of the Area Plans West Sub-Committee voted for it to be referred to this Committee for a final decision.

2. This application was reported to the Area Plans West Sub Committee on 21 June 2017 with a recommendation that planning permission be refused. Following a debate at the meeting, members of the committee voted on the officer recommendation to refuse planning permission, which was defeated. There was no subsequent vote to recommend approval for the proposal, but rather a vote was taken for it to be referred to the District Development Management Committee. As it is contrary to Green Belt Local Plan policies, then District Development Management Committee would need to identify that there are very special

circumstances to outweigh Green Belt harm and any other harm should planning permission be granted. Since there was no recommendation made by the Sub-Committee, the Officers original recommendation to refuse carries forward to this Committee.

3. Officers consider that the proposal constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be granted planning permission unless very special circumstances can be demonstrated to clearly outweigh the harm caused. In addition to the harm to the Green Belt by reason of inappropriate development, the proposal will also cause additional harm to openness through the introduction of two visually prominent, substantial two storey buildings. Such substantial buildings are in direct conflict with the fundamental aim of Green Belt policy which is to maintain openness by permanently keeping land free of development. The NPPF is explicit that, in the decision making process, any harm to the Green Belt is attributed substantial weight.

4. Officers consider that the applicant has failed to demonstrate the very special circumstances required to clearly outweigh the identified harm to the Green Belt. There is no compelling justification that there is an essential requirement for the quantum of horticultural dwellings proposed to be located within the Green Belt to justify such significant harm to its fundamental purposes of keeping land free of development. The proposal is therefore clearly contrary to GB2A, GB7A and GB17A of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.

5. In terms of their detailed design, the proposed units have features reminiscent of a motel, with two external staircases and a 'deck style' first floor which creates a development completely incongruous within its setting. As a result the proposal fails to respect the prevailing character and appearance of the area and conflicts with policies CP2 and DBE10 of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.

### **Conclusion:**

6. Whilst Officers recommendation to refuse planning permission was defeated at the Area Plans West Sub Committee, as there was no vote to recommend approval, this recommendation stands at District Development Management Committee. If Members of the District Development Management Committee consider that there are very special circumstances to outweigh the two recommended reasons for refusals and conclude to grant planning permission, then officers consider that it should be subject to the conditions listed below:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The occupation of the dwellings hereby approved shall be limited to a person solely or mainly working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.
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. 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 tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
5. 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.
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. 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.
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.

## **Original Officer Report to Area Plans Sub-Committee West**

### **Description of Site:**

1. The application site is a 0.31Ha area of land located just off Pecks Hill, to the south east of Shottentons Farm, which is located within the relatively rural area of Nazeing. Whilst there are a large number of glass houses to the north and a farm complex to the south, currently the site is an open field which has not previously been developed. Access to the site is from a private track which comes off the transition between Pecks Hill and Sedge Green. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

### **Description of Proposal:**

2. The proposed development is to erect 24 x 1 bedroom units in two, two storey blocks for occupation by horticultural workers on the nearby nursery.

### **Relevant History:**

3. There is much history on the main farm complex including various applications for glasshouses and other agricultural buildings. There is only one application which links directly to this site which is:

4. EPF/0152/16 – Erection of 12 x 1 bedroom units for occupation by horticultural workers. – Recommended for refusal by Officers, recommended for approval by Area Plans West and approved by District Development Management Committee.

### **Policies Applied:**

- CP1 – Achieving sustainable development objectives;
- CP2 – Protecting the quality of the rural and built environment;
- CP3 – New development;
- CP6 – Achieving sustainable urban development patterns;
- H2A – Previously developed land;
- H3A – Housing density;
- DBE1 – Design of new buildings;
- DBE2 – Effect on neighbouring properties;
- DBE3 – Design in urban areas;
- DBE8 – Private amenity space;
- DBE9 – Loss of amenity;
- LL11 – Landscaping schemes;
- ST1 – Location of development;
- ST4 – Road safety;
- ST6 – Vehicle parking;
- GB2A – Development in the Green Belt;
- GB7A – Conspicuous Development;
- GB17A – Agricultural, Horticultural and Forestry Workers Dwellings; and
- U3B – Sustainable drainage systems.

5. The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

## **Epping Forest Draft Local Plan Consultation Document (2016):**

6. The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

- DM9 – High Quality Design;
- SP1 – Presumption in favour of sustainable development;
- SP5 – Green Belt and district open land; and
- DM21 – Local environment impacts, pollution and land contamination.

### **Consultation Carried Out and Summary of Representations Received:**

4 Neighbours consulted – NO COMMENTS RECEIVED

NAZEING PARISH COUNCIL – NO OBJECTION – but if permission is granted then it be subject to the following conditions:

- The accommodation is only used by the horticultural workers employed at the farm. If that use ceases, then the accommodation units are to be demolished

### **Issues and Considerations:**

7. The main issues to consider when assessing this application are the existing housing situation, the potential impacts on the Green Belt, the living conditions of the neighbours, sustainability issues, the character and appearance of the area, parking and access, tree and landscape issues, land drainage, land contamination and affordable housing.

### **Five-Year Housing Supply:**

8. The Council is currently in the process of creating a new Local Plan; which will allocate sites for new residential development. However the Council is clear that it cannot currently demonstrate a five year supply of housing land within the District as required by the NPPF. In this respect, the Councils policies relation to housing provision cannot be considered up to date (in accordance with paragraph 49 of the NPPF). The shortfall in housing land supply within the District carries substantial weight in favour of granting planning permission.

### **The Green Belt:**

9. The National Planning Policy Framework (NPPF, CLG, 2012) attaches great importance to the protection of the Green Belts and states that new residential units are inappropriate development in the Green Belt and should not be approved unless very special circumstances can be demonstrated which **clearly** outweighs the harm and any other harm caused.

10. When assessing applications within the Green Belt, Paragraph 88 of the NPPF also requires that:

*'Substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of*

*its inappropriateness and any other harm is clearly outweighed by other considerations'.*

11. There are various exceptions to inappropriate development in the Green Belt as outlined through paragraphs 89 and 90 of the NPPF, however it is common ground between Council Officers and the applicant that the proposal in question does not comply with any of these given exceptions.

12. The starting point for this assessment therefore is that the development is inappropriate in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt.

#### **Openness of the Green Belt:**

13. Turning to openness, the first thing to acknowledge is that planning permission has already been granted in 2016 for the erection of 12 agricultural workers dwellings to be housed within two separate blocks. This proposal seeks to effectively double the size of this already approved development by introducing a first floor to both blocks.

14. Clearly the introduction of first floor residential buildings as opposed to single storey buildings will contribute a further erosion of the openness of the Green Belt by significantly increasing the volume and visibility of the development. The proposal will therefore conflict with the fundamental aim of Green Belt policy which is to maintain openness in perpetuity by keeping land free of development.

15. It is therefore considered that the proposal is inappropriate development, which is by definition harmful to the Green Belt and will cause significant harm to its openness.

#### **Other Considerations Relating to Green Belt:**

16. Policy GB17A of the Adopted Local Plan Additionally part (i) of policy GB17A of the Adopted Local Plan states that the Council will only grant planning permission for agricultural dwellings where it is completely satisfied that:

*The dwelling is **essential**, taking into account the nature of the enterprise (eg. Presence or otherwise of livestock) possible reorganisation of the existing labour force, the potential offered by existing residential accommodation on the farm or holding, and the outcome of any approach made to the Council as a housing authority under the Rent (Agriculture) Act 1976. (Underline for Officer emphasis)*

17. It is clear that to comply with part (i) it must be necessary for a worker to live within close proximity to the agricultural unit for it to function efficiently.

18. During the previously approved application (EPF/0152/16) Members of the two Planning Committees considered the evidence and contrary to advice from Officers concluded that the quantum of dwellings proposed were essential for the efficient functioning of the business and on that basis the proposal was acceptable in Green Belt terms.

19. Whilst the Council has previously agreed that there is an essential need for 12 workers dwellings on the site, it is not bound to follow this view for a development which seeks to double the number of proposed dwellings on the site.

20. Indeed since this earlier approval of planning permission the Council has received an appeal decision at Lowershott Nursery (APP/J1535/C/16/3153168) which was also



concerned with the erection of horticultural workers dwellings within the Green Belt, where the Inspector concluded that:

*There is no compelling evidence to demonstrate that there is an essential need to house these workers at Lowershott Nursery for the proper functioning of the enterprise. Similarly, in the wider context, there is no firm evidence to demonstrate that there is an essential need for these workers to live near their place of employment - even if that happens to be at other local nurseries. It is the requirements of the horticultural enterprise itself, rather than those of the employee, which are relevant in determining whether or not such residential accommodation is justified. Whilst it might be convenient to accommodate horticultural and non-horticultural workers on this site for the benefit of the Lea Valley horticultural industry, there is no compelling evidence to show that it is essential.*

21. Officers share this view within this application and contend that the majority, if not all the workers perform unskilled or low skilled jobs, usually not during unsociable hours and a lot of the processes within the glass house run on an automated system. It therefore cannot be the case that it is essential for a worker to live within close proximity to the site for it to function efficiently. Consequently it is not essential for a dwelling to be sited in this location and rather it appears to be for convenience rather than need. The significant harm to the openness of the Green Belt has therefore not been clearly outweighed by this reason.

22. Furthermore part (iv) of policy GB17A states that:

*The total floor space (must) not exceed 150sqm*

23. The proposed residential development comprises an area of 744sqm of new floor space and as such the scale of the development is clearly contrary to this policy requirement.

24. It is acknowledged that the NPPF promotes sustainable rural businesses and encourages Local Planning Authorities to act proactively when facilitating their viability. The applicant submits that without this development it will not be able to attract and retain the best staff for their horticultural business. Whilst this may be the case, although there is no evidence to substantiate the claim, it does not in any event constitute very special circumstances which clearly outweigh the significant harm to the Green Belt that this development would cause. Furthermore nor will it make its operation unviable, particularly as, by the applicants own admission, the profitability of the business is substantial.

25. Furthermore part (ii) of policy GB17A states that planning permission may be granted if:

*Part (i) is inconclusive (and) there is firm evidence of viability of the agricultural, horticultural or forestry enterprise concerned at the time of the application and of continued viability in the long term*

26. If the argument is being made that the nursery would be unviable if this development is not built then firm evidence has not been provided of its viability at the time of making the application or its continued long term viability. As such it is clearly contrary to part (ii) of policy GB17A.

27. As mentioned at the beginning of this part of the assessment, Paragraph 88 of the NPPF requires that:

*Substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness and any other harm is clearly outweighed by other considerations.*

28. In accordance with this paragraph, the identified harm to the Green Belt is given substantial weight in this assessment

### **Need for the Housing of Horticultural Workers**

29. The applicant submits that due to their unaffordability, the existing dwellings in Nazeing which are available for rent are not suitable for the relatively low paid workers to afford. Furthermore the applicant contends that neither is it suitable for workers to reside elsewhere and then commute given the excessive cost of renting and commuting. As a result of this view, the applicant has provided some internet details of properties available in Nazeing and has disregarded any other location which involves more intensive commuting. This argument was put forward and addressed in the recent appeal decision at Lowershott Nursery (APP/J1535/C/16/3153168), where the Inspector concluded that:

*The appellant argues there are no other dwellings suitable or available in the locality. Internet details of properties available in Nazeing are provided in support of this argument. However, there is no evidence to show what steps were taken to find other accommodation prior to the provision of the dwellings subject of the notices. There is no clear evidence to show the extent of enquiries made to local agents concerning the availability of properties to purchase or rent. I am not satisfied the appellant has rigorously investigated the possibility of finding suitable alternative accommodation.*

30. Similarly in this case no further details have been submitted which could amount to clear evidence that there are no rental properties available for horticultural workers. Indeed through research conducted on 5 June 2017 on two well-known property search websites, Right-Move and Zoopla it was found that there were 22 properties available for rent within Harlow, Enfield Hoddesdon and Cheshunt all of which are within 8 miles of Shottentons Farm, these were:

- Edlington Road, Enfield - £350 PCM;
- Bouvier Road, Enfield - £360 PCM;
- Bullsmoor Lane, Enfield - £370 PCM;
- Nags Head Road, Ponders End, £399 PCM;
- Bullsmore Lane, Enfield - £412 PCM;
- Bullsmore Lane, Enfield - £450 PCM;
- Thorneycroft Drive, Enfield - £450 PCM;
- Bursland Road, Enfield - £450 PCM;
- Westmoor Road, Enfield - £450 PCM;
- Cussons Close, Cheshunt - £480 PCM;
- Cussons Close, Cheshunt - £500 PCM;
- West Cheshunt - £500 PCM;
- Castle Road, Hoddesdon - £500 PCM;
- Westmore Road, Enfield - £500 PCM;
- Edington Road, Enfield - £500 PCM;
- Brockles Mead, Harlow - £500 PCM;
- Brockles Mead, Harlow - £500 PCM;
- Moorfield, Harlow - £500 PCM;
- Lovell Road, Enfield - £500 PCM;
- Arnold Avenue, Enfield - £500 PCM;

- Ordance Road, Enfield - £500 PCM; and
- Brockles Mead, Harlow - £500 PCM.

(All properties found on Right-Move and Zoopla, accessed 5 June 2017)

31. It is clear that there are many properties available within a commutable distance to the site based on evidence obtained on one day searching for rentals in the locality and this serves to severely undermine the applicants argument that there are none suitable. The question is then addressed as to the affordability of these rentals to horticultural workers.

32. The appellant contends that:

- *“EGL workers could only afford properties available for rent at about £450 per month.”*

33. This statement is based on the fact that the chief executive of Shelter in a BBC interview anecdotally stated that:

- *“The widely accepted test of affordability is that housing costs should take up no more than a third of your income.”*

34. However according to Clifton and Co Estate Agents (Clifton and Co website, Accessed 16 March 2016) and Tenant Verify (tenant Verify website, Accessed 16 March 2016) an annual salary of 17,108 (Annual wage of an EGL worker according to the applicant) should be approximately £570 per Month. Using these figures it is clear that all 22 of the properties found during a single days research would be economically viable for a horticultural worker to reside in.

35. The rental properties which have been identified are within urban areas and therefore generally have a good standard of public transport options including buses and trains. The applicant makes the case that there are only two buses per day and that the times do not coincide with shift patterns. It is accepted therefore that a bus directly to the site may not be a realistic option for workers to utilise. However Broxbourne rail station is approximately 2 miles from the site, which would equate to around a 40 minute walk which is an entirely realistic option for workers.

36. The result of this research is that commuting from urban areas such as Enfield, Hoddesdon, Harlow and Cheshunt will not add a significantly higher cost to the workers of the site and are realistic and viable options for the workforce to explore.

37. In terms of the existing situation the applicant details that:

- *“There are a total of 48 workers at Shottentons Farm at present. Of these 13 are housed on Shottentons Farm in the existing accommodation. Of the remainder 15 are in accommodation on other nurseries in Nazeing/Roydon and the remaining 20 are either renting rooms or in flat shares in Harlow (9, 7 in a house share), Hoddesdon (7, 4 in a single House Share), Edmonton (1), Hatfield (1), Leytonstone (1) and Nazeing (1).”*

38. Whilst some of this accommodation is relatively far from the site and would involve commuting, it has not prevented the employment of workers nor the profitability of the business which by the applicants own admission:

- *“The businesses profit is substantial and is also set to increase in proportion to the increase in turnover”*

39. It also raises the question regarding whether the business could potentially increase the wage paid to its workers, which in turn would increase the affordability of accommodation in nearby areas such as Nazeing, Roydon, Harlow and Waltham Abbey. This in turn would alleviate fears that the business may not be able to attract the best workers in the future viability of the business.

40. The Private sector housing team at the Council are responsible for assisting those in housing need within the District and promoting good relations between tenant and landlords have offered the following comments for the application:

- *“The Private Sector Housing Team is concerned with the provision of suitable accommodation on the district that is safe from hazards and fit for purpose. The proposal to provide 12 units of purpose built single storey bedsit accommodation is welcomed as experience indicates that provision of accommodation for horticultural workers on the district generally is poor. These units would provide satisfactory key worker accommodation, each of which is suitable for individual occupancy. There is nothing on the application to suggest that the scheme would cause nuisance or be the cause of justified neighbour complaint.”*

41. Whilst Officers do not disagree that this sort of accommodation is suitable for horticultural workers and that some horticultural workers may live in unsatisfactory conditions within the District, there has been no comprehensive study nor evidence submitted to prove this is anything other than anecdotal. Consequently it cannot be proved that there is a certain need for this development and even less proof that it should be located on a Green field site within the Green Belt, clearly contrary to both National and Local planning policy.

42. The result of this analysis is that the issues discussed around the need for horticultural workers accommodation does not amount to the very special circumstances required to clearly outweigh the substantial harm to the Green Belt. Very substantial weight is attached to the harm to the Green Belt which weighs strongly against granting planning permission.

**Precedent:**

43. Throughout this analysis, the development has been considered to constitute inappropriate development in the Green Belt, for which there are no very special circumstances which clearly outweigh the harm caused.

44. The Council has previously approved an application for 12 new residential units on this site after Members of the Planning Committee concluded that there was an essential need for the dwellings. Notwithstanding the previous approval, the erection of two, two storey blocks is without precedent within the District as a way of addressing the potential need for horticultural workers dwellings.

45. Were this development to be granted it would set an undesirable precedent for similar types of application in the district and whilst the Local Planning Authority would retain control over these applications and every site is assessed on its own merits, an approval on this scheme would severely compromise the Councils position and could diminish its ability to resist similar such schemes on the future.

46. As previously discussed, this type of decision which is contrary to the development plan should not be made through an ad hoc development such as this but through a genuinely plan led process which involves a rigorous consultation period and engagement with the local community and Parish Council.

**Design:**

47. The proposed buildings will be located in the same position as those approved under the previous application (EPF/0152/16). The previous report considered that:

*The single storey aspect will ensure that it will not appear overly prominent in the context of the site. The detailed single storey hipped roof design is what is expected within this relatively rural setting and will read rather like a large barn, albeit with residential features. As a consequence the development respects the character and appearance of the locality and is compliant with National and Local design policy.*

48. This revised design includes a first floor for both buildings, which in contrast to the previously approved scheme will appear very visually prominent and intrusive within the area, significantly detracting from its appearance.

49. In terms of its detailed design, the building has some conventional residential features including a hip ended roof, but which has elements reminiscent of a motel, with two external staircases and 'deck style' first floor which creates a development incongruous to its setting and one which fails to respect the locality as a whole.

50. The proposal is therefore considered to be in conflict with policies CP2 and DBE10 of the Adopted Local Plan and Alterations.

**Sustainability:**

51. The site is located close to the main settlement of Nazeing which has access to regular bus routes and various shops and other services. Although it is likely that new residents will utilise a private vehicle, the proximity to Nazeing gives them a genuine choice of transportation and therefore the site can reasonably be described as being within a sustainable location.

**Parking and Access:**

52. The level of parking would be sufficient for this type of accommodation and the proposed access would not cause any harm to the safety or efficiency of the public carriageway given that it utilises an existing access onto the main road. The nearby public right of way runs further south and will not be affected by the development.

**Tree and Landscape Issues:**

53. There are trees along the boundary with the property to the west. They form an important screen. It should be possible to ensure that they are not impacted upon by development works however tree reports will be required so as to protect the trees and provide a methodology for any works within their rooting areas.

**Land Drainage:**

54. The development is of a size where it is necessary to avoid excessive surface water run off, this can be secured through planning condition. It is also necessary to include a condition requiring a Flood Risk Assessment given the size of the proposal.

### **Contamination:**

55. This field site was historically used for the grazing of the former dairy herd at Shottentons Dairy Farm and so is unlikely to have been treated with potentially contaminating arable farming pesticides and sewage sludge. Although the field containing the site and the surrounding fields have recently undergone hedge grubbing, topsoil stripping and been heavily trafficked and appear to have been used for waste disposal/storage associated with the new horticultural nursery and development works, aerial photography indicates that the part of the field proposed for redevelopment as studio flats has not been impacted. There is, therefore, unlikely to be any significant contamination present on site.

56. Managed studio flats used by adult employees are not considered a use that is particularly vulnerable to the presence of contamination. As there is unlikely to be any significant contamination present on site and no sensitive receptors are proposed, it should not be necessary to regulate land contamination risks under the Planning Regime by way of conditions.

### **Affordable Housing:**

57. The development proposes 24 new units on a greenfield site over 0.1Ha, within a settlement of less than 3000 people and consequently there is a requirement for 50% of the development to be for affordable housing as it falls within the threshold as required by H6A of the Local Plan. Were Members to consider that this application be approved, it would be recommended that a condition is placed on the development to ensure that it may only be used by horticultural workers attached to Shottentons Farm. Essentially this will restrict its use for what would be for a low paid, low skilled worker which would fulfil a specific need akin to what may be achieved through the provision of affordable housing units.

58. Therefore whilst not strictly in accordance with the requirements of policy H6A, Officers view is that given the circumstances of the development and that a planning condition would ensure that it could only be utilised by horticultural workers, there is no requirement for provision of affordable housing on the site or a contribution in lieu of an approval if given.

### **Overall Planning Balance:**

59. The shortfall in housing land supply within the District is a material consideration which carries substantial weight in favour of granting planning permission. However the harm to the Green Belt by reason of inappropriate development and significant harm to its fundamental purpose to keep land permanently open carries very substantial weight.

60. None of the considerations put forward by the applicant, individually or collectively; clearly outweigh the harm caused by the inappropriateness of the development in the Green Belt and the substantial loss of openness. It is therefore concluded that there are no very special circumstances to clearly outweigh this harm.

### **Conclusion:**

61... The proposed development is inappropriate in the Green Belt which will harm its openness and the reasons of including land within it, for which Officers consider that there are no very special circumstances which clearly outweigh the identified harm or any other harm. It is therefore recommended that planning permission is refused.

**References:**

[http://www.zoopla.co.uk/to-rent/property/nazeing/?price\\_frequency=per\\_month&price\\_max=500&q=Nazeing%20C%20Essex&radius=3&results\\_sort=lowest\\_price&search\\_source=refine](http://www.zoopla.co.uk/to-rent/property/nazeing/?price_frequency=per_month&price_max=500&q=Nazeing%20C%20Essex&radius=3&results_sort=lowest_price&search_source=refine)

<http://www.rightmove.co.uk/property-to-rent/find.html?locationIdentifier=REGION%5E17925&maxPrice=600&radius=3.0&sortType=1>

Web addresses accessed on 5 June 2017.

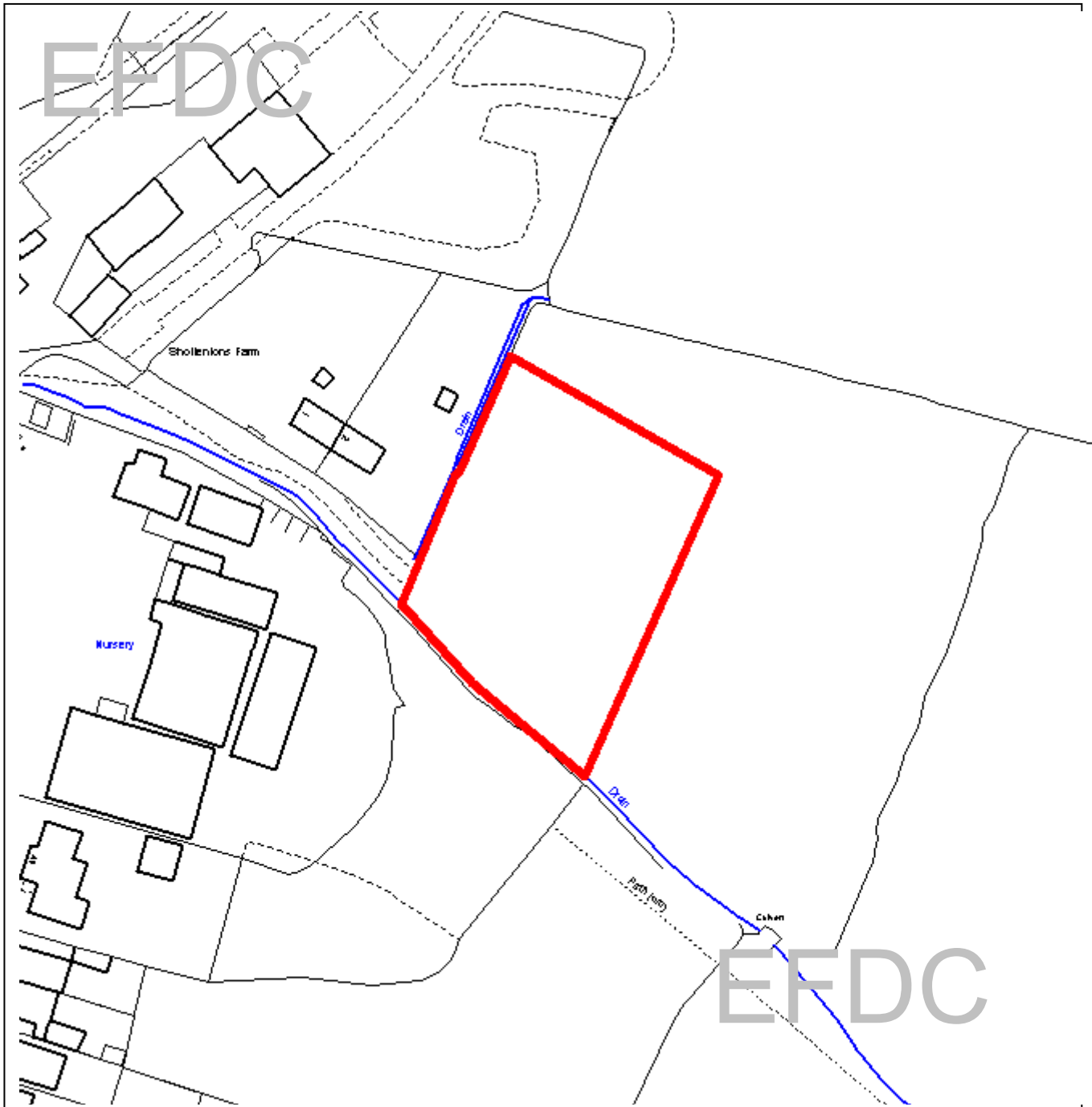
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# Epping Forest District Council

## Agenda Item Number 9



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Application Number:	EPF/0232/17
Site Name:	Shottentons Farm, Pecks Hill, Nazeing, EN9 2NY
Scale of Plot:	1/1250

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## **Report to the District Development Management Committee**

**Report Reference: DEV-002-2017/18**  
**Date of meeting: 10 July 2017**



**Epping Forest  
District Council**

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**Subject: Section 106 Legal Agreements – Annual Report 2016/17.**

**Responsible Officer: Nigel Richardson (01992 564110)**

**Democratic Services: Gary Woodhall (01992 564470)**

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### **Recommendation:**

**(1) To note the progress with completion and implementation of the provisions of Section 106 agreements from April 2016 to March 2017;**

### **Report Detail:**

1. A register is held by the Council covering all Section 106 Agreements since 2001 and is monitored by Nigel Richardson, Assistant Director of Governance (Development Management). Every year, an annual report is prepared for members setting out the year's record of progress in the completion of agreements and in securing the benefits negotiated. The details of this are set out at the end in Part 1 and Part 2 of this report. In recent years it has been reported to Governance Select Committee, but as it is an end of year report, it was decided that future annual reports will instead be made to the District Development Management Committee.

### What are Planning Obligations?

2. Section 106 of the Town and Country Planning Act 1990 allows a local planning authority to enter into a legally-binding agreement or planning obligation with a land owner/developer over a related issue in association with the granting of planning permission. The planning obligation is often termed simply as a 'Section 106 Agreement' (other common terms used are developer contributions, planning contributions or planning agreements).

3. These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms and sought when planning conditions are inappropriate. Over the years they have increasingly been used to support the provision of services and infrastructure, such as education, health and affordable housing, including a financial contribution from the developer towards their provision. They are binding on the land to which the Permission relates and whoever owns it, so they pass from owner to owner if the land is sold.

### What do they do?

4. Section 106 Agreements are designed to:
- (a) ease the impact of a new development on the local community;

(b) compensate the local community for any impact caused by a development, for example, if open space is lost, or there is an identified need to improve the highway network; and

(c) help shape the new development, for example to ensure that a certain proportion of houses on the development are provided as affordable housing.

#### When Can They be Used?

5. They are not to be used simply to take a share of the developers' profits into the public purse for that can result in the accusation that the Council is 'selling' planning permissions, nor are they to be used to gain a benefit that is unrelated to the development. Local Authorities should ensure that the combined total impact of such requests for contributions does not threaten the viability of the site and scale of development and that no more than 5 contributions can be used for a single infrastructure or community project.

6. The eligibility criteria for Section 106 contributions secured through the planning system are defined by legislation and set out in the Community Infrastructure Levy Regulations 2010 and National Planning Policy Framework (NPPF). Paras 203-205 of the NPPF state that Section 106 planning obligations should meet the following three tests:

- (a) be necessary to make the development acceptable in planning terms;
- (b) be directly related to the proposed development; and
- (c) be fairly and reasonably related in scale and kind to the proposed development.

7. Planning obligations should always be relevant to and proportionate to the scale and kind of the development in question. Unrelated or unnecessary planning obligations are not a means of securing planning permission for unacceptable development, as case law as established. A formal assessment of Section 106 contributions is made on a case-by-case basis, but having clear planning policies and evidence on what is required helps to reduce uncertainty.

#### Performance for the Year 2016/17

8. The Appendix to this commentary is divided into two parts:

(a) Part 1 lists all those agreements (or obligations) entered during the past year, there are 6 in total; and

(b) Part 2 provides a list of benefits actually realised through the year, including monies received where work has commenced on site, there are 11 in total.

9. Benefits negotiated through the year (**from Part 1 below**) will provide:

- a total of at least £5,352,758 to be received into the public purse, including among others;
- transfer of land to Epping Forest District Council and open space;
- affordable housing contribution; and

- funding for a local bus service for Chigwell.
10. Benefits actually realised through the year (**Part 2 below**) have provided:
- a total of £2,834,014 received into the public purse.

**PART 1**

**Section 106 Agreements concluded between April 2016 and March 2017**

- 1. EPF/1891/15 – 8 Houses** granted 30/06/2016  
**The Paddocks, Grove Lane, Chigwell**  
Benefit – £50,000 for Chigwell PC to maintain public open space.
- 2. EPF/1862/15 – 43 Houses** granted 01/08/16  
**Grange Farm, High Road, Chigwell**  
Benefit – Accessway commuted sum - £104,377, Open Space Commuted Sum - £395,141, Plant defect sum - £13,419, Sports pavilion & interpretation Centre - £898,901, Chigwell Bus Contribution - £100,000, Affordable Housing contribution - £440,344 (plus a possible deferred contribution of £779,655 prior to occupation of last 3 units, subject to viability review).
- 3. EPF/2969/15 – Replacement house** granted 31/08/16  
**Debden Hall, Debden Lane, Loughton**  
Benefits – Maintenance Contribution to Home Mead Nature Reserve of £33,180, Transfer 1.38ha "Yellow Land" to EFDC & use as public amenity.
- 4. EPF/3257/16 – Refurbishment of Chigwell Primary Academy and 32 houses enabling development** granted 30/03/17  
**Chigwell County School, High Road, Chigwell**  
Benefits - £2,000,000 Affordable Housing Contribution, £800,000 Chigwell Bus Contribution.
- 5. EPF/220716 – Outline application for Health Centre building; 60 Independent Living Older Persons Apartments (min 40% rented affordable housing), Leisure Centre and Swimming Pool Building** granted 21/03/17  
**Hillhouse Community Centre and Open Space, Waltham Abbey**  
Benefits - Health Centre Contribution - £36,910, Independent Living Contribution - £166,090.
- 6. EPF/1162/15 - 79 residential units (63 of which are affordable) and associated Children's Day Nursery** granted 14/04/16  
**Knollys Nursery, Pick Hill, Waltham Abbey.**  
Benefits - £25,920 NHS Healthcare contribution, £288,476 Primary School contribution.

## PART 2

### Benefits Carried Out or received between April 2016 and March 2017

1. **EPF/1730/00** agreement concluded 17/02/2002  
**Pan Brittanica Site, Sewardstone Road, Waltham Abbey**  
£10,000 spent on Waltham Abbey museum garden and £9,000 on Mosaic for the Meridian Line in Sun Street.
2. **EPF/2439/10** agreement concluded 16/08/2011  
**Loughton Sports Centre, Rectory Lane, Loughton – 72 Bed care Home**  
£64,500 to NHS England - Primary Care Health Contribution.
3. **EPF/2534/14** agreement dated 02/06/2015  
**Barnfields, Epping Road, Roydon – 23 houses (11 affordable)**  
£74,748 Secondary education contribution and £17,492 Secondary transport contribution.
4. **EPF/2163/13** agreement dated 28/03/2014  
**Sir Winston Churchill PH, The Broadway, Loughton – 64 flats**  
£96,008 Education Contribution and £14,000 Health Care Contribution.
5. **EPF/1007/15** agreement concluded 11/09/2015  
**Land at Burton Road, Loughton – 51 Affordable Homes**  
£16,720 Local Healthcare Contribution.
6. **EPF/1103/15** agreement concluded 12/11/2015  
**Former Tennis Courts, Alderton Hill, Loughton – 38 Elderly Retirement Apartments**  
£358,500 off-site Affordable Housing Contribution.
7. **EPF/1162/15** agreement concluded 14/04/2016  
**Knollys Nursery, Pick Hill, Waltham Abbey**  
£145,598 (Half) Primary School Contribution received.
8. **EPF/1862/15** agreement concluded 01/08/2016  
**Grange Farm, High Road, Chigwell – 43 Houses**  
£100,000 Chigwell Bus contribution and transferred to Chigwell PC, £440,344 Affordable Housing contribution, £764,746 of Sports pavilion & interpretation centre received and transferred to Grange Farm Trust, £294,133 (part) to Access Way Commuted Sum, Open Space Commuted Sum and Plant defect sum.
9. **EPF/1349/15** agreement concluded 13/05/2016  
**Stone Hall Farm, Downhall Road, Matching Green – 9 Houses**  
£70,000 Affordable Housing Contribution and £10,000 community safety infrastructure contribution.
10. **EPF/2696/13** agreement concluded 20/03/14  
**Former Substation Site, Station Way, Buckhurst Hill – 11 Flats**  
£32,504 Education Contribution.
11. **EPF/0853/14** agreement concluded 26/03/2015  
**Former Spurs Training Ground and Land at Luxborough Lane, Chigwell**

£72,823 Early Year & child education, £30,006 Secondary School Education,  
£212,892 Primary school contribution.



## **Report to the District Development Management Committee**

**Report Reference: DEV-001-2017/18**  
**Date of meeting: 10 July 2017**



**Subject: Public Seating Arrangements.**

**Responsible Officer: Stephen Tautz (01992 564180).**

**Democratic Services: Gary Woodhall (01992 564470).**

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### **Recommendations/Decisions Required:**

**(1) That members consider and agree appropriate arrangements for public seating at all future meetings of the Committee.**

### **Report:**

1. Members will be aware that a disturbance occurred amongst members of the public at the meeting of Area Plans Sub-Committee West on 19 October 2016.

2. The Council takes its responsibilities for the safety of its elected members very seriously and, following representations subsequently received from a number of members of Area Plans Sub-Committee West in response to the incident, Management Board proposed that the following changes be made to the existing operational arrangements for meetings of Area Plans Sub-Committee West, Area Plans Sub-Committee East and the District Development Management Committee:

(a) members of the Sub-Committee/District Development Management Committee to be seated on the opposite side of the Council Chamber from the current seating layout, so that they are able to vacate the meeting through the ante-room in the event of disturbance, without the need to cross the Chamber and pass by any 'troublesome' members of the audience; and

(b) only registered speakers to be allowed to sit in the Council Chamber itself. All other members of the public to be directed to the Public Gallery on the second floor (Democratic Services Officers to exercise discretion in this regard where a speaker needs to be accompanied by a (non-speaking) partner or spouse etc.).

3. The views of the Chairmen and Vice-Chairman of Area Plans Sub-Committee West, Area Plans Sub-Committee East and the District Development Management Committee, were sought in connection with the proposed changes to the existing operational arrangements for meetings of these committees. No concern in this respect was raised by any member consulted on the proposed arrangements. The implementation of the new arrangements was therefore publicised in the Council Bulletin on 4 November 2016 and implemented with effect from the meeting of Area Plans Sub-Committee East on 9 November 2016.

4. Whilst these arrangements did not originally apply to Area Plans Sub-Committee

South, they are now relevant as a result of the venue for meetings of the Sub-Committee having transferred Civic Offices from the current municipal year.

5. Since the implementation of these new public seating arrangements, members of Area Plans Sub-Committee East have raised concerns with regard to members of the public (i.e. those not already registered as speakers on specific applications) being seated in the Public Gallery as a matter of course. The Sub-Committee does not generally support the need for only registered speakers to be allowed to sit in the Council Chamber itself and considers that the direction of all other members of the public to the Public Gallery means that it is difficult for it to gauge public opinion on specific proposals and for the public to hear and observe the proceedings of the meeting.

6. Management Board has considered the differing views of Area Plans Sub-Committee East in regard to the segregation of members of the public (non-registered speakers) to the Public Gallery and suggested that a way forward in this respect should be considered by the joint meeting of Development Management Chairman and Vice-Chairman.

7. At their meeting on 20 April 2017, the Development Management Chairman and Vice-Chairman agreed that each of the three Area Plans Sub-Committees plus the District Development Management Committee should individually consider and determine arrangements for public seating at their first meeting of the municipal year. The Committee is therefore requested to consider and agree its own arrangements for public seating for all future meetings.

8. The joint meeting of Development Management Chairman and Vice-Chairman has also requested that an investigation be made of the possibility of a visible 'security' presence being provided in the Council Chamber for all meetings of the Area Plans Sub-Committees and the District Development Management Committee, in order to ensure the safety of Members and Officers. The views of the joint meeting in this regard will be considered by the Governance Select Committee in due course.