

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

**Committee:** District Development Management Committee    **Date:** 5 August 2015

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 - 9.50 pm

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

**Other Councillors:** K Angold-Stephens, J Lea and D Wixley

**Apologies:** J Hart

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

### **16. WEBCASTING INTRODUCTION**

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

### **17. WELCOME AND INTRODUCTION**

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Committee, in relation to the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at Council Planning Committee meetings.

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

The Committee noted the following substitutions for this meeting:

- (i) Councillor Patel for Councillor Hart.

### **19. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor G Mohindra declared an interest in the following items of the agenda, by virtue of being the Chairman of the local Conservative Party for which the Anderson Group, who would be undertaking the construction if these schemes were granted planning permission, was a donor of funds. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/2516/14 Foster Street Farm, Foster Street;

- EPF/2517/14 Land at Harlow Gateway South, London Road (A414); and
- EPF/2518/14 C J Pryor, Cecil House, Foster Street.

## 20. MINUTES

### Resolved:

- (1) That the minutes of the meeting held on 10 June 2015 be taken as read and signed by the Chairman as a correct record.

## 21. EPF/3005/14 - BARKERS FARM, MOUNT END ROAD, THEYDON MOUNT

The Assistant Director of Governance (Development Management) presented a report for the change of use of a former farm office and dairy building and barn to create one live/work unit at Barkers Farm in Mount End Road, Theydon Mount. The proposal also included the infilling of an undercroft area to form a living room. The front elevation would be enclosed by glazed bi-fold doors.

The Assistant Director informed the Committee that this application was originally considered by Area Plans Sub-Committee East on 15 April 2015. A motion to refuse the application on the grounds that it would compromise the openness of the Green Belt and was not a sustainable location for residential development was lost; the Planning Officer's recommendation to approve the application was then agreed. However, five members had invoked the minority reference rules within the Constitution to refer the application to this Committee for a final decision. This application was considered at the last meeting of the Committee, and it was deferred pending the receipt of further legal advice concerning paragraph 90 of the National Planning Policy Framework. This advice had now been received from Counsel and distributed separately to the members of the Committee.

The Assistant Director stated that the application site was situated on the east side of Mount End Road, and was within the Metropolitan Green Belt. The site comprised a substantial two-storey brick building originally constructed as a dairy building and farm office. A single-storey wing extended to the rear and extended up to a substantial modern barn, which was now divided into four units. The site also included a large tarmac-surfaced area and a grassed area south of the former dairy and barn.

The Assistant Director highlighted that the site had a history of planning permission being refused and a subsequent appeal dismissed on the grounds there was no evidence of agricultural need for the proposed dwelling. Since the publication of the National Planning Policy Framework, the issue of agricultural need was no longer relevant and there was a different planning policy context by which to determine this application.

The Assistant Director referenced paragraph 90 of the National Planning Policy Framework, which made clear that the re-use of buildings in the Green Belt was not inappropriate provided the buildings were of a permanent and substantial construction, the new use preserved the openness of the Green Belt, and did not conflict with the purposes of including land in the Green Belt. In relation to this, Officers had concluded that the proposal was not inappropriate development in the Green Belt, would not cause undue harm, and therefore had complied with the relevant planning policies.

The Committee noted the summary of representations received in relation to the application. Two letters had been received objecting to the application, of which one

was from the Parish Council; both objections were opposed to the establishment of a dwelling on this site. The Committee heard from the applicant before proceeding to debate the application.

Some Members of the Committee were disappointed that planning permission was now liable to be granted given the previous history of retrospective planning applications at this site. However, the Committee acknowledged that, given the advice received from Counsel, there were no grounds for refusal of this application.

**Resolved:**

(1) That planning application EPF/3005/14 at Barkers Farm, Mount End Road in Theydon Mount be granted planning permission subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Site Plan, 09-189/01, 09-189/02, 09-189/03, 09-189/04, 09-189/05, 09-189/06.
3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions, roof enlargements or outbuildings generally permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
4. The premises shall be used solely for mixed use comprising use for purposes within Use Classes C3, B1(b), B1(c) and B8, and for no other purpose (including any other purpose in Use Class B1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
5. No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

**22. EPF/2516/14 - FOSTER STREET FARM, FOSTER STREET**

The Assistant Director of Governance (Development Control) presented a report regarding the redevelopment of the site at Foster Street Farm in Foster Street to provide 9 residential units together with associated car parking, open space, refuse and recycling facilities. This was an enabling development for the linked applications EPF/2517/14 and EPF/2518/14, as the approval of the two residential schemes would financially support the relocation of C J Pryor to an expanded site at Harlow Gateway South.

The Assistant Director reported that the proposal sought permission for two 3-bedroomed, five 4-bedroomed and two 5-bedroomed properties to be erected. The dwellings would all be two-storeys in height, and although the original plans had included three-storey dwellings these had been amended to lower the height of the buildings. A pair of semi-detached dwellings and a single dwelling would front Foster Street, with a linear development of detached dwellings to the rear of these. A small pond would be sited in the south east of the site and the site access would be relocated to allow for better visibility.

Planning Officers had concluded that the proposed development would not result in any greater harm to the openness of the Green Belt and would not cause any significantly greater impact on the character and appearance of this rural area. There would be no perceptible increase in vehicle movements and the relocation of the access road would improve highway safety. The loss of amenity to existing properties would not be excessive, and there were some amenity benefits to the local area from this development. Adequate parking and private amenity space had been provided, and the small scale of the proposed development was sufficient in respect of sustainability. The proposal complied with the National Planning Policy Framework and the relevant Local Plan policies, and was therefore recommended for approval.

The Assistant Director added that this application, along with the two linked applications, was originally considered by Area Plans Sub-Committee East at its meeting on 13 May 2015. However, all three applications were referred directly to this Committee without discussion. This application had been deferred by the Committee at its previous meeting to enable proper consultation to be undertaken as the submitted plans had been amended by the Applicant following the publication of the agenda.

The Assistant Director informed the Committee that a High Court ruling had been received following publication of the agenda, which required 50% of the units to be allocated for affordable housing on the site. The application had not included any provision for affordable housing, and if this application had been dealt with at the previous meeting then this ruling would not have applied. However, the Council did not have to comply with this ruling if it felt that very special circumstances existed.

The Committee noted the summary of representations. Twelve letters in support of the application had been received, including the local Member of Parliament for Harlow and six employees of C J Pryor; eleven letters of objection had been received, including North Weald Bassett Parish Council who had submitted a further letter of objection following sight of the amended plans. Harlow District Council had no objection to the development. The Committee heard from an Objector, the Parish Council and the Applicant's Agent, before proceeding to debate the application.

Some members of the Committee felt that the application should be refused permission to comply with the High Court ruling, as no affordable housing was being proposed as part of the development. Although it was regrettable that the application had been delayed, and the High Court ruling was now in force, there had not been any very special circumstances demonstrated to negate the need to provide affordable housing. The Assistant Director stated that the Applicant had argued against the provision of affordable housing as the scheme would not then be economically viable to financially support the proposed re-location of the business; the Council had employed external consultants to examine the application, who had agreed with the economic viability argument put forward by the Applicant.

Other members of the Committee felt that this was a permissible development on a previously developed, brownfield site. The Assistant Director reminded the Committee that the Government had removed any requirement for a policy on the density of developments, and that the provision of private amenity areas and parking spaces were to be considered instead.

**Resolved:**

(1) That planning application EPF/2516/14 at Foster Street Farm, Foster Street be granted planning permission, subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1457\_0090 A, 139/PL/01A, 139/01/SS/02A, 139/01/SS/01A, 139/PD/04/01, 139/PD/04/02, 139/PD/03/02, 139/PD/03/04, and 062/PD/05/01A.
3. No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
4. No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
5. The development shall be carried out in accordance with the flood risk assessment (Stomor Civil Engineering Consultants, Ref ST2331/FRA-1408-Foster Street Revision 0, August 2014) and drainage strategy submitted with the application, unless otherwise agreed in writing with the Local Planning Authority.
6. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved and installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions or outbuildings generally permitted by virtue of Class A, B or E of

Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

9. The recommendations within the Phase 1 Habitat Survey dated April 2014, submitted by DF Clark Bionomique Ltd, as stated within section 1, Summary, items i - ix concerning birds, great crested newts, bats and recommendations for future lighting and landscaping, shall be followed.

10. 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 the 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.

11. Prior to the commencement of development, including any ground works or demolition, details of a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for the following clear of the highway:

- safe access into the site;
- 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; and
- wheel and underbody washing facilities.

The approved Statement shall be adhered to throughout the construction period.

12. Prior to first occupation of the development the developer shall implement and retain in perpetuity the access arrangements for the proposed development, as shown in principle on Stomor drawing no.ST-2331-03-D, to include but not limited to:

- 2.4m x 120m visibility splays.

13. Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport.

14. All turning heads required for refuse and fire tender use shall comply with the dimensions within the Essex Design Guide for a Size 3 Turning Head.

15. The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

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

17. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows.]

18. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows.]

19. Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows.]

20. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

21. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the condition immediately above (no. 20).

22. 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.

**23. EPF/2517/14 - LAND AT HARLOW GATEWAY SOUTH, LONDON ROAD (A414)**

The Assistant Director of Governance (Development Management) presented a report on the proposed redevelopment of Land at Harlow Gateway South on London Road (A414) for B1 (Business) and B8 (Storage & Distribution) purposes by C J Pryor Limited. This application was linked to planning applications EPF/2516/14 and EPF/2518/14, as the approval of the two residential schemes would financially support the relocation of C J Pryor to an expanded site at Harlow Gateway South.



The Assistant Director reported that consent for the change of use of the site was being sought to allow C J Pryor to relocate from their existing two sites in Foster Street. The proposal included the erection of a two-storey office building, a warehouse style shed, an electrical sub-station and a pump station. The majority of the site would provide parking for staff as well as plant and machinery. There would also be storage space for recycling skips, and a large wash down and fuelling station within the centre of the site. The site would be served by the existing access point from the A414, albeit by a new road system. The company had stated that they were expanding and that the existing Foster Street sites were inappropriate for this expansion.

Planning Officers had concluded that the site was not previously developed land, and that the proposal was inappropriate development which would be harmful to the openness of the Green Belt. Furthermore, the bulk and visual impact of the proposed development would be detrimental to the character and appearance of the rural, edge-of-settlement location that was Foster Street. The desire of C J Pryor to locate from their existing sites to facilitate an expansion of their business, and the economic benefits arising, was not considered to be very special circumstances which would outweigh the substantial harm to the Green Belt from this development. The application did not comply with the National Planning Policy Framework or the relevant Local Plan policies, and therefore the application was recommended for refusal. Given the current designation of the site as undeveloped Green Belt, it was felt that there was not any way forward for this proposed development.

The Assistant Director added that this application, along with the two linked and enabling applications, were originally considered by Area Plans Sub-Committee East at its meeting on 13 May 2015. However, all three applications were referred directly to this Committee without discussion. This application had been deferred by the Committee at its previous meeting to enable proper consultation to be undertaken as the submitted plans had been amended by the Applicant following the publication of the agenda.

The Committee noted the summary of representations. Twelve letters in support of the application had been received, including the local Member of Parliament for Harlow and six employees of C J Pryor; thirteen letters of objection had been received, including Harlow District Council and North Weald Bassett Parish Council, who had submitted a further letter of objection following sight of the amended plans. The Committee heard from an Objector, the Parish Council and the Applicant's Agent, before proceeding to debate the application.

The Committee had concerns about possible in-filling at this site in the future, with the northern side of the site developed and the southern side left empty. It was also commented that Harlow had been designed with designated industrial areas for industrial buildings, and designated residential areas for housing. The proposed development should be within an industrial area within Harlow, and the Gateway area should not have industrial buildings within it. The development, if permitted, would obscure nearby woodland.

**Resolved:**

(1) That planning application EPF/2517/14 for Land at Harlow Gateway South in London Road (A414) be refused permission for the following reasons:

1. The application site was located within the Metropolitan Green Belt and the proposed development would constitute inappropriate development harmful to the openness of the Green Belt. No very special

circumstances existed that clearly outweighed the harm from the development and therefore the proposal was contrary to the guidance contained within the National Planning Policy Framework and policies CP2 and GB2A of the adopted Local Plan and Alterations.

2. The proposed development, due to the bulk, scale and nature of the works, would result in a detrimental impact on the character and appearance of this rural edge of settlement location, contrary to the guidance contained within the National Planning Policy Framework and policies CP1, CP2, LL2 and LL3 of the adopted Local Plan and Alterations.

#### **24. EPF/2518/14 - C J PRYOR, CECIL HOUSE, FOSTER STREET**

The Assistant Director of Governance (Development Management) presented a report regarding the redevelopment the site containing Cecil House in Foster Street to provide 65 residential units together with associated car parking, open space, and refuse and recycling facilities. This application was linked to planning applications EPF/2516/14 and EPF/2517/14, as the approval of the two residential schemes would financially support the relocation of C J Pryor to an expanded site at Harlow Gateway South.

The Assistant Director reported that the application proposed a mixture of two, three, four and five bedroomed properties, which would be two storeys in height. The original plans for some of the units to be three storeys had been amended to lower the height of these buildings. The development would be laid out around a road which would form the spine of the development, and would circulate around the site with a small mews in the south eastern corner.

Planning Officers had concluded that the scale and intensity of the proposed development, and the encroachment into a previously undeveloped area, would constitute inappropriate development which was harmful to the Green Belt. Furthermore, an additional 65 dwellings in this small hamlet would constitute unsustainable development, which would detrimentally impact on the character and appearance of this rural area. The development also failed to provide any affordable housing, contrary to the Council's policy obligations. The proposed expansion of C J Pryor, which this development would enable, was not considered very special circumstances which would outweigh the substantial harm from this development. The application failed to comply with the National Planning Policy Framework and the relevant Local Plan policies, and therefore this application had been recommended for refusal. A revised application for residential development of a lower density on the previously developed land within the eastern half of the site, which also provided an affordable housing element, could be considered a possible way forward for this proposal.

The Assistant Director added that this application, along with the two linked applications, were originally considered by Area Plans Sub-Committee East at its meeting on 13 May 2015. However, all three applications were referred directly to this Committee without discussion. This application had been deferred by the Committee at its previous meeting to enable proper consultation to be undertaken as the submitted plans had been amended by the Applicant following the publication of the agenda.

The Committee noted the summary of representations. Twelve letters in support of the application had been received, including the local Member of Parliament for Harlow and six employees of C J Pryor; sixteen letters of objection had been received, including North Weald Bassett Parish Council, four of whom had submitted

a further letter of objection following sight of the amended plans. Harlow District Council had no objection to the development. The Committee heard from an Objector, the Parish Council and the Applicant's Agent before proceeding to debate the application.

Members of the Committee acknowledged that the new Local plan would require more houses to be built in the District to meet the demand for housing, but this application had not presented any very special circumstances to justify the development. If it had been a stand-alone development then an element of affordable housing would have been required as well. The Committee felt that it was over development in the Green Belt and agreed with the Officers concerning the possible way forward.

**Resolved:**

(1) That planning application EPF/2518/14 at Cecil House in Foster Street be refused planning permission for the following reasons:

1. The application site was located within the Metropolitan Green Belt and the proposed development would constitute inappropriate development harmful to the openness of the Green Belt. No very special circumstances existed that clearly outweighed the harm from the development and therefore the proposal was contrary to the guidance contained within the National Planning Policy Framework and CP2 and GB2A of the adopted Local Plan and Alterations.

2. The proposed development, due to the scale, density and location of the proposed housing, would fail to conserve and enhance the character and appearance of this rural area, contrary to the guidance contained within the National Planning Policy Framework and policies CP1, CP2 and LL2 of the adopted Local Plan and Alterations.

3. The proposed development failed to make provision for affordable housing in line with the Council's affordable housing requirements. The proposed development was not considered to constitute 'enabling development' and therefore the application was contrary to the guidance contained within the National Planning Policy Framework and policies H5A, H6A and H7A of the adopted Local Plan and Alterations.

4. The proposal would result in an unsustainable form of development outside the existing urban area that was not well served by public transport or local services and would therefore result in an increase in vehicle commuting contrary to the guidance contained within the National Planning Policy Framework and policies CP1, CP3, CP6, CP9 and ST1 of the adopted Local Plan and Alterations.

**25. EPF/1007/15 - LAND AND GARAGES OFF BURTON ROAD, DEBDEN**

The Assistant Director of Governance (Development Management) presented a report regarding the redevelopment of land and garages off Burton Road in Debden to provide 51 affordable dwellings with 28 parking spaces.

The Assistant Director reported that the application site comprised land on the south-eastern side of Burton Road, between Torrington Gardens and Torrington Drive. It currently contained garages at either end, separated by a grassed amenity area which included a right of way between Burton Road and Torrington Drive. The site

backed on to the gardens of the maisonettes in Torrington Drive, and there was a large public car park opposite the site.

The Assistant Director stated that the application proposed 17 houses and 34 flats in two blocks fronting Burton Road. This was a revised application following the refusal of planning permission by Area Plans Sub-Committee South in January 2015. This application had reduced the height of the houses by approximately 400mm and the two flat blocks by 1.1m; this had been achieved by cutting into the land nearest Burton Road to achieve a level surface to build on. In addition, the number of flats to be provided had been reduced by one, and the number of parking spaces increased by one. 15 of the houses would be part single-storey, part three-storey three bedroomed units forming a terrace. These would have a roof terrace that looked out towards Burton Road and a screen wall at the rear to obstruct all views towards the gardens of the maisonettes in Torrington Drive. The two remaining houses would form a pair of semi-detached two-bedroomed houses. Each house would have a private driveway for vehicle parking. The flats would take the form of two four-storey buildings either side of the footpath linking Burton Road with Torrington Drive, and would consist of 11 one-bedroomed dwellings and 23 two-bedroomed dwellings. A total of 11 parking spaces would be provided for the flats. The application was also accompanied by a signed Unilateral Undertaking to make a financial contribution of £16,720 towards healthcare provision in the locality, as advised by NHS England.

The Assistant Director added that the Council had only received the comments from Essex County Council the day before the meeting concerning flood risk assessments and the application of sustainable drainage systems. The result of urgent discussions with the County Council had been the agreement to replace condition 5 listed in the report with four new conditions, which the Assistant Director outlined for the benefit of the Committee.

Planning Officers had concluded that the proposal had properly addressed the reasons for refusal of the previous application and would secure much needed affordable housing in a highly sustainable location without causing excessive harm. It was considered that appropriate off-street parking provision had been proposed, and while it was recognised there was a wider parking issue in the locality, it was not a matter on which to decide this application. It was felt that the proposal complied with relevant planning policy and was recommended for approval.

The Committee noted the summary of representations. There had been 14 letters of objection to the scheme received (one of which was a late representation received after the agenda had been published), including from Loughton Town Council, in addition to 48 identical letters of objection from local businesses in The Broadway and a petition with 133 signatures objecting to the proposed scheme. There were no letters of support, and four 'neutral' letters received, which included one from NHS England requesting a financial contribution of £16,720 for local healthcare services. The Committee also heard statements from an objector, the Loughton Town Council who requested that the application be deferred for a site visit, and the Applicant, East Thames Housing Association.

A local Member for Loughton Broadway was of the opinion that the design of the houses was unsightly and inappropriate for this location. The effect on other residents in the area was grave as the blocks of flats would dwarf the residents in Torrington Drive. If this application was approved then the houses and flats could be quickly sold off under the new Government guidelines concerning the Right-To-Buy for Housing Association Tenants. The Member suggested that this application be refused, on the same grounds as the previous application that the proposal would have an overbearing relationship with neighbouring land to the detriment of the visual

amenities of the locality, and that the way forward for the site be as before, that is to reduce the height of the blocks of flats to three storeys. The Member added that he would also support a site visit by the Committee.

A local Member for Lower Nazeing felt that the new design was good and provided sustainable housing. It was set away from other developments in the area and the number of parking spaces for the flats was not an issue with the large public car park opposite. Most of the Committee knew this area very well, therefore there was no need for a site visit. The Member liked the development and was in favour of it. A local Member for Passingford added that the proposal made good use of under utilised land, which needed to be developed and provide much needed housing for residents of the District. The Member liked the use of solar panels and highlighted that the development was close to a Central Line station. There was no valid reason for a site visit, and the Member would be supporting the application. A local Member for Buckhurst Hill West suggested planting mature trees to provide some screening and reduce the visual impact of the development; the Assistant Director stated that this could be considered.

A local Member for Chigwell Village, who was also the County Councillor for Chigwell and Loughton Broadway, was disappointed that the blocks of flats had been sunk into the ground by 1.1m to reduce their height in the revised application, and was not convinced that the new design was low enough after the previous application was refused by Area Plans Sub-Committee South. The Member felt that the top storey in both blocks of flats should be removed, and that the design should be for 42 units as previously considered.

A local Member for Loughton St John's commented that parking had been raised as a significant issue by the objectors, and there were a lot less parking spaces being provided for this development when compared with the development of the former Sir Winston Churchill Public House. The Assistant Director reiterated that there was a large public car park opposite which offered free parking from 6.00pm until 8.00am, and that the developers of the former Sir Winston Churchill Public House had offered more parking provision than was the case with this application.

A local member for Loughton Roding, who was not a member of the Committee, stated that new issues could be considered by the Committee as a new planning application had been made. Parking issues in the area had been raised by all of the objections received by the Council, and the Member felt that the assessment undertaken by Officers within the report was incorrect. Season tickets were not available to local residents for the public car park nearby, and this development would only contribute to existing parking problems in the area as the proposed off-street parking scheme for Torrington Drive would only be for the residents of the west facing maisonettes. The design of the dwellings was very cramped and the nearest children's play area was some considerable distance away. This application was almost identical to the scheme refused by the Area Planning Sub-Committee South in January 2015, this proposal would not meet the housing needs of local residents, and the applicant should revert to the 42 unit scheme first discussed by the Council Housebuilding Cabinet Committee at its meeting held on 17 April 2014.

A local Member for Grange Hill reminded the Committee that there were approximately 1,400 people on the Council's Housing Waiting List, and it made sense to develop this scheme in Loughton as many applicants for this housing would want to stay in the Loughton area. The Assistant Director provided figures for the room sizes of the units and stated that they met the Homes & Communities Agency design standards; consequently, Officers felt that this was good quality housing.

A local Member for Loughton St Mary's stated that privacy was very important for residents, and this development would overlook the residents in Torrington Drive. The Member also felt that the design was not suitable for the location. Amenity space was also very important for any development, and this particular development was not creating a good environment. When refusing the previous application for this site, Area Planning Sub-Committee South had given the developer a very clear steer regarding what would be acceptable for this site, but the revised application had demonstrated that the Members had been ignored. The Assistant Director added that the development was situated 25 metres away from Torrington Drive, and that each of the houses had garden amenity spaces to the rear.

The local Member for Lower Nazeing reminded the Committee that developments in Church Langley and Old Harlow had very similar designs and these worked very well for their communities. There was ample public transport available in the area with buses and trains and, ultimately, people would move to these dwellings if they so desired. The local Member for Chigwell Village felt that parking should not be debated for this application with the public car park nearby; it was the height of the blocks of flats that was the main issue with this application. The proposed way forward from Area Planning Sub-Committee South had been ignored, the blocks of flats should be reduced in height as previously requested and then the development could be built.

In response to a question regarding a Section 106 Agreement for the Torrington Drive off-street parking scheme, the Assistant Director stated that this had been the subject of a separate planning application for which permission had already been given. The Chairman felt that the District desperately needed Council housing and the application should be supported.

Following the vote by the Committee to grant planning permission for the development, subject to the addition of the four conditions concerning sustainable drainage at the site, five Members of the Committee stood up and requested that the application be referred to the Council for a final decision under the Minority Reference rules within the Constitution (Section 13, Paragraph (1), "Operational Standing Orders – Non-Executive Bodies" refers).

**Resolved:**

(1) That a report be submitted to the Council recommending planning application EPF/1007/15 for the Land and Garages off Burton Road in Debden be granted planning permission subject to a Unilateral Undertaking in respect of a contribution of £16,720 towards healthcare provision in the locality and the following conditions:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 612/033/PL01/A, 612/033/PL02/B, 612/033/PL03/B, 612/033/PL04/G, 612/033/PL05/E, 612/033/PL06/J, 612/033/PL07/D, 612/033/PL08/E, 612/033/PL09/F, 612/033/PL10/G, 612/033/PL11/J, 612/033/PL12/B, 612/033/PL13/A, 612/033/PL14/A, 612/033/PL15/A, 612/033/PL16/D, 612/033/PL17/C, 612/033/PL18/D, 612/033/PL19/E and 612/033/PL20/C.
3. The development hereby approved shall be finished in accordance with the details indicated on drawing number 612/033/PL19/E, unless otherwise previously approved in writing by the Local Planning Authority.

4. 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 the 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.

5. Prior to commencement of the above development a detailed drainage strategy must be submitted for approval to the local authority. It should be based on principles of sustainable drainage, in line with the approved surface water drainage statement Surface Water Drainage Statement July 2015 v.2 permitted by this planning permission. The detailed drainage scheme should follow mitigation measures detailed within the FRA including:

- Limiting the discharge from the site to 7l/s for all events up to the 1 in 100 year storm plus 30%.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1 in 100 year storm event inclusive of climate change and urban creep.
- Ensuring the appropriate level of treatment for all runoff leaving the site, in line with table 3.3 of the CIRIA SuDS guide.
- Provide information about exceedance routes should be provided to indicate what route flows would take should a feature become blocked and cause surface water flooding.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

6. 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.

7. 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.

8. The applicant must keep yearly Maintenance Logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

9. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows.]

10. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows.]

11. Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.



[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows.]

12. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

13. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the condition immediately above (no. 12).

14. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

15. No development shall take place, 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.

16. Prior to first occupation of the development hereby approved, those windows shown to be obscure glazed on drawing numbers 612/033/PL09/F, 612/033/PL10/G and 612/033/PL11/J 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.

17. Access to the areas of sedum flat roof system of Block C and Block D, identified on drawing numbers 612/033/PL10/G and 612/033/PL12/B, shall be

for maintenance or emergency purposes only and those areas of flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

18. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking, further amending or re-enacting that Order) no extensions, alterations to external materials, roof additions, porches or outbuildings with a volume in excess of 10 cubic metres generally permitted at dwelling houses by virtue of Classes A, B, D and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

**26. ANY OTHER BUSINESS**

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

**27. EXCLUSION OF PUBLIC AND PRESS**

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

**CHAIRMAN**