

EPPING FOREST DISTRICT COUNCIL AREA PLANNING SUB-COMMITTEE SOUTH MEETING MINUTES

Wednesday 31 January 2024, 7.00 pm - 9.55 pm

Council Chamber, Civic Offices, High Street, Epping

Members Present: Councillors K Rizvi (Chairman), R Baldwin (Vice-Chairman), I Allgood, D Barlow, P Bhanot, R Brookes, S Heap, J Jogia, H Kauffman, A Lion, L Mead, L Morgan, C Nweke, A Patel, S Patel, Caroline Pond, C C Pond, K Williamson and D Wixley

Members Present (Virtually): None.

Apologies: Councillor(s) R Jennings, J Jennings, S Murray, M Owen and D Sunger

Officers In Attendance: N Cole (Corporate Communications Officer), G Courtney (Service Manager (Planning Development)) and V Messenger (Democratic Services Officer)

Officers In Attendance (Virtually): M Picking (Democracy & Elections Apprentice) and M Rahman (Planning Officer)

[A RECORDING OF THE MEETING IS AVAILABLE FOR REPEATED VIEWING](#)

71 WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

72 DECLARATIONS OF INTEREST

- a) Pursuant to the Council's Members' Code of Conduct, Councillor A Lion declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the Chigwell Residents Association speaker. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
 - EPF/0625/23 – 2 Courtland Drive, Chigwell IG7 6PN
- b) Pursuant to the Council's Members' Code of Conduct, Councillor K Rizvi declared a non-pecuniary interest in the following item of the agenda by virtue of living in Courtland Drive and knowing some of the speakers including from the Chigwell Residents Association and the Parish Council, but he did not know the applicant. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
 - EPF/0625/23 – 2 Courtland Drive, Chigwell IG7 6PN
- c) Pursuant to the Council's Members' Code of Conduct, Councillor P Bhanot declared a personal interest in the following item of the agenda as he knew the applicant. As the Councillor had previously withdrawn from meetings for this property, he had

determined he would leave the meeting for the consideration of the application and voting thereon:

- EPF/0625/23 – 2 Courtland Drive, Chigwell IG7 6PN
- d) Pursuant to the Council's Members' Code of Conduct, Councillor P Bhanot declared a non-pecuniary interest in the following item of the agenda as the applicant lived in his ward. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/2113/20 - Hainault Hall, 173 Lambourne Road, Chigwell IG7 6JU
- e) Pursuant to the Council's Members' Code of Conduct, Councillor R Baldwin declared a non-pecuniary interest in the following item of the agenda by virtue of living in Burney Drive. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/0726/23 – Garage Site Burney Drive, Loughton IG10 2DU
- f) Pursuant to the Council's Members' Code of Conduct, Councillor R Brookes declared a non-pecuniary interest in the following item of the agenda by virtue of living in Lower Park Road but did not know the applicant or the objector. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
- EPF/1815/23 – 25 Lower Park Road, Loughton IG104NB
- g) Pursuant to the Council's Members' Code of Conduct, Councillor D Barlow declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the Chigwell Residents Association speaker. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
- EPF/0625/23 – 2 Courtland Drive, Chigwell IG7 6PN
- h) Pursuant to the Council's Members' Code of Conduct, Councillor L Morgan declared a non-pecuniary interest in the following item of the agenda by virtue of knowing three of the objectors and had attended the Parish Council meeting. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
- EPF/0625/23 – 2 Courtland Drive, Chigwell IG7 6PN

73 MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 6 December 2023 be taken as read and signed by the Chairman as a correct record.

74 ANY OTHER BUSINESS

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

75 SITE VISITS

There were no formal site visits requested by the Sub-Committee.

76 EPF/0625/23 - 2 COURTLAND DRIVE, CHIGWELL IG7 6PN

The Presenting Officer made it clear to Members that this application had been put back in front of Members since the Court quashed the previous decision in part due to the Committee's decision being reached on incorrect evidence.

The background was provided, in that this application was discussed at Area Planning Sub-Committee South on 11 October 2023. The decision reached by Members was to refuse planning consent. Unfortunately, on the 25 October 2023 an incorrect decision notice was sent to the applicant which granted consent for the proposal. The Council subsequently judicially reviewed the decision and the Courts recognised that the decision issued was clearly a mistake and therefore quashed this decision and as a result the application has returned to the LPA for redetermination and was now once again 'live'.

The incorrect evidence referred to by the Court was the lack of clarity in terms of the date of the previous appeal decision regarding EPF/1573/20 in relation to the adoption of the latest Local Plan. This formed part of the previous debate and was clarified by the presenting officer that the previous appeal decision was dated 9 March 2023. The Epping Forest District Local Plan 2011-2033 was formally adopted by the Council on 6 March 2023. Therefore, on the day that the Planning Inspector determined the previous appeal the latest Local Plan was adopted.

Much debate took place around the previous appeal decision. This adoption of the new Local Plan, along with the recent updates to the NPPF, have changed the landscape in which the decision should be assessed.

Discussion took place with regards to the number and layout of the parking provision proposed. It was highlighted by the Parish Council that four of the six basement parking spaces were adjacent to walls and were not the necessary usable size of 3.5m (minimum) to 3.9m (preferred) in width, as laid out within the Essex Vehicle Parking Standards (para. 3.2.1 and para. 3.2.7). Whilst it was accepted that the spaces were undersized, Members agreed not to progress their parking concerns as a reason for refusal since the Planning Inspector did not previously dismiss the appeal on these grounds.

Discussion took place around the reasons for refusal previously voted on in October 2023, and the presenting officer and legal representative explained why these could not be defended on appeal.

A vote on the recommended approval of the proposal, subject to conditions was taken and not upheld. In light of the adoption of the Local Plan and its vision to improve sustainability, with specific reference given to Policy DM20, and the updated NPPF where greater emphasis and weight was given to design, the below reasons for refusal were then progressed by Members, seconded, and a majority vote confirmed that:

The application was [refused](#) for the following reasons:

1. Insufficient information has been provided to show how the proposed development would incorporate low carbon and renewable energy measures, contrary to policy DM20 of the Epping Forest District Local Plan 2011-2033 (2023), and Chapter 14 of the National Planning Policy Framework (2023).
2. The proposed development, due to its bulk, scale and use as a block of five flats, would be out of context, prominent and incongruous within the established pattern of

development in Courtland Drive and the surrounding street scene and would set an unacceptable precedent, contrary to policy DM9 of the adopted Epping Forest District Local Plan 2011- 2033 (2023), and the guidance contained within the National Planning Policy Framework (2023).

77 EPF/0726/23 - GARAGE SITE BURNEY DRIVE, LOUGHTON IG10 2DU

Members who attended the site visit clarified that this was extremely helpful.

Members commended and fully supported the provision of Affordable Housing, however there was general concern over the scale of this proposal. Much discussion took place regarding the impact on neighbours, and in particular the impact on No. 8 Colebrook Gardens.

Questions were raised around waste storage and collection and about the provision of solar panels on the roof and who would benefit from this.

Discussion took place around existing access points to neighbours gardens/garage through the site. The presenting officer and legal representative made it clear that this was not a material planning consideration, and a planning consent did not override the need to address any legal rights of access that might exist.

It was suggested by several Members that a single storey development might be more appropriate in this location. Councillor L Mead also requested that on applications such as this information should be submitted on whether replacement garages would be offered to current garage users and where these would be located.

A vote was taken on the officer recommendation to approve subject to conditions. No Members voted in favour of this.

Councillor Chris Pond put forward reasons for refusal on the basis that this would be an unneighbourly development and that the design would be out of character with the area, with particular reference to the updated NPPF.

A vote was taken on refusing consent for these reasons which was unanimously agreed.

Following the decision, the presenting officer highlighted that the application would now have to be presented to DDMC under point (1) (g) of the Terms of Reference of the District Development Management Committee (as found in Article 10 of the Constitution).

Therefore, the application was referred to DDMC with a recommendation for refusal from the Sub-Committee for the following reasons:

1. By reason of the proposed height and bulk, the proposal would be an unneighbourly development resulting in a detrimental impact on neighbouring amenities with regards to material loss of light, overshadowing, overlooking from the front balcony, loss of outlook and overbearing impact. As such the proposal fails to safeguard the living conditions of neighbouring amenities contrary to Policy DM9 (i) of the adopted Local Plan and Paragraph 135 (f) of the NPPF 2023.
2. The proposed contemporary design does not relate positively to the locality. Consequently, it would result in a harmful effect on the established character and appearance of the area, contrary to Policy DM9 of the adopted Local Plan 2023, and Paragraphs 131 & 135 of the NPPF 2023.

78 EPF/1415/23 - 6 GREAT OAKS, CHIGWELL IG7 5ES

This application was [approved with conditions](#).

79 EPF/1815/23 - 25 LOWER PARK ROAD, LOUGHTON IG10 4NB

Discussion took place regarding the overall bulk and design of the proposal.

It was accepted that such schemes were found across the District and Members accepted that there was a permitted development fallback position, albeit this would not result in a scheme as large as this proposed (re: the side extension).

A street photograph was displayed showing the property two doors down that had a similar hip to gable roof extension and a hipped roof two storey side extension.

Discussion took place around the proposal appearing too bulky in general, and the rear dormer window specifically being overbearing since it spanned the entire rear roofslope. Specific reference was made to the updated NPPF and the emphasis that was placed on good design.

A vote was taken to approve the application, subject to conditions, as recommended by the Planning Officers. This decision was not upheld.

Cllr Chris Pond put forward a reason to refuse on the excessive bulk, blocky nature, and the delivery of accommodation across the whole roof, which was considered detrimental to the character and appearance of the area.

A vote was taken, and the application was [refused](#) for the following reason:

1. The proposal, by reason of its excessive bulk, design and the rear dormer projecting across the entire rear roof slope, would be detrimental to the character and appearance of the area and the streetscape of Lower Park Road, contrary to Policy DM9 of the adopted Local Plan 2023, and Paragraphs 131 & 135 of the NPPF 2023.

80 EPF/2113/20 - HAINAULT HALL, 173 LAMBOURNE ROAD, CHIGWELL IG7 6JU

The presenting officer highlighted that the application had been deferred from Area Planning Sub-Committee South on 16 August 2023 for a site visit to be undertaken and that, despite repeated attempts, the Case Officer had been unable to arrange a Member Site Visit and therefore, the application was back in front of the Committee for a decision based on the information presented. Additional photographs and images were included in the presentation. The presenting officer also recommended that the wording of the suggested conditions be amended since works had already commenced, so the trigger points within certain conditions would need to be changed.

A Chigwell Parish Councillor spoke and referenced an appeal decision that determined that an outdoor swimming pool in a residential garden used only by the residents would not meet the exception of 'outdoor sport and recreation'.

Members discussed the visual impact of the proposal, including the significant level of hardstanding and visual encroachment into the Green Belt land to the rear of the site. The view was taken that this proposal was inappropriate development in the Green Belt.

Members were informed that usually swimming pools such as this would not require planning consent, however this did not benefit from permitted development since it was in the curtilage of a listed building. Therefore, there was no fallback position.

Queries were raised about the need for this development since there was already an indoor pool elsewhere on the site, and it was noted that there was already significant development to the rear as a result of the approved outbuilding.

Members considered that since the pool was now complete and in use it was known that this did have an impact already on the amenities of the neighbours and it was not considered that the provision of additional landscaping would adequately mitigate this.

A vote was taken on the officer's recommendation to approve consent, subject to conditions, with was unanimously voted against.

The Chairman put forward reasons for refusal based on this being inappropriate development within the Green Belt with no very special circumstances, and also due to the impact on neighbours' amenities. The presenting officer obtained clarity on what harm would be caused to neighbouring residents based on this being in a residential garden. The Committee voted unanimously to refuse consent.

Therefore, the application was [refused](#) for the following reasons:

1. The proposal constitutes inappropriate development harmful to the openness of the Green Belt. No very special circumstances exist that clearly outweigh this harm, and therefore the development is contrary to policy DM4 of the adopted Epping Forest District Local Plan 2011-2033 (2023) and the guidance contained within the National Planning Policy Framework (2023).
2. The proposed development would have a detrimental impact on the amenities of neighbouring residents in Maypole Drive through harm caused by noise nuisance, a loss of visual amenity, and loss of the quiet enjoyment of their garden space, contrary to policy DM9 of the adopted Epping Forest District Local Plan 2011-2033 (2023) and the guidance contained within the National Planning Policy Framework (2023).

CHAIRMAN