

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 8 April 2015
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.40 pm
High Street, Epping

Members Present: B Sandler (Chairman), B Rolfe (Vice-Chairman), Mrs H Brady, R Butler, K Chana, J Hart, R Jennings, Mrs S Jones, H Kauffman, J Knapman, Ms Y Knight, J Lea, J M Whitehouse, Mrs C P Pond and C Whitbread

Other Councillors: B Surtees

Apologies: A Boyce and C C Pond

Officers Present: N Richardson (Assistant Director (Development Management)), G J Woodhall (Democratic Services Officer) and P Seager (Chairman's Secretary)

43. 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.

44. 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.

45. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted the following substitutions for this meeting:

- (i) Councillor C Whitbread for Councillor A Boyce; and
- (ii) Councillor C P Pond for Councillor C C Pond.

46. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in the following item of the agenda, by virtue of being acquainted with the public speaker through his business activities. The Councillor had determined that his interest, whilst not pecuniary, was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

- EPF/2670/14 Former Carpenters Arms, High Road, Thornwood.

(b) Pursuant to the Council's Code of Member Conduct, Councillor R Butler declared a personal interest in the following item of the agenda, 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:

- EPF/0293/15 11 Stoney Bridge Drive, Waltham Abbey.

47. MINUTES

Resolved:

(1) That the minutes of the meeting held on 11 February 2015 be taken as read and signed by the Chairman as a correct record, subject to the following amendment:

- (a) amending minute 39(b) to show that Councillor H Brady had worked at Pine Lodge Riding Centre for one hour per week, not one day per week, and it had not been under different ownership at the time.

48. EPF/2670/14 - FORMER CARPENTERS ARMS, HIGH ROAD, THORNWOOD

The Assistant Director of Governance (Development Control) presented a report on the proposed demolition of a restaurant and the erection of 3 town houses and 2 detached houses. This application was a re-submission following the withdrawal of application EPF/1810/14.

The Assistant Director reported that the application had originally been considered by Area Plans Sub-Committee East, after a deferral for a site visit, in February 2015. The Sub-Committee had refused the application on the grounds that the erection of the two detached houses in the Green Belt would be inappropriate development for which no special circumstances had been demonstrated. The development would also have a significantly adverse impact on the openness of the Green Belt and that the proposals amounted to overdevelopment of the site. Following the vote, the application was referred to this Committee by four members of the Sub-Committee under the minority reference rules within the Constitution for a final decision.

The Assistant Director stated that the application site currently comprised a large, part two storey building whose previous two uses had been a public house and Indian Restaurant. To the rear of the building was a car park associated with the site. The building itself was outside the metropolitan Green Belt, but the car park was within it. To the north of the site, there were residential properties fronting the High Road, and a row of residential properties were on the opposite side of the Carpenters Arms Lane to the south leading to Teazle Mead. There were open fields to the east and west of the site, which was located within a flood risk assessment zone.

The application sought to demolish the existing building, last used as an Indian Restaurant but now vacant, and construct five new dwellings on the land including the car park to the rear of the existing building. Three of the new dwellings would form a terrace fronting the High Road, whilst the other two dwellings would be detached and front Carpenters Arms Lane. The three terraced houses would be three-bedroom properties, whilst the two detached houses would be four-bedroom properties. The terraced properties would have one parking space each within the front garden areas, whilst the detached properties would each have two parking spaces to the side accessed from the existing Lane; there would also be a small car park at the western end of the site with five additional spaces.

The Assistant Director listed the main issues for the Committee to consider, which were the suitability of the site, the impact on the Green Belt, the loss of the community use, the character of the area, the impact on neighbours' amenity, the impact on the existing landscaping, and the highways and parking issues related to the development.

Planning Officers had concluded that whilst the development was not in a sustainable location and involved the erection of two new buildings in the Green Belt, the harm from this development would be limited due to its location. It was also felt that the community use previously offered on this site had already been lost, and the current building would not require planning permission for a change of use. The proposed development met the required off-street parking provision and would provide sufficient private amenity space for future residents. The proposed site density was not considered to be unduly detrimental to the amenity of surrounding residents, and as the existing car park was on private land it could be made unavailable without consent. Carpenters Arms Lane was a private road and maintenance issues were a civil matter. There had been no objections raised by Highways Officers from Essex County Council, and no objection from the Council's Tree and Landscape Officers concerning the loss of the existing trees included in the proposal. Consequently, Planning Officers had felt the application complied with the National Planning Policy Framework and the relevant Local Plan policies, and therefore had been recommended for approval.

The Committee noted the summary of representations received in respect of this planning application. Eighteen letters of objection had been received, including from the Parish Council and the Epping Society. A further letter had been received which, whilst not objecting to the application, had raised a number of concerns. There had been no letters received in support of the application. Since the application had been referred to the Committee, further correspondence had been received from the local Member of Parliament enquiring about progress with the application, and informing the Council that she had received further correspondence from her constituents on the matter. The Committee heard from an objector, the Parish Council, and a representative from the applicant before proceeding to debate the application.

A local Member for Epping Hemnall informed the Committee that a full discussion on this application had taken place when it was considered by Area Plans Sub-Committee East. The existing building and its use was considered a community asset by the local residents until its closure in 2012, even if it had not been formally designated as such by the Council. Development in the Green Belt had been the key issue during the Sub-Committee's discussion. The existing building was outside the Green Belt and was suitable for redevelopment. However, the car park to the rear was in the Green Belt and was an open space, which would be impacted by the proposed development. It had been surprising that the Highways Officer had not raised any objections to the development, citing that the four accidents in the last five years within the vicinity of the location had not been due to the site or any existing residential vehicle movements along that section of the road. On balance, the Member was inclined to vote against the application.

Local members for Theydon Bois and Passingford also stated that Carpenters Arms Lane was very narrow with no pavement, and that to have houses built to the boundary as would be the case with the detached properties would be overbearing. These two houses would be built on Green Belt land with no special circumstances given for their development, thus it would be inappropriate development and both members could not support the proposal. A local Member for Chigwell Village added that the trees currently in situ made the area look greener and were important to the street scene; thus, they should not be removed. No special circumstances had been

given for the development of the detached houses in the Green Belt, and the member agreed with the overbearing aspect of having these houses built to the boundary, therefore the Member could not support the application.

One Member from Waltham Abbey North East expressed mixed views about the application. The Member was in favour of the two detached houses on the current car park area, but did not want the three trees to be removed and did not like the three terraced houses fronting the main road. The Member decided not to support the application and felt that the parking for the three terraced houses should be provided at the back, not the front. Another Member from Waltham Abbey Honey Lane felt that the area currently used as a car park should be turned over to community use.

Support for the scheme was expressed by a Member for Lower Nazeing, who felt that the car park, although in the Green Belt, was an unsightly hardstanding area. The proposals were a good design that were not overcrowded with decent sized gardens. Many front gardens were given over to car parking, as illustrated by some of the other properties in Carpenters Arms Lane, and this would make an ideal spot for a small development.

The debate concluded with members of Area Plans Sub-Committee East reiterating that the Committee had a duty to protect the openness of the Green Belt, and whilst the car park was currently an area of hardstanding, it was an open space. There were already parking problems within the Lane, which this development would exacerbate, and it was not a suitable planning argument to allow areas within the Green Belt to be developed simply because they looked unsightly.

Resolved:

(1) That planning application EPF/2670/14 at the Former Carpenters Arms, High Road in Thornwood be refused permission for the following reasons:

1. The two proposed detached dwellings were located within the Green Belt and would constitute inappropriate development within the Green Belt, harmful to the openness and character of this area. No very special circumstances exist to outweigh this harm and therefore the development failed to comply with Government guidance in the form of the National Planning Policy Framework and policies GB2A and GB7A of the adopted Local Plan and Alterations.

2. The proposed development, due to the number of dwellings and overall scale of works, would constitute overdevelopment of the site to the detriment of the character and appearance of the area, contrary to Government guidance in the form of the National Planning Policy Framework and policies CP1, CP2, CP3 and DBE1 of the adopted Local Plan and Alterations.

49. EPF/0293/015 - 11 STONEY BRIDGE DRIVE, WALTHAM ABBEY

The Assistant Director of Governance (Development Control) presented a report on the proposed erection of a single storey rear extension with a centrally located roof lantern at 11 Stoney Bridge Drive in Waltham Abbey. The application was before the Committee as the applicant was a serving District Councillor for Waltham Abbey Honey Lane.

The Assistant Director stated that the site was located on the northern side of Stoney Bridge Drive and contained a two storey semi detached dwelling. The site adjoined open fields to the east, which were within the metropolitan Green Belt.

The Assistant Director reported that the main issues for the Committee to consider were the impact on the Green Belt, the effect of the extension on the character and appearance of the existing dwelling, the effect of the development on the neighbours' living conditions, and the effect on the applicant's living conditions. Planning Officers had concluded that the proposal would cause no undue harm to amenity and complied with the national and local planning policies.

The Committee noted the summary of representations, and that the Parish Council had no objections to the development. There were no public speakers registered for this application, and the Committee felt the application was sufficiently straightforward that it warranted little debate or any additional conditions to those proposed by the Planning Officers.

Resolved:

(1) That planning application EPF/0293/15 at 11 Stoney Bridge Drive in Waltham Abbey be granted permission subject to the following conditions:

1. The development hereby permitted must be started not later than the expiration of three years beginning with the date of this notice.
2. 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.

50. EPF/2936/14 - LAND ADJ. LONGACRE COTTAGE, SCHOOL ROAD, STANFORD RIVERS

The Assistant Director of Governance (Development Control) presented a report concerning outline planning permission for a new four-bedroom dwelling with some matters reserved on land adjacent to Longacre Cottage, School Road in Stanford Rivers.

The Assistant Director reported that this application had been considered by Area Plans Sub-Committee East at its meeting in March 2015. A proposal to refuse the application had been defeated, but before the Officer's Recommendation to grant the application could be considered four Members of the Sub-Committee had invoked the Minority Reference rules in the Constitution to refer the application to the Committee with no further recommendation. However, the Sub-Committee did request that further information on 'limited infilling in villages' be provided for the Committee to consider, along with four additional highways related conditions covering issues concerning sight lines, the surface material to be used on the driveway, no discharge of surface water into the highway, and any gates to be positioned six metres back from the highway.

The Assistant Director advised the Committee that the application site was rectangular in shape and situated on the east side of the triangular village green in Toot Hill bounded by School Road, Toot Hill Road and Epping Road. The site was to the north of Long Acre Cottage, and was within both the metropolitan Green Belt and the village envelope of Toot Hill.

The Assistant Director explained that the proposal was an outline application for a new four-bedroomed dwelling. Approval was being sought for the reserved matters of access and site layout; detailed floorplans and elevations had been submitted for information purposes. The application had been submitted by the owners of the adjacent property, Long Acre Cottage.

The Assistant Director informed the Committee of the main issues to be taken into consideration for this proposal. Although paragraph 89 of the National Planning Policy Framework (NPPF) stated that new buildings within the Green Belt should be regarded as inappropriate, there were 5 exceptions listed of which one was 'limited infilling in villages'. The site was clearly within the village envelope of Toot Hill and the proposal could be considered appropriate development. The residential curtilage shown on the indicative plans was considered to be of an appropriate size, and a condition had been added to restrict the curtilage to the indicated area only and not extend into the paddock behind the site. The plans had indicated the removal of a section of the current hedge to the front of the site to improve highway visibility with the rear part of the hedge to be retained. It had been concluded that the revised frontage of the site would still be appropriate for the location and provide for safe vehicular access to and from the site. Finally, the plans indicated the provision of a garage plus a driveway area that could accommodate several vehicles, so the proposal would not give rise to on-street parking.

Consequently, Planning Officers had concluded that, although the site was located in the Green Belt, the proposal could be considered as an infill plot within a village envelope and therefore the new dwelling was an appropriate development. Consequently, outline planning permission had been recommended for approval.

The Assistant Director reported that, although limited infilling within villages was now permitted, there was no explicit definition within the NPPF. Therefore, the Sub-Committee had requested that further information be provided for the Committee to consider. There had been two recent appeal decisions on this issue within the District: at Hornbeam Lane in Sewardstone; and Pond House in Matching Green. Both appeals had been upheld with the Planning Inspector agreeing that the proposals had come within the bounds of infill development. The decision for Matching Green had particular relevance for this application as there was not a continuous line of buildings and the site also faced a village green.

The Committee noted the five representations which had been received in relation to the application. Stanford Rivers Parish Council had objected to the application, whilst two neighbouring properties had offered their support. Arboriculturists from the District Council had no objections provided their suggested tree protection conditions were included, and Essex Highways had withdrawn their objection following a site visit. The Committee heard from the applicant before proceeding to debate the application.

The local Member for Passingford highlighted that there had never been a building on this particular site and that the Parish Council was against the application. The village currently had a feel of openness and greenness about it, and the site in question was a two-acre field so this application could not be considered infilling as per the Sewardstone and Matching Green appeal decisions. The Member would oppose this application on the grounds of inappropriate development in the Green Belt. A local Member for Loughton St John's also agreed that this was not infilling and therefore would not support the application.

However, a number of other Members of the Committee were in favour of the application. A local Member for Chigwell Village emphasised that there were no detailed guidelines from the Government about what constituted limited infilling, and

the proposed development would not be out of character with the surrounding area. A local Member for Waltham Abbey North East also highlighted that the proposed building would be screened and therefore there would be little impact upon the openness of the Green Belt. The Committee also noted that the neighbours were supportive of this application. The Assistant Director added that this application was likely to set a precedent if allowed, and similar applications could be expected from both within Toot Hill and other villages in the District.

A number of Members stressed that the size of the proposed curtilage for the dwelling would need to be tightly controlled and that any extension to the size of the currently proposed curtilage would require further consent. The Assistant Director pointed out that condition 3 restricted the size of the curtilage to that currently proposed.

The Chairman highlighted the concerns of the Committee regarding the lack of a definition for 'limited infilling within villages', and that this application could set a precedent within the District. However, this particular application was practical, was in keeping with the street scene, and provided an extra dwelling within the District. Therefore, the Chairman indicated his support for the application. The Committee felt that the Government should be requested to provide a better definition of what constituted limited infilling within a village setting, and that the Council required policies on this issue within its Local Plan.

Resolved:

(1) That planning application EPF/2936/14 on land adjoining Longacre Cottage, School Lane in Stanford Rivers be granted outline planning permission, subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
2.
 - a. Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - i. scale;
 - ii. appearance; and
 - iii. landscaping.
 - b. The reserved matters shall be carried out as approved.
 - c. Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
3. The curtilage of this proposed dwelling shall be restricted to the area edged in red as shown on the approved plan 1493/01a.
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 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. 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.

6. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1493/01a; 1493/05; and MP/LA/01 Rev A.

7. A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

8. The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

a. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

b. Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily

implemented or confirmation provided that no unexpected contamination was encountered.

9. Prior to the first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m x 43m to the north and south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction in perpetuity.

10. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

11. There shall be no discharge of surface water onto the Highway.

12. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

51. ANY OTHER BUSINESS

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

CHAIRMAN