

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

**Committee:** District Development Management Committee      **Date:** 16 September 2020

**Place:** Virtual Meeting on Zoom      **Time:** 7.00 - 8.55 pm

**Members Present:** S Jones (Chairman), R Bassett (Vice-Chairman), H Brady, D Dorrell, I Hadley, S Heap, H Kane, H Kauffman, R Morgan, J Philip, C C Pond, C Roberts, J Share-Bernia and J M Whitehouse

**Other Councillors:** N Avey

**Apologies:** B Rolfe and J Lea

**Officers Present:** S Dhadwar (Senior Planning Officer), S Kits (Social Media and Customer Services Officer), A Marx (Development Manager Service Manager (Planning)), V Messenger (Democratic Services Officer) and G Woodhall (Team Manager - Democratic & Electoral Services)

### **20. WEBCASTING INTRODUCTION**

The Chairman reminded everyone present that this virtual meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

### **21. ELECTION OF VICE-CHAIRMAN**

As Cllr B Rolfe had given his apologies for the meeting, the Chairman requested a nomination to the role of Vice-Chairman for the duration of the meeting.

#### **RESOLVED:**

(1) That Cllr R Bassett be elected Vice-Chairman of the Committee for the duration of the meeting.

### **22. 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 for the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at meetings of the Council's planning committees.

### **23. SUBSTITUTE MEMBERS**

The Committee was advised that the following substitute members had been appointed for the meeting:

(i) Councillor R Bassett for Councillor J Lea.

**24. DECLARATIONS OF INTEREST**

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

(a) Cllr H Kane declared a personal interest in item 10 (Planning Application EPF/0983/20 – Units 10, 10A, 50, 51, 52 & 60, Cartersfield Road, Waltham Abbey) of the agenda for the meeting, by virtue of being the ward Member. The Councillor had determined that her interest was not pecuniary and would remain in the meeting for the consideration of the application and voting thereon.

(b) Cllr S Heap declared a personal interest in item 11 (Planning Application EPF/1287/20 – Briar House, 42 Church Lane, Loughton) of the agenda for the meeting, by virtue of being acquainted with the Applicant. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the application and voting thereon.

(c) Cllr H Kauffman declared a personal interest in item 11 (Planning Application EPF/1287/20 – Briar House, 42 Church Lane, Loughton) of the agenda for the meeting, by virtue of being the Applicant. The Councillor had determined that his interest was pecuniary and would leave the meeting for the consideration of the application and voting thereon.

(d) Cllr C C Pond declared a personal interest in item 11 (Planning Application EPF/1287/20 – Briar House, 42 Church Lane, Loughton) of the agenda for the meeting, by virtue of being acquainted with the Applicant. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the application and voting thereon.

**25. MINUTES****RESOLVED:**

(1) That the minutes of the meeting of the Committee held on 6 July 2020 be taken as read and signed by the Chairman as a correct record; and

(2) That the minutes of the meeting of the Committee held on 22 July 2020 be taken as read and signed by the Chairman as a correct record.

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

The Service Manager for Development Management reminded the Committee 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 on 18 December 2017. 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.

**27. PLANNING APPLICATION EPF/0858/20 - AVER HOUSE, NURSEY ROAD, NAZEING EN9 2JE**

The Service Manager for Development Management – A Marx – presented a report for the demolition of a commercial building and replacement with a single dwelling at Aver House in Nursery Road, Nazeing. This application had previously been considered at Area Planning Sub-Committee West with a recommendation to refuse, but the Sub-Committee had voted to grant the application as being acceptable within a Green Belt location. However, as this had contravened the Council's agreed planning policy, this application was referred to this Committee for a final decision.

A Marx stated that the application site was approximately rectangular in shape with a single storey commercial building, and fronted onto Nursery Road. Adjacent to the site was a development constructing four detached properties. The site itself was within the Metropolitan Green Belt and flood zone 2. The application sought permission to demolish the existing storage building and replace it with a two-storey property of exactly the same design as the properties being developed on the neighbouring plot. A similar planning application on this site had been refused as inappropriate development within the Green Belt and for its potential impact on the Epping Forest Special Area for Conservation, and the original Officer recommendation for this application had been to refuse it for similar reasons.

The Committee noted the summary of representations received for this planning application, whereby the Parish Council had no objection and no responses had been received from neighbouring properties. The Committee heard from the Applicant before proceeding to debate the application.

Cllr R Bassett informed the Committee that he had originally called this application to Committee for a decision. The Councillor stated that the site was effectively entirely hard standing as the foundations from the buildings previously demolished from the site were still in situ. There had been no objections from neighbours, the Parish Council or the Lee Valley Regional Park Authority, and the proposal if granted would improve the appearance of the site. Cllr S Heap agreed that there was a natural barrier which would prevent further development on the site if approved and he would support the application.

However, Cllr C C Pond agreed with the original Officer recommendation to refuse permission and would vote against the proposal. Cllr J Philip acknowledged the views of Cllr R Bassett but felt that – from a planning point of view – it was irrelevant that there used to be further buildings on the site as land within the Metropolitan Green Belt should be protected. Cllr J M Whitehouse agreed that the size of the proposed development would impact the openness of the Green Belt.

A motion to grant planning permission for the application as recommended by Area Planning Sub-Committee West was proposed and seconded, but this was lost when put to the vote. A motion to refuse planning permission as per the original recommendation by Planning Officers was proposed and seconded. A Marx suggested the potential impact of the development on the Epping Forest Special Area for Conservation should be removed as a reason for refusal.

**Decision:**

- (1) That permission for planning application EPF/0858/20 at Aver House in Nursery Road, Nazeing be refused for the following reason:

1...The proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances. Moreover, by reason of its scale, height and siting, the proposal would result in a significant reduction in the openness of the Green Belt. Consequently, the development is contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations, policy DM4 of the Submission Version of the Local Plan (2017) and the objectives of the National Planning Policy Framework.

#### Way Forward

None proposed.

### **28. PLANNING APPLICATION EPF/0897/20 - LAND AT BENTONS FARM, MIDDLE STREET, NAZEING EN9 2LN**

The Senior Planning Officer – S Dhadwar – presented a report for the development of a two-storey, four-bedroomed detached dwelling on land at Bentons Farm in Middle Street, Nazeing. This application had originally been considered by the Area Planning Sub-Committee West with an Officer recommendation to refuse permission with three reasons concerning inappropriate development in the Metropolitan Green Belt, the introduction of an inappropriate pattern of development, and the potential impact of the proposal on the Epping Forest Special Area for Conservation (SAC). The Sub-Committee voted to grant planning permission, but as this was a significant departure from the Council's agreed planning policy, the application was before this Committee for a final decision.

S Dhadwar informed the Committee that the site – situated on the north side of Middle Street within Nazeing – was approximately rectangular in shape and was covered in vegetation. To the north of the site were open fields, to the east commercial buildings, and to the south was a telephone exchange and workshop. The site was located within the Metropolitan Green Belt as well as the South Roydon Conservation Area. It was proposed to construct a double garage alongside the dwelling and the existing access at Oak Tree Close was proposed to be used. An appeal to develop four dwellings on this site had been dismissed by the Planning Inspector in 2019 on the grounds of inappropriate development in the Green Belt and an adverse impact on the character and appearance of the Conservation Area.

Originally, Planning Officers had concluded that the proposal constituted inappropriate development in the Green Belt, could not be considered as limited infilling, and there were no very special circumstances to outweigh the harm from this development. It would also cause undue harm to the character and appearance of the Conservation Area, and insufficient information had been provided to demonstrate that the development would not have an adverse impact on the Epping Forest SAC. However, the Sub-Committee had voted against the recommendation and a motion to grant planning permission had been carried subject to the imposition of standard planning conditions for such a development as well as a condition for a landscaping scheme to be approved prior to the implementation of the permission.

The Committee noted the summary of representations received for this application, including no objections from one neighbouring property, support from another neighbouring property and support from the Parish Council. The Committee heard from the Parish Council and the local Ward Member before proceeding to debate the application.

The Committee acknowledged the points made by the local Ward Member, namely that the proposal had local support, should be considered as limited in-filling and the site was well shielded by trees. However, the application had to be determined on the basis of planning policy and the locations did not constitute limited in-filling within the setting of the village. Cllr D Dorrell felt that the reduction in the number of proposed dwellings did not satisfy the verdict of the Planning Inspector at the previous appeal for this site, whilst Cllr C C Pond commented that the national policy on the Green Belt was correct and he would not support this application. Cllr J Philip felt that the proposed new dwelling would be visible from local footpaths in the area and would cause harm to the appearance of the Green Belt. The Councillor supported the Planning Inspector's appeal decision and supported the original recommendation of Planning Officers.

Cllr J Philip proposed a motion to refuse permission for this application for the reasons originally given to the Sub-Committee, and this was seconded by Cllr C C Pond.

**Decision:**

(1) That permission for planning application EPF/0897/20 on land at Bentons Farm in Middle Street, Nazeing be refused for the following reasons:

1...The proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt and therefore the proposal is contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations, DM4 of the Submission Version Local Plan and with the objectives of the National Planning Policy Framework.

2...The proposed dwelling is significantly recessed from the public carriageway which introduces an inappropriate pattern of development, in stark contrast to the prevailing character of the Conservation Area. The pattern of development is an important aspect of the Conservation Area and the proposal fails to preserve or enhance this pattern. Furthermore, the grain of development would extend a cul-de-sac, which is suburban in character, into a rural hamlet setting. The suburban character of the development would be reinforced by the repetitive design of the proposed new dwelling, mirroring the ones previously granted. The proposal is therefore contrary to policies HC6 and HC7 of the Adopted Local Plan and Alterations, DM 7 of the Submission Version Local Plan and with the objectives of the National Planning Policy Framework.

3...The application does not provide sufficient information to satisfy the Council, as competent authority, that the development has not adversely affected the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the development should be permitted. As such, the development is contrary to policies CP1 and CP6 of the Adopted Local Plan and Alterations, policies DM2 and DM22 of the Submission Version Local Plan 2017 and the requirements of the Habitats Regulations 2017.

Way Forward

None proposed.

**29. PLANNING APPLICATION EPF/0983/20 - UNITS 10, 10A, 50, 51, 52 & 60 CARTERSFIELD ROAD, WALTHAM ABBEY EN9 1JD**

The Senior Planning Officer – S Dhadwar – introduced a report seeking permission to demolish all of the existing units on the site and build four new commercial warehouse units. This application was before the Committee as it was considered a ‘major’ application as defined in Article 10 of the Constitution, and the District Council was an owner of the site.

S Dhadwar informed the Committee that the site consisted of two areas located south of Brooker Road in Waltham Abbey, and contained a number of steel framed low-rise workshops and store buildings. The application proposed to demolish all of the units currently on the site and replace them with four new commercial warehouses – three of which would have a height of 10.8m and the fourth would have a height of 10.2m. These warehouses would be for general industrial use as well as warehousing, distribution and repositories. A total of 57 parking spaces would also be provided as part of the development.

S Dhadwar stated that Planning Officers had concluded the proposal would protect and enhance the use of the site to meet the employment needs of the District, as well as remediate and improve the site to make it safe for all users. Its appearance would be reflective of the area in which it was situated and there would be no excessive adverse harm to neighbouring residential amenity or highway safety. The proposal complied with national and local planning policy, and was therefore recommended for approval subject to conditions.

The Committee noted the summary of representations received in respect of this application, including no objection from the Town Council, and eight letters of objection from the tenants of the current units on the site who felt that the Council should have informed them of this application. There were no public speakers registered for this application so the Committee proceeded to debate the application.

As the ward Councillor, Cllr H Kane enquired whether the current tenants were notified of this meeting so that they were able to participate. S Dhadwar stated that all of the objectors to the application had been notified of the meeting, but objectors who had not made a representation could not be notified. The Council had met its obligations from a planning point of view. Cllr S Heap added that if the tenants had not been aware of this planning application then he wanted assurances that the current tenants would not be treated unfairly. The Service Manager for Development Management – A Marx – reminded the Committee that tenancy issues were not a material planning consideration and it was the responsibility of the Applicant to inform the existing tenants. Cllr S Heap responded that the tenants should have been informed as a matter of course and it would be a regressive step if the tenants ended up with new terms which were unfavourable.

Cllr J Philip reminded the Committee that planning permissions had a duration of a number of years before they expired, which would give time to deal with any tenancy issues arising from the application. The Councillor felt that the application would improve the area and there were no planning reasons to refuse it.

Cllr C C Pond opined that the provision of 57 parking spaces was perhaps too many when the Council was trying to combat air pollution, and enquired whether the Council could insist on a substantial proportion of the parking bays being reserved for electric vehicles only? Cllr S Heap commented that it was better to retain some flexibility as there was no guarantee that a substantial proportion of visiting vehicles

would be electric, and A Marx also added that the area was currently very heavily parked with vehicles so any proposal to improve the situation would be beneficial.

Cllr D Dorrell highlighted the point made by the Objectors concerning the road junction with Sewardstone Road. The Councillor acknowledged that this was not a planning reason to justify refusal of the application, but as the Council was the Applicant then it should approach the County Council with a view to converting the existing junction into a box junction.

**Decision:**

(1) That permission for planning application EPF/0983/20 concerning the industrial units 10, 10a, 50, 51, 52, & 60 in Cartersfield Road, Waltham Abbey be granted, subject to the following planning conditions:

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

2...The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers:

Design and Access statement - Rev 1

HD19025-1001-Rev2

HD19025-1002-Rev2

HD19025-1003-Rev4

HD19025-1004-Rev3

HD19025-1005-Rev3

HD19025-1010-Rev4

HD19025-2001-Rev2

HD19025-2002-Rev2

HD19025-2003-Rev2

HD19025-2004-Rev2

HD19025-2005-Rev3

HD19025-2006-Rev3

HD19025-2007-Rev3

HD19025-2008-Rev3

HD19025-4000-Rev1

Cartersfield Road SuDS Report, Ref 2728/2020, April 2020 by EAS

Phase I Geo-Environmental Investigation reference LS4719 V.1.0

dated 17 March 2020 by Land Science

Transport Statement April 2020 rev A by EAS

Preliminary Ecological Appraisal Incorporating Bat Survey Inspection

Reference MH1099 Version 1-Dated 11/03/20 by T4 Ecology Ltd

3...The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (Cartersfield Road SuDS Report, Ref 2728/2020, April 2020 by EAS) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

4...No development approved by this permission shall be commenced until details of proposed flood risk mitigation works (which shall demonstrate that adequate flood routing will be incorporated within the development to accommodate overland flows arising from both within the site and externally as a result of extreme rainfall conditions) have been submitted and approved by the Local Planning Authority. The

scheme shall be constructed and completed in accordance with the approved details.

5...No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

6...Following completion of the 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.

7...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 Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

8...Prior to the removal of any existing landscape features on the site, details of the retained landscaping (trees/hedges) and their methods of protection (in accordance with BS5837:2012 -Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. 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.

9...Prior to any above ground works, 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.

10...Details of refuse and recycling storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the residential development. The refuse storage facilities shall be provided in accordance with the approved details prior to occupation and shall thereafter be retained as such for the duration of the permitted use.

11...Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point per every 10 spaces on industrial, commercial or leisure developments shall be installed and retained thereafter.

12...Prior to the first occupation of the development the vehicle parking, including cycle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

13...The development permitted by this planning permission shall be carried out in accordance Recommendations made in Preliminary Ecological Appraisal Incorporating Bat Survey Inspection Reference MH1099 Version 1-Dated 11/03/20 by T4 Ecology ltd.

14...The B2 (Industrial) and B8 (Storage and Distribution) use hereby permitted shall not be open to customers / members outside the hours of 7:30 to 22:00 on Monday to Friday and 08:00 to 13:00 on Saturday, and not at any time on Sundays and Bank Holidays.

15...No deliveries shall be undertaken at, or despatched from the site outside the hours of 7:30 to 22:00 on Monday to Friday and 08:00 to 13:00 on Saturday, and not at any time on Sundays and Bank Holidays.

16...No refuse collection shall be carried out from the site outside the hours of 7:30 to 22:00 on Monday to Friday and 08:00 to 13:00 on Saturday, and not at any time on Sundays and Bank Holidays.

17...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.

**30. PLANNING APPLICATION - EPF/1287/20 - BRIAR HOUSE, 42 CHURCH LANE, LOUGHTON IG10 1PD**

The Service Manager for Development Management – A Marx – presented a report for the construction of a three bay oak framed car port at Briar House, 42 Church Lane in Loughton. The application was before the Committee as it had been submitted by a serving District Councillor.

A Marx informed the Committee that the site contained a large two-storey detached house with an integral garage and rear outbuildings. The proposed car port would measure 9.1m in length and 5.6m in width, and the half-hipped roof would have a height of 4.9m. It would be constructed with an oak frame and brick infill, and timber garage doors; the roof would be constructed of clay tiles. It would be set 5.5m forward of the main dwelling house and the proposal also sought to extend the current driveway eastwards by 1.7m to allow for a 6m manoeuvring space. The site was not in a conservation area, and nor was it listed either. It was proposed that an extra condition should be added for the Applicant to provide a plan for preserving the protected trees on site during construction.

After having considered the impact of the proposal on the character and appearance of the locality, and the living conditions of neighbouring properties, Planning Officers had concluded that the planning application should be recommended for approval.

The Committee noted the summary of representations received in respect of this planning application, which included no objection received from Loughton Town Council, and one letter of objection from a neighbouring property, before proceeding to debate the application.

The Committee supported the suggested extra condition to preserve the protected trees on site during the construction of the car port, but did not feel the need to add a further condition to install solar panels on the roof as well as electric car charging ports.

**Decision:**

- (1) That permission for planning application EPF/1287/20 at Briar House, 42 Church Lane in Loughton be granted, 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 and retained strictly in accordance with the approved drawings numbers: A1.1, B1.1.

3...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.

**31. PLANNING APPLICATION EPF/1550/20 - 23 TOMSWOOD ROAD, CHIGWELL IG7 5QP**

The Service Manager for Development Management – A Marx – presented a report for a single storey rear extension and terrace at 23 Tomswood Road in Chigwell.

A Marx informed the Committee that the site consisted of a detached dwelling, within the urban area of Chigwell. The building was not listed and the site did not lie within a conservation area, although there were preserved trees to the rear of the site. The application was before the Committee as it had been submitted by a serving District Councillor. The application sought permission to add a single storey rear extension and terrace to the existing building.

A Marx stated that the principal planning issues for consideration had been the impact of the proposal on the character and appearance of the locality, the living conditions of the neighbours, and the preserved trees on the site. Planning Officers, having considered these matters, concluded that the application should be recommended for approval.

The Committee noted the summary of representations received in relation to this application, which included no objection from Chigwell Parish Council, one letter of support and one letter of objection from neighbouring properties. The Committee heard from the Applicant's Agent before proceeding to consider the application.

**Decision:**

(1) That permission for planning application EPF/1550/20 at 23 Tomswood Road in Chigwell be granted, subject to the following conditions:

1...The development hereby permitted must be begun no later than the expiration of three years beginning with the date of this notice.

2...The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 001, 100 Rev A, 101 Rev A, 102 Rev A, 110 Rev A, 111 Rev A, 200 Rev A, 201, 202, 210 and 211.

3...No storage of building materials, mixing of cement or any other activity related to this proposal shall be undertaken within 15 metres of

the stems of the three oak trees within the rear garden unless agreed otherwise with the Local Planning Authority.

4...Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

**32. PLANNING APPLICATION EPF/3426/18 - GARAGES TO THE REAR OF 13 - 43 CHARLES STREET, EPPING CM16 7AU**

The Service Manager for Development Management – A Marx – presented a report for the release of planning permission previously agreed to develop the garages to the rear of 13 – 43 Charles Street in Epping, following the receipt of mitigation measures relating to air quality within the Epping Forest Special Area of Conservation (SAC).

A Marx reminded the Committee that this application had requested permission to demolish the existing garage buildings and construct nine two-bedroomed mews houses with associated landscaping, parking, bicycle and refuse stores. This application was granted in June 2019 by Area Planning Sub-Committee East subject to planning conditions and the requirement to enter into a legal agreement to secure a financial contribution or other mitigation measures relating to the air quality within the SAC. Further traffic assessments had been submitted for this particular application which had concluded that the new use by the application would result in a reduction in the number of vehicle movements compared to the current use of the site, and therefore would have no likely significant effect on the Epping Forest SAC. Thus, the Committee was requested to release the planning permission but remove the previous requirement to enter into a legal agreement relating to mitigation measures for the air quality within the SAC.

Cllr J M Whitehouse felt that the Council had to be cautious over data presented regarding traffic movements as one survey had different figures to another, and the Council should not rely on surveys which were subject to a wide margin of error. In addition, the more serious concern was the possible accumulative effect on the SAC from multiple planning applications being granted permission. A Marx reassured the Councillor that the possible accumulative effect mentioned was taken in account by Officers, and acknowledged the point concerning the accuracy of the data used for such surveys but this was an accepted methodology that was used for all planning applications. Cllr J M Whitehouse countered that the Council needed to be aware that methodologies had flaws.

Cllr C C Pond agreed with the views expressed and also enquired how far the site was from the SAC. A Marx stated that the distance from the SAC of the site was not relevant to the assessment as the model assumed that a percentage of vehicles from all across the District would travel through the Forest. Cllr J Philip added that the model also took account of the potential full utilisation of the site and not just the proposed use, as the Council had to satisfy the scientific approach adopted by Natural England. The Councillor felt that the assessment had demonstrated that no additional trips through the Forest would be generated to the satisfaction of Natural England, and would support the proposal to release the planning permission.

Cllr S Heap observed that the impact on the SAC would not just be generated by traffic movements through the Forest, but also from stationery traffic at various junctions throughout the District. Cllr J Philip reminded the Committee that planning permission had already been granted and it was the issue of the effect on the SAC from the application which prevented the release of that permission. The key

calculation in the methodology was the number of traffic movements through the Forest, i.e. travelling from one side of the Forest to the other; not stationary traffic within or around the Forest.

**Decision:**

(1) That the planning permission previously granted for planning application EPF/3426/18 at the garages to the rear of 13 – 43 Charles Street in Epping be released subject to:

(a) the planning conditions previously agreed; and

(b) the removal of the previously agreed requirement to enter into a Legal Agreement to secure a financial contribution or other mitigation measures relating to the air quality within the Epping Forest Special Area of Conservation.

**33. ANY OTHER BUSINESS**

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

**34. 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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