

## **EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** District Development Management Committee      **Date:** Wednesday, 18 January 2023

**Place:** Council Chamber - Civic Offices      **Time:** 7.00 - 8.50 pm

**Members Present:** Councillors B Rolfe (Vice-Chairman), R Baldwin, H Brady, I Hadley, S Heap, S Heather, H Kane, H Kauffman, T Matthews, R Morgan, S Patel, C C Pond, J M Whitehouse and K Williamson

**Members Present (Virtually):** -

**Other Councillors:** Councillors C Whitbread and H Whitbread

**Other Councillors (Virtual):** -

**Apologies:** P Keska

**Officers Present:** A Marx (Development Manager Service Manager (Planning)), G Woodhall (Team Manager - Democratic & Electoral Services) and P Seager (Chairman's Officer)

**Officers Present (Virtually):** J Leither (Democratic Services Officer) and J Rogers (Principal Planning Officer)

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### **37. WEBCASTING INTRODUCTION**

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

### **38. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES**

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Committee in relation to the determination of applications for planning permission.

### **39. SUBSTITUTE MEMBERS**

The Committee was advised that no substitute members had been appointed for the meeting.

### **40. DECLARATIONS OF INTEREST**

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

(a) Councillor T Matthews declared a personal interest in item 9 (Planning Application EPF/1400/20 – Upper Clapton Rugby Club) of the agenda for the meeting, by virtue of being a former member of the Rugby Club. Councillor T Matthews had determined that his interest was not pecuniary and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

(b) Councillor B Rolfe declared a personal interest in item 9 (Planning Application EPF/1400/20 – Upper Clapton Rugby Club) of the agenda for the meeting, by virtue of being a social member of the Rugby Club. Councillor B Rolfe had determined that his interest was pecuniary and indicated that he would leave the meeting for the consideration of the application and voting thereon.

(c) Councillor H Whitbread declared a personal interest in item 9 (Planning Application EPF/1400/20 – Upper Clapton Rugby Club) of the agenda for the meeting, by virtue of having family members belonging to the club. Councillor H Whitbread had determined that her interest was not pecuniary and indicated that she would remain in the meeting for the consideration of the application.

(d) Councillor C Whitbread declared a personal interest in item 9 (Planning Application EPF/1400/20 – Upper Clapton Rugby Club) of the agenda for the meeting, by virtue of having family members belonging to the club. Councillor C Whitbread had determined that his interest was not pecuniary and indicated that he would remain in the meeting for the consideration of the application.

#### **41. MINUTES**

##### **RESOLVED:**

That the minutes of the meeting of the Committee held on 16 November 2022 be taken as read and signed by the Chairman as a correct record.

#### **42. SITE VISITS**

There had been no site visits requested by members of the Committee for any of the applications being considered at the meeting.

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

The Committee was reminded that a briefing note had been prepared to ensure that a consistent approach was taken to the provision of planning policy advice, following the publication of the Epping Forest District Local Plan Submission Version (LPSV) on 18 December 2017 and the Main Modifications to the LPSV which had been published for consultation on 15 July 2021. Members were advised that the primary purpose of the briefing note was to inform development management activities and to provide assistance for Councillors, Officers, Applicants, Planning Agents and other persons involved in the development management process.

##### **Resolved:**

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

**44. PLANNING APPLICATION EPF/1400/20 - UPPER CLAPTON RUGBY CLUB, 61 UPLAND ROAD, EPPING UPLAND CM16 6NL**

The Principal Planning Officer, J Rogers, presented a report for improvements to existing club infrastructure comprising a new all-weather pitch and relocation of existing floodlights, improvements to the club's function hall, golf range and current car parking including the addition of further car parking spaces and associated development, and an enabling development in the form of the construction of 9 x new dwellings and associated development. This application had been considered by Area Planning Sub-Committee East on 30 November 2022 with a recommendation to refuse planning permission. The Sub-Committee upheld the officer recommendation, but the application was referred to this Committee for a final decision under the Minority Reference rules within the Constitution.

The Committee noted the summary of representations that had been received and heard from an Objector and the Applicant.

Following a lengthy debate, the Officer recommendation to refuse planning permission for the reasons outlined in the report was lost when put to the vote. Cllr K Williamson proposed a motion that the application be deferred until the next meeting of the Committee to allow Planning Officers to draft the necessary planning conditions and any planning obligations if a Section 106 Legal Agreement was required before the Committee formally considered the application for approval. The motion was seconded by Cllr H Kane. Some of the Committee felt that the Rugby Club should also consider making a contribution to the Council's provision of affordable housing, either directly or financially.

**Decision:**

(1) That planning application EPF/1400/20 at Upper Clapton Rugby Club in Upland Road, Epping Upland be deferred for further consideration until the next meeting of the Committee to allow Planning Officers to draft planning conditions and any possible planning obligations for a Section 106 Legal Agreement.

**45. PLANNING APPLICATION EPF/1954/22 - BUILDING YARD, KEYSERS ROAD, NAZEING EN10 6RJ**

The Service Manager for Development Management, A Marx, presented a report for the change of use for the site from a Builder's Yard to a residential site, including the removal of the existing outbuildings. This application had been considered by Area Planning Sub-Committee West on 7 December 2022 with a recommendation to refuse planning permission. However, the Sub-Committee had resolved to grant planning permission, subject to suitable planning conditions and a Section 106 legal agreement. As this represented a departure from Local Plan policy, this application had been referred to this Committee for a final decision.

The Committee noted the summary of representations that had been received and heard from the Applicant.

**Decision:**

(1) That planning application EPF/1954/22 for the Building Yard on Keyzers Road in Nazeing be granted planning permission subject to:

(a) the planning conditions as listed below; and

(b) the completion of a Section 106 Legal Agreement to fulfil the planning obligations as set out below; and

(2) That authority be delegated to Planning Officers to subsequently add or amend any planning conditions or Section 106 planning obligations in respect of securing the necessary measures to mitigate air pollution and recreational pressure impacts on the Epping Forest Special Area of Conservation.

#### Planning Conditions

1...The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2...The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

Drawing ELA/1 Rev A – Existing Layout

Drawing ELA/2 Rev A – Existing Layout & Elevations

Drawing ELA/3 Rev A – Proposed Layout & Elevations

Drawing ELA/6 Rev A – Block Plan & Location Plan

Contaminated Land Report

Preliminary Ecological Appraisal Incorporating Bat Survey Inspection, August 2021.

3...Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

4...No preliminary ground works shall take place until an assessment of flood risk, focusing on surface water drainage, has been submitted to and approved by the Local Planning Authority. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.

5...Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

6...Prior to any above ground works, full details of both hard and soft landscape works and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. 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.

7...Details of the biodiversity green roof shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity green roof shall be:

- a) biodiversity based with extensive substrate base (depth 80-150mm);
- b) laid out in accordance with the approved drawings;
- c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).

The biodiversity green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity green roof shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. If within a period of five years from the date of the planting or establishment of the green roof it is removed, uprooted or destroyed or dies or becomes seriously damaged or defective it shall be replanted / reseeded with the same agreed mix of species as that originally planted and shall be planted at the same place.

8...A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include:

- (1) A survey of the extent, scale and nature of contamination and
- (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

8...B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

9...A Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority following the recommendations made within the

Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (T4ecology Ltd, August 2021).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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

11...Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

12...Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.

13...No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

14...No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

15...Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, D, E, F and AA of Part 1, and Class A and B of Part 2 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

16...Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

17...Access to the flat roof over the development hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

#### Section 106 Legal Agreement Obligations

1...Contribution to air quality impact mitigation comprising contribution of £335 per dwelling.

2...Payment of 5% of total financial contribution monitoring fee.

#### **46. PLANNING APPLICATION EPF/1984/22 - UNITS 12, 14 AND 15 ARLINGHAM MEWS, SUN STREET, WALTHAM ABBEY EN9 1ED**

The Service Manager for Development Management, A Marx, presented a report for the change of use of three vacant retail units to 2 x one-bed flats. This application had been considered by Area Planning Sub-Committee West on 9 November 2022 with a recommendation to refuse planning permission. However, the Sub-Committee had resolved to grant planning permission, subject to suitable planning conditions and a Section 106 legal agreement. As this represented a departure from Local Plan policy, this application had been referred to this Committee for a final decision.

The Committee noted the summary of representations that had been received and heard from the Applicant's Agent.

#### **Decision:**

(1) That planning application EPF/1984/22 at Units 12, 14 and 15 in Arlingham Mews, Waltham Abbey be granted planning permission, subject to:

(a) the planning conditions listed below; and:

(b) the completion of a Section 106 legal agreement to fulfil the planning obligations as set out below; and

(2) That authority be delegated to Planning Officers to subsequently add or amend any planning conditions or Section 106 planning obligations in respect of securing the necessary measures to mitigate air pollution and recreational pressure impacts on the Epping Forest Special Area of Conservation.

#### Planning Conditions

1...The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2...The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

Drawing 1464\_304 – Location Plan

Drawing 1464\_305 – Block Plans

Drawing 1464\_305 (sic) – Proposed Site Plan

Drawing 1464\_307 – Existing Plans and Elevations

Drawing 1464\_308 – Proposed Plans and Elevations

Design, Access and Heritage Statement, dpa HRA.

3...Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

4...A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include:

(1) A survey of the extent, scale and nature of contamination and

(2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

4...B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

5...No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.



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

Section 106 Legal Agreement Obligations

1...Contribution to air quality impact mitigation comprising contribution of £1852.63 per dwelling.

2...Contribution to recreational pressure impact mitigation comprising contribution of £352 per dwelling.

3...Payment of 5% of total financial contribution monitoring fee.

**47. ANY OTHER BUSINESS**

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

**48. EXCLUSION OF PUBLIC AND PRESS**

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

**CHAIRMAN**

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