

## *committee agenda*



**Epping Forest  
District Council**

### ***District Development Control Committee Wednesday, 14th December, 2011***

**Place:** Council Chamber, Civic Offices, High Street, Epping

**Time:** 7.30 pm

**Democratic Services Officer:** Simon Hill, The Office of the Chief Executive  
Tel: 01992 564249 Email:  
democraticservices@eppingforestdc.gov.uk

**Members:**

Councillors B Sandler (Chairman), R Bassett (Vice-Chairman), A Boyce, K Chana, D Dodeja, C Finn, J Hart, Mrs S Jones, J Markham, J Philip, Mrs C Pond, H Ulkun, Ms S Watson, J M Whitehouse and J Wyatt

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**A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP SPOKESPERSONS OF THE-COMMITTEE, AT 6.30 P.M. IN COMMITTEE ROOM 1 PRIOR TO THE MEETING**

**SUBSTITUTE NOMINATION DEADLINE:**

**18:30**

**1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chief Executive will read the following announcement:

“This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber's lower seating area you consent to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer"

**2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 6)**

General advice to people attending the meeting is attached together with a plan showing the location of the meeting.

**3. MINUTES (Pages 7 - 14)**

To confirm the minutes of the last meeting of the Committee held on 19 October 2011 (attached).

**4. APOLOGIES FOR ABSENCE**

**5. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

**6. DECLARATIONS OF INTEREST**

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

**7. PLANNING APPLICATION EPF/1570/11 - JUBILEE BUNGALOW, BOURNEBRIDGE LANE, STAPLEFORD ABBOTTS - REPLACEMENT DWELLING. (Pages 15 - 24)**

(Director of Planning and Economic Development) To consider the attached report.

**8. PLANNING APPLICATION EPF/0247/09 – LAND ADJACENT TO COPPERFIELD LODGE, HAINAULT ROAD, CHIGWELL – ERECTION OF NEW FIVE BEDROOM HOUSE WITH BASEMENT AND INTEGRAL GARAGE (Pages 25 - 40)**

(Director of Planning and Economic Development) To consider the attached report.

**9. PLANNING APPLICATION EPF/1972/11 - PINE LODGE, LIPPETTS HILL, HIGH BEECH - ERECTION OF EXTENSION TO FORM RESIDENTIAL ANNEXE (Pages 41 - 46)**

(Director of Planning and Economic Development) To consider the attached report.

**10. PLANNING APPLICATION EPF1758/11 – PINE LODGE, LIPPITTS HILL, WALTHAM ABBEY – PROVISION OF ROOF MOUNTED SOLAR ARRAY ON EXISTING EQUESTRIAN BUILDING. (Pages 47 - 52)**

(Director of Planning and Economic Development) To consider the attached report.

**11. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

**12. EXCLUSION OF PUBLIC AND PRESS**

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Confidential Items Commencement:** Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

**Background Papers:** Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and

- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

## **Advice to Public and Speakers at Council Planning Subcommittees**

### **Are the meetings open to the public?**

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

### **When and where is the meeting?**

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

### **Can I speak?**

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting.** Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### **Who can speak?**

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

### **What can I say?**

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

### **Can I give the Councillors more information about my application or my objection?**

**Yes you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

### **How are the applications considered?**

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

### **Further Information?**

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** District Development Control Committee    **Date:** 19 October 2011

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 - 9.05 pm

**Members Present:** B Sandler (Chairman), R Bassett (Vice-Chairman), K Chana, D Dodeja, C Finn, J Hart, D Jacobs, Mrs S Jones, J Markham, J Philip, Mrs C Pond, G Waller, Ms S Watson and J Wyatt

**Other Councillors:** D Stallan

**Apologies:** A Boyce, H Ulkun and J M Whitehouse

**Officers Present:** N Richardson (Assistant Director (Development Control)), S G Hill (Senior Democratic Services Officer), C Neilan (Landscape Officer & Arboriculturist) and G J Woodhall (Democratic Services Officer)

### 17. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive 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.

### 18. MINUTES

**Resolved:**

That the minutes of the meeting held on 24 August 2011 be taken as read and signed by the Chairman as a correct record.

### 19. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor G Waller was substituting for Councillor A Boyce and Councillor D Jacobs was substituting for Councillor J M Whitehouse at this meeting.

### 20. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors S Jones and J Philip declared a personal interest in agenda item 8 (planning application EPF/1437/11 - 40 Forest Drive, Theydon Bois) and 12 (Enforcement Notices, Blunts Farm) by virtue of being members of Theydon Bois Parish Council. The councillors advised that they had determined that their interest was not prejudicial and would remain in the meeting for the consideration and voting on the matter.

(b) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in agenda 12 (Enforcement Notices, Blunts Farm) by virtue of being Chairman of the Overview and Scrutiny Panel that had previously reviewed planning permission on this site. The councillor advised that he had

determined that his interest was not prejudicial and would remain in the meeting for the consideration and voting on the matter.

(c) Pursuant to the Council's Code of Member Conduct, Councillor J Wyatt declared a prejudicial interest in agenda item 9 (Planning Application EPF/0046/11 – Town Mead Sports and Social Club) by virtue of being a member of Waltham Abbey Town Council who owned the site. The councillor advised that he would leave the meeting for the consideration and voting on the matter.

**21. PLANNING APPLICATION EPF/1254/11 - 156-158 HIGH ROAD, ONGAR. - CHANGE OF USE OF GROUND FLOOR FROM SHOP (A1 USE CLASS) TO A MIXED USE COMPRISING CHILDRENS SOFT PLAY AREA (D2 USE CLASS) AND COFFEE SHOP (A3 USE CLASS).**

The Committee considered an application referred to it by Area Plans Subcommittee East on 14 September 2011. The application sought the change of use of an A1 use class shop in Ongar High Road to a mixed use of a children's soft play area and coffee shop.

The Subcommittee had referred the matter with a recommendation to grant permission on the basis that they considered that the scheme would be an asset to the town and would increase the vitality and viability of the Ongar town centre.

The Committee heard from the local member that the shop unit had been vacant for some time and that although the proposals conflicted with local plan policy the local town council had supported the application and considered it an appropriate use of the premises.

The committee concurred with the view of local member and of the Town Council and unanimously granted the application subject to conditions suggested by officers within their report.

**Resolved:**

That planning application EPF/1254/11 at 156-158 High Road, Ongar 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 premises shall be used solely for a mixed use as a children's soft play area and a café and for no other purpose (including any other purpose in Class D2 and A3 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;

(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 change of use generally permitted by virtue of Part 3 Class C shall be undertaken without the prior written permission of the Local Planning Authority;

(4) The use shall only operate in accordance with the floor plan layout and extent of the café area and the children's soft play area as shown on the submitted drawing received and dated 5 July 2011 entitled "Floor Plan for



Krazy Kidz Café Ltd", unless otherwise agreed in writing by the Local Planning Authority; and

(5) The café area shall not operate separate hours from the children's soft play area and this mixed use hereby permitted shall not be open to customers / members outside the hours of 0900 to 1800 hours Monday to Friday and 1000 to 1800 hours Saturday, Sundays and Bank Holidays.

**22. PLANNING APPLICATION EPF/1437/11, 40 FOREST DRIVE, THEYDON BOIS - SIDE, FRONT AND REAR EXTENSIONS AND REAR DORMER ADDITION.**

The Committee considered an application referred to it by Area Planning Subcommittee East without a recommendation. The application sought extensions to the side, front and rear of the property and rear dormer additions.

The committee heard that the property had been the subject of recent appeals which had been dismissed at appeal. Officers displayed the plans of the proposed changes to the dwelling and indicated that the main issue for members was whether the proposal would be harmful to the streetscene.

Members heard representations from a local objector, the Parish Council and a representative of the applicant.

Members of the Committee expressed the view that the property was part of row of five similar properties which featured in the Theydon Bois local design guide and had been put forward for locally listed status. The Committee were of the view that proposed changes would detract from the Streetscene of the road; removed the symmetry of the building and would be harmful. They considered a motion to refuse the application on those grounds which gained majority support.

**Resolved:**

That planning application EPF/1437/11 at 40 Forest Drive, Theydon Bois be refused for the following reason:

(1) The resultant building due to the proposed extensions, will fail to compliment this stretch of neighbouring bungalows on this side of the road and therefore will be out of character and harmful to the street scene, contrary to policy DBE1 of the Adopted Local Plan and Alterations

**23. PLANNING APPLICATION EPF/0046/11 – TOWN MEAD SPORTS AND SOCIAL CLUB, BROOKER ROAD, WALTHAM ABBEY, EN9 1HJ – PROPOSED GOLF DRIVING RANGE (REVISED APPLICATION).**

The Committee gave further consideration to an application for a golf driving range at Town Mead Sports and Social Club in Waltham Abbey. The application had been previously deferred at the meeting on 29 June 2011, at which meeting members had requested a risk assessment and further information about lighting to be submitted and agreed by the Highways Agency given the proximity to the M25.

The Committee noted that the plans had now been amended, angling the driving bays closest to the M25 boundary away from the M25. Lighting arrangements had been assessed by the Highways Agency and were considered acceptable and would be controlled by condition. Furthermore, a risk assessment had been undertaken and reviewed by the Highways Agency who raised no objection to its findings.

The Committee considered the effect on the existing small woodland on the southern boundary adjacent the M25. It was noted that the amended scheme allowed more planting along the boundary and some of the woodland would be retained. It was agreed that the landscaping conditions were reviewed to ensure they tallied with amended plans and were subject to the agreement of the Council. As such members were supportive of the amended scheme and resolved accordingly subject to the suggested conditions.

**Resolved:**

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(2) The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 10013/3B, 10013/4, 10013/6I, 10013/8B, 10013/9B, 10013/45, 460/2, UKS1815, UKS1815/1, LS11327/2.

Reason: To ensure the proposal is built in accordance with the approved drawings.

(3) No construction works above ground level shall have taken 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, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

(4) No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing trees are safeguarded.

(5) Notwithstanding the details shown on Plan Ref: 232 which accompanied this planning application, no development, including site clearance, shall take place until a statement of the methods (including a timetable, for its Implementation linked to the development schedule) for the implementation of a landscaping scheme, and a schedule of landscape maintenance for a minimum period of five years, 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, and the schedule shall include details of the arrangements for its implementation. 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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development.

(6) No development shall take place until details of all levels, contours and bunding have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

Reason: To ensure the impact of the intended development is acceptable.

(7) Prior to the commencement of the development details of the proposed surface materials for the access, turning and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.

Reason:- To ensure that a satisfactory surface treatment is provided in the interests of highway safety and visual amenity.

(8) The parking area shown on the approved plan shall be provided prior to the first use of the development and shall be retained free of obstruction for the parking of staff, customers and visitors vehicles.

Reason:- In the interests of highway safety.

(9) 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 surrounding 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.

Reason:- To conform with the principles of PPS25 and to satisfy Policy U2B of the Adopted Local Plan and Alterations (2006), since the development is located in an area identified as being in an Epping Forest District Council flood risk assessment zone and would be likely to result in increased surface water run-off.

(10) Prior to commencement of development, including site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

Reason:- Since the site has been identified as being potentially contaminated and to protect human health, the environment, surface water, groundwater and the amenity of the area.

(11) The 16m high fencing and CCTV cameras on the range bays shall be installed prior to use of the site as a Golf Driving Range.

Reason:- To ensure there is no detrimental impact on the M25 Motorway or users of the surrounding sites.

(12) The lighting installed on site shall be adjusted, baffled or removed in accordance with any written requirements of the Local Planning Authority or the Highways Agency if considered hazardous to the M25 by the Local Planning Authority or Highways Agency.

Reason:- To ensure that the approved lighting does not cause hazard to users of the M25.

#### **24. COMPLIANCE WITH REQUIREMENTS OF ENFORCEMENT NOTICES - BLUNTS FARM, COOPERSALE LANE/ABRIDGE ROAD, THEYDON BOIS**

At the meeting of the Committee on 5 April 2011 members had deferred consideration of a report on compliance with Enforcement Notices at Blunts Farm, Theydon Bois in order that the developer had a further opportunity to carry out remedial works on the land and to allow for of Members this Committee to inspect the site.

Further works had now been carried out and the site visited by Members in September 2011.

Officers reported that the requirement to remodel and landscape the land to accord with the section (4) of the Enforcement Notices had now been complied with although concern still existed over some areas where rights of way existed, particularly in respect of vegetation and waymarking. Additionally officers were continuing to press for compliance in respect of replacement of trees required under the site's Tree Preservation Order.

Members heard views from the Parish Council.

The Committee members concurred with the view of officers regarding the compliance matters but asked planning officers to write to the County Council to ask them to ensure rights of way across the site were accessible, available and appropriately marked.

**Resolved:**

- (1) That members agree that requirement (4) of the enforcement notices issued on 4 August 2006 in respect of land at Blunts Farm, were complied with;
- (2) That, unless a further complaint were to be received, no further work be carried out to investigate and secure compliance with on-going requirements of the enforcement notices issued on 4 August 2006 in respect of land at Blunts Farm; and
- (3) That the Head of Planning and Economic Development write to Essex County Council asking that action be taken to ensure that rights of way across the site were accessible, available and appropriately marked.

**25. ANY OTHER BUSINESS**

It was noted that there were no further items of business to be transacted at the meeting.

**CHAIRMAN**

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## **Report to District Development Control Committee**

**Date of meeting: 14 December 2011**



**Epping Forest  
District Council**

**Subject:** Planning application EPF/1570/11 – Jubilee Bungalow, Bournebridge Lane, Stapleford Abbots – Replacement dwelling.

**Officer contact for further information:** D Duffin Ext 4336

**Committee Secretary:** S Hill Ext 4249

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### **Recommendation(s):**

**That the committee considers the recommendation of the Area Plans Subcommittee East to grant planning permission subject to conditions.**

### **Report**

1. This application has been referred by the Area Plans Sub Committee East with a recommendation for approval. The report to the sub-committee carried a recommendation from officers to refuse planning permission and the officer's report is reproduced in full below.

### **Planning Issues**

2. The debate at the sub committee meeting on 12 October 2011 centred on the recommended reason for refusal and the impact of the proposal on the open character of the Metropolitan Green Belt.

3. The sub Committee considered that the circumstances of the site, particularly the poor state of the existing building on the site that is to be removed, were sufficient to outweigh the harm to the Green Belt that would result from the development. They considered that the design of the development was appropriate to its location and a marked improvement on the existing building at the site, or what could be constructed as a permitted development "fallback". The committee were of the opinion that as the proposed development was only 6% greater than what could be constructed under permitted development and this was a non material increase in and the impact on openness would be less than from the permitted development scheme. Officers were of the opinion that the proposed development would have a materially greater impact than the permitted development scheme given the increased height and visibility from within the Green Belt of the proposed scheme. The majority of the committee considered that the development was acceptable however, subject to conditions. It was concluded that as the proposal was in contravention of adopted Green Belt policy the application should be referred to District Development Control Committee with a recommendation for approval subject to conditions.

4. Officers were of the opinion that the design of the proposed development was acceptable and that the existing building was dilapidated and contributed little to the character and appearance of the area. Therefore its replacement with a building in line with Green Belt policy was agreeable. Given the dwellings small size a building of 500 cu m or a 40% increase would be deemed appropriate, and reasonable for habitable purposes. Therefore the principle of a replacement dwelling is acceptable, however the proposed increase of 112% over the original building, as proposed, was deemed excessive and contrary to both national and local Green Belt policy.

5. The applicant's case was that the development was not a material increase over what could be constructed as permitted development, or as a "fallback". At 6% the increased volume would not be considered material. A fallback position is recognised as a material planning consideration although the weight to be given depends on the real likelihood of any fall back actually being exercised in the event of a refusal. The test is made on the balance of probability as opposed to possibility.

6. The concern that officers have was that the CLD extensions have been designed to maximise the fallback position at the expense of good design. As such the approved additions are considered incongruous and so bulky and featureless as to not offer a viable fallback. It was considered that on the balance of probability no such design would ever be advanced as a property enhancing scheme. Local and national planning policy clearly indicates that replacement dwellings should relate to the size of the dwelling to be replaced and not the size it could be enlarged to.

7. Therefore, having regard to local and national policy, and bearing in mind the design forwarded for the CLD scheme, it is officers opinion that whilst the permitted development scheme is a material planning consideration it should be given little weight.

8. The report to the Planning Sub Committee is attached.

### **Conclusion.**

9. Although the sub committee have recommended approval of the scheme, officers maintain that there are sound reasons for refusal as set out in the original report attached.

10. Should Members be minded to Grant Consent it is recommended that the following conditions be attached:

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(2) No construction works above ground level shall have taken 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, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.



(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 development generally permitted by virtue of Part 1, Class A, B or E shall be undertaken without the prior written permission of the Local Planning Authority.

Reason:- The specific circumstances of this site warrant the Local Planning Authority having control over any further development.

(4) 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.

Reason:- To conform with the principles of PPS25 and to satisfy Policy U2B of the Adopted Local Plan and Alterations (2006), since the development is located in an area identified as being in an Epping Forest District Council flood risk assessment zone and would be likely to result in increased surface water run-off.

(5) 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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development.

(6) No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing trees are safeguarded.

(7) 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.

Reason: In the interests of the amenities of noise sensitive properties.

(8) Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed prior to the commencement of the development and maintained in working order for the duration of the demolition and construction phase of the development. The installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety.

(9) All material demolished from the existing building on the site shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to control any alteration to levels or spreading of material not indicated on the approved plans in the interests of amenity and the protection of natural features.

(10) No development shall take place until details of the proposed surface materials for the vehicular access and paving areas have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.

Reason:- To ensure that a satisfactory surface treatment is provided in the interests of highway safety, visual amenity and to reduce the risk of flooding and pollution.

## Extract from Area Plans East Dated 12 October 2011

<b>APPLICATION No:</b>	EPF/1570/11
<b>SITE ADDRESS:</b>	Jubilee Bungalow Bournebridge Lane Stapleford Abbots Essex RM4 1LT
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr H Spiro
<b>DESCRIPTION OF PROPOSAL:</b>	Replacement dwelling.
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=530129](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530129)

### REASON FOR REFUSAL

- 1 The proposed replacement dwelling would have a significantly larger volume than the existing dwelling on the site and as a result would be inappropriate development, detrimental to the open character and appearance of the surrounding Metropolitan Green Belt. The lawfully approved extensions are not considered a viable fallback position.. The development is therefore contrary to Policies CP2, GB2A, GB7A and GB15A of the adopted Local Plan and Alterations.

*This application is before this Committee since it has been 'called in' by Councillor Collins (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.h.)*

### **Description of Proposal:**

The proposal is to demolish the existing dwelling on the site and replace it with a three bedroom dwelling. This would be a chalet style bungalow with a double storey glazed entrance. Two dormer windows would be inserted on the front roof plane. The building would have an external floor area of 14.4m x 9.2. There would also be a two storey rear projection to a depth of 3.6m. Solar panels would be installed on the rear roof slope. There is an existing access on to the public highway.

### **Description of Site:**

The dwelling is located on an extensive site within the Metropolitan Green Belt. The existing building is in a relatively dilapidated state and uninhabited. The site is bordered on the western boundary by a public footpath, with a single storey dwelling the other side of this. There is no immediate neighbour to the eastern side of the dwelling. Although part of Bournebridge Lane is a built up enclave this section of the road is fairly open with arable farmland adjacent to the site and on the opposite side of the roadway. A garage/storage building approved under a Certificate of Lawful development application is currently under construction (EPF/2012/10).

### **Relevant History:**

EPF/1915/09 - Demolition of existing bungalow and erection of a single detached dwelling. Refuse Permission - 06/01/2010.

EPF/1916/09 - Certificate of lawfulness for a proposed single storey extension to side and rear elevations and new front porch. Not Lawful - 10/12/2009.

EPF/0585/10 - Certificate of lawfulness for a proposed single storey extension to side and rear elevations and new front porch. Lawful - 20/05/2010.

EPF/1064/10 - Basement garage under existing house and proposed single storey side extension, and 3 no single storey side extensions. Refuse Permission (Householder) - 10/08/2010.

EPF/2012/10 - Certificate of lawful development for a proposed detached garage, gymnasium and garden machine store and permeable paths and vehicular drive. Lawful – 22/11/10.

EPF/2013/10 - Certificate of lawful development for a proposed loft conversion and single storey side and rear extensions and front porch. Lawful – 22/11/10.

### **Policies Applied:**

CP1 – Achieving Sustainable Development Objectives

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

CP4 – Energy Conservation

CP5 – Sustainable Building

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

DBE8 – Private Amenity Space

DBE9 – Excessive Loss of Amenity to Neighbouring Properties

ST1 – Location of Development

ST2 – Accessibility of Development

ST4 – Road Safety

ST6 – Vehicle Parking

H2A – Previously Developed Land

H4A – Dwelling Mix

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

GB15A – Replacement Dwellings

LL11 – Landscaping Schemes

### **SUMMARY OF REPRESENTATIONS:**

3 Neighbours Consulted and sit notice displayed – no replies received.

STAPLEFORD ABBOTTS PARISH COUNCIL: No Objection.

### **Issues and Considerations:**

The main issues relate to the Green Belt location, design and neighbour amenity. The planning history of the site is another material consideration.

#### **Impact on the Green Belt**

The planning history of the site outlines details of a previously refused replacement dwelling and a number of applications for Certificates of Lawful Development (CLD). The garage building is currently under construction. Side and rear extensions and side dormer windows approved by CLD applications (EPF/0585/10, EPF/2013/10) are detailed on drawing number 2010/018/ PDO13.

The applicant describes as part of the submitted Design and Access Statement national and local plan policies with regards to replacement dwellings. Such development can be appropriate where the replacement building is not materially larger than the one it replaces. The applicant has submitted volume calculations for the existing building, the CLD extensions and the replacement dwelling. These are recorded below;

Existing Dwelling	455 cu m
Existing + CLD Extensions	715 cu m
Proposed Dwelling	762 cu m

The Local Planning Authority has completed similar calculations, these were recorded as;

Existing Dwelling	360 cu m
Existing + CLD Extensions	738 cu m
Proposed Dwelling	764 cu m

The figures show that for the existing + CLD extensions and proposed there is little discrepancy. However there is quite a difference for the existing dwelling. The applicant has justified the proposal with regards to the permitted development extensions that have been approved and could be constructed. The increase over the original volume (360 cu m) is not justifiable under any local or national policies. The increase of 112% is unacceptable and beyond what could ever be reasonably classed as “not materially larger”.

The applicant has laid out a case for this development in lieu of what could be done as permitted development, effectively a fallback position. Local Planning Authorities have a duty to consider a fallback position, however this must be rationalised. The weight given to a fallback depends on the real likelihood of any fallback actually being exercised in the event of a refusal. The planning law position is that the test must be made on the balance of probabilities as opposed to the balance of possibilities.

The design of these extensions was evidently an attempt to maximise the permitted development allowance. Members are asked to consider the design of the proposed extensions carefully, as detailed in drawing No 2010/018/PDO13. The extensions appear on plan as bland, featureless, bulky additions. No basic design principles have been followed. Traditionally extensions to dwellings should act as subsidiary additions. These extensions dominate the original dwelling. This viewpoint is supported by the agent of the applicant for the proposal, who states that, “the permitted development extensions would be out of scale, the front and rear elevations would be too wide and the flat roofed dormers would appear over large”. The Local Planning Authority would not dissent from this view. It is therefore considered that on the balance of probabilities these extensions do not offer a viable fallback position. Members may adopt a view to the contrary, essentially that the proposed scheme would be “the lesser of two evils”.

Notwithstanding these previous points the dwelling is small and perhaps is not conducive to modern day living. The height, bulk and scale of the proposal is much more visually prominent than both the existing building and the CLD extended dwelling, and runs contrary to Green Belt policy. However a well designed dwelling with a volume of circa 500 cu m would be acceptable, approximately a 40% increase. Members may take the view that the current increase is acceptable.

### Design

The proposed design includes a glazed front entrance porch which extends to the ridge level of the dwelling. This is a design feature often incorporated into barn conversions and results from the utilisation of original openings. The front feature raises no serious design issues and is more a

personal preference. The dormer windows are proportionate and well designed. The proposed design includes a relatively bulky two storey rear projection. The balcony offers some feature. Again this element of the scheme raises no serious design issues. The use of vernacular materials, which could be agreed by condition, would ensure that this development would not appear out of place in this setting.

#### Amenity

The property has only got one immediate neighbour, on the western side. The replacement dwelling would retain a good gap to the well screened boundary. Overlooking from side facing windows would not be a serious issue and the adjacent property is served by a generous rear garden which would remain private.

#### Trees/Landscaping

There are no trees or landscaping issues subject to conditions ensuring tree protection details for a large oak tree close to the boundary of the site and a suitable landscaping scheme.

#### Parking/Road Safety

The proposed development would make use of an existing access to the site and a double garage approved as a Certificate of Lawful Development would provide adequate parking. The public right of way would be unaffected so this aspect of the scheme raises no issues.

#### Land Drainage

The Land Drainage section of the Council has requested a Flood Risk Assessment, to be agreed by condition, on any approved scheme owing to the size of the development and the potential to create additional surface run off.

#### Sustainable Building

The inclusion of solar panels is a laudable element of the development which complies with sustainable building practices as encouraged in Policy CP5 of the adopted Local Plan, but this does not outweigh the recognised Green Belt harm.

#### **Conclusion:**

The proposed development represents an excessive increase over the original dwelling on the site. This is deemed inappropriate. The approved CLD extensions have been used as justification for the size of this proposed building. It is not considered that these represent a viable fallback position, on the balance of probabilities. Therefore, by reason of the excessive increase in volume, this development is considered inappropriate in Green Belt terms and recommended for refusal.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

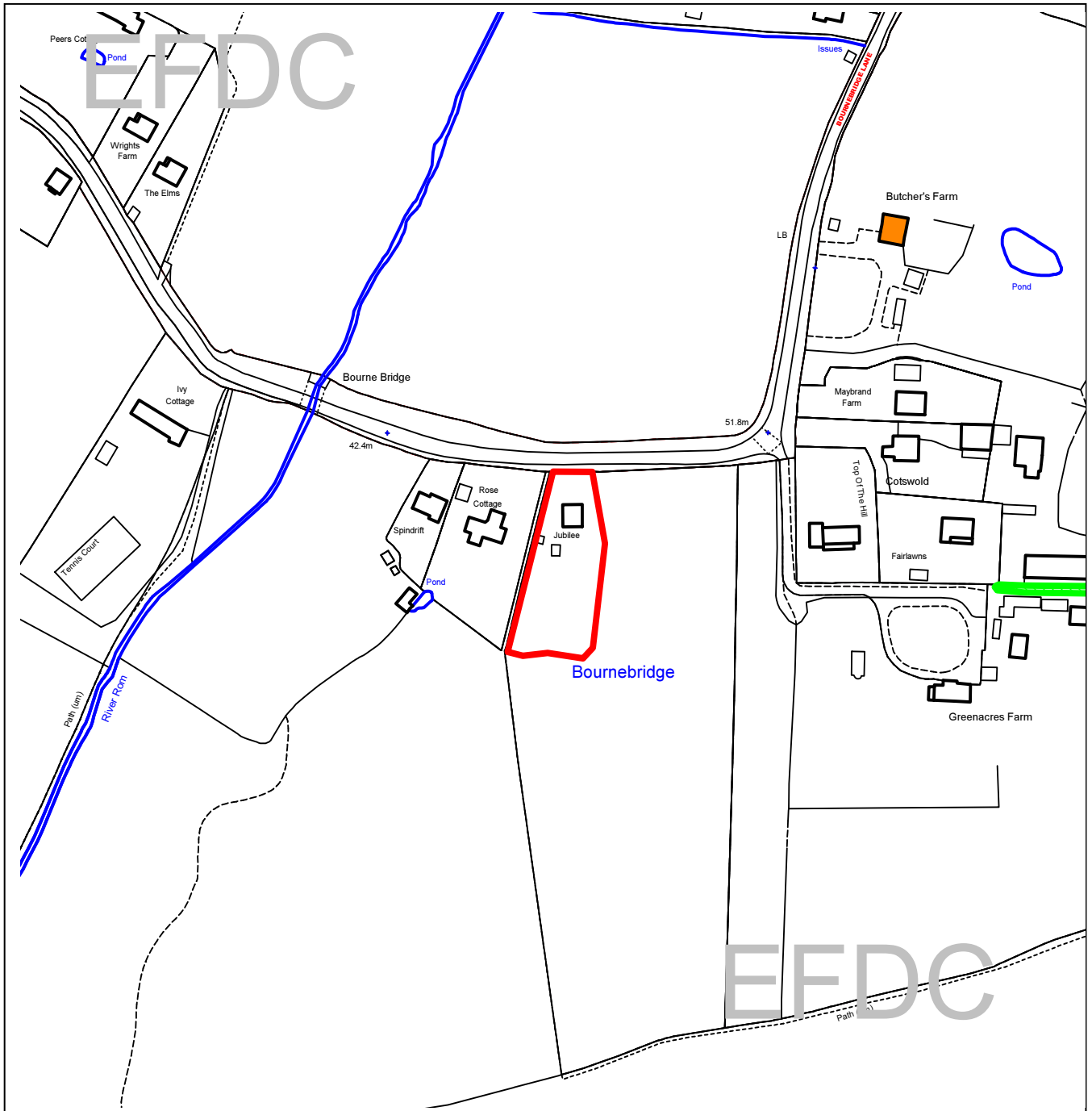
***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564371***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	Epf/1570/11
Site Name:	Jubilee Bungalow, Bournebridge Lane Stapleford Abbots, RM4 1LT
Scale of Plot:	1/2500

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## **Report to District Development Control Committee**

**Date of meeting: 14 December 2011**



**Epping Forest  
District Council**

**Subject: Planning Application EPF/0247/09 – Land adjacent to Copperfield Lodge, Hainault Road, Chigwell – Erection of new five bedroom house with basement and integral garage.**

**Officer contact for further information: K Smith  
Committee Secretary: S Hill Ext 4249**

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Recommendation:

**That, subject to the completion of a Section 106 legal agreement within six calendar months to secure:**

- (a) The transfer of land adjacent to the Victory Hall site to Epping Forest District Council, at no cost;
- (b) The payment of the sum of £31,400 to Epping Forest District Council to be spent in relation to delivery of community facilities within the locality of the site; and
- (c) The payment (sum to be confirmed) of the Council's costs incurred in maintaining the site for a period of five years;

**planning application EPF/0247/09 be granted subject to the conditions previously imposed by the Committee at their meeting on 9 June 2009 namely:**

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2. Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

- 3. The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and

approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved. The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. 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, and in writing. The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority. The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development.

4. All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to control any alteration to levels or spreading of material not indicated on the approved plans in the interests of amenity and the protection of natural features.

5. Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted. Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval. Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out. Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

Reason:- Since the site has been identified as being potentially contaminated and to protect human health, the environment, surface water, groundwater and the amenity of the area.

6. No demolition or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority.

Reason: To protect any material of archaeological interest of the site, due to the location of the proposed development on the site of a Roman Road.

7. Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

Reason: To enable appropriate consideration to be given to the impact of the intended development upon adjacent properties.

8. 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 development generally permitted by virtue of Part 1, Classes A, B, E shall be undertaken without the prior written permission of the Local Planning Authority.

Reason:- The specific circumstances of this site warrant the Local Planning Authority having control over any further development.

9. Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.

Reason:- In the interests of visual amenity.

10. Prior to the commencement of the development details of the proposed surface materials for the access shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.

Reason:- To ensure that a satisfactory surface treatment is provided in the interests of highway safety and visual amenity.

11. Prior to the first occupation of the development hereby permitted there shall be no obstruction within a parallel band visibility spay 2.4m wide as measured from the back edge of the carriageway across the entire site frontage. This area shall be retained free from any obstruction in perpetuity.

Reason: To provide adequate inter-visibility between users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with policy ST4 of the Adopted Local Plan and Alterations.

12. Any gates provided at the vehicular access shall only open inwards and shall be set back a minimum of 4.8 metres from the nearside edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway/footway whilst gates are being opened and closed in accordance with policy ST4 of the Adopted Local Plan and Alterations.

13. Prior to the first occupation of the development permitted the existing crossover shall be removed and the footpath resurfaced and the kerb reinstated for use as approved in writing by the local planning authority.

Reason: In the interests of highway safety in accordance with policy ST4 of the Adopted Local Plan and Alterations.

14. Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety.

## **Report**

1. (Director of Planning and Economic Development) Members may recall this application, which was last considered by the Committee in April this year. Previously, in June 2009, the Committee resolved to grant planning permission subject to the completion of a Section 106 legal agreement to secure:

- The provision of additional car parking for Victory Hall and the transfer of the appropriate portion of the land to the District Council's ownership prior to the commencement of the development.

2. A copy of the June 2009 report to the District Development Control Committee is attached as Appendix 1.

3. Despite planning permission being granted for the creation of the additional car parking spaces for Victory Hall by this Committee in December 2009, no legal agreement has been completed to secure the planning obligations listed above. Accordingly, in April 2009 the Committee was requested to consider the appropriateness of the proposed new dwelling, in the absence of those planning obligations. The Committee were of the view that there still was a need for the additional parking on the adjacent site and considered that in the absence of a legal agreement to secure the provision of the car parking, the case for very special circumstances to override Green Belt harm would be weakened, to the extent that the development would no longer be justified.

4. The Committee decided that should the agreement not be completed and signed by the date of the June 2011 meeting of the Committee the item be reported back for further consideration.

5. Although the agreement has not been completed, the Applicant has engaged with Planning Officers and discussions have been ongoing with their Agent since the meeting in April. Although there is a planning permission in place for the car parking, there have been other difficulties regarding the completion of the legal agreement, including the timescale for the Council to accept the car parking, bearing in mind its lease arrangement with Victory Hall.

6. Accordingly, through negotiations with the Applicant's Agent an alternative planning obligation is proposed, whereby the Applicant would agree to contribute the land and the cost of constructing the car parking. Accordingly, if the Council considered it appropriate at a later date, it can construct the parking at no additional public cost. However, if at that time it is considered that there would be a more positive community benefit which could be secured through the provision of an alternative community benefit, either within the Victory Hall site or elsewhere within the locality, then the contribution may be put towards that purpose.

7. The land upon which the additional car parking is proposed does contain some trees and accordingly there will be some liability for maintenance which will be transferred with the land. It is, therefore, recommended that if the Council does take ownership of this piece of land, then a contribution equivalent to its maintenance costs over a period of five years is also sought. This sum will be advised by officers from the Council's Leisure section.

### **Planning Issues**

8. The suggested Heads of Term for the legal agreement were intended to address the impact of the development on the Metropolitan Green Belt. The application site is located within the Metropolitan Green Belt, where the proposed development would be inappropriate. On this basis, planning permission may only be granted if it can be demonstrated that there are very special circumstances which outweigh the harm to the Green Belt.

9. When this application was considered previously by the District Development Control Committee, the Committee carefully considered the case for very special circumstances. Members accepted that there were very special circumstances in this case that outweighed the harm of built residential development in the Green Belt, which were that the proposed parking was needed at the location and that the proposed house would fill a gap in the existing built frontage on Hainault Road and was supported by many local people.

10. It is the view of planning officers that this revised proposal, which would still facilitate the development of the additional car parking but would provide flexibility for an alternate community benefit, if considered appropriate, does not weaken the case for special circumstances which Members have already accepted.

### **Conclusion**

11. In light of the above appraisal, it is recommended that the Committee resolves to grant planning permission, subject to the completion of a Section 106 legal agreement to secure the obligations identified above together with the set of planning conditions placed upon the original approval.

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**Extract**

**Report to District Development Control  
Committee**

**Date of meeting: 9 June 2009**



**Epping Forest  
District Council**

**Subject: Planning Application EPF/0247/09 – Land adjacent to Copperfield Lodge, Hainault Road, Chigwell – Erection of new five bedroom house with basement and integral garage.**

**Officer contact for further information: K Smith  
Committee Secretary: S Hill Ext 4249**

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**Recommendation:**

**That the Committee considers a planning application on land adjacent to Copperfield Lodge, Hainault Road, Chigwell for the erection of new five bedroom house with basement and integral garage which has been referred by Area Plans Subcommittee South without recommendation.**

**Report Detail**

1. This application has been referred by the Area Plans Sub Committee South. The report to the sub-committee carried a recommendation from officers to refuse planning permission and the planning merits of the case are attached.

**Planning Issues**

2. The debate at the sub-committee meeting centred around whether the site fulfils the purposes of being included within the green belt; whether there is a need for the provision of additional parking spaces for Victory Hall; and whether the provision of the additional car parking spaces is sufficient grounds to justify an otherwise inappropriate development within the green belt.

3. Some Councillors thought that the inclusion of this piece of land within the green belt was anomalous and that the construction of a house on the site would be more in keeping with the street scene. The view was also expressed that the land is in an untidy condition. Other Councillors felt that the green belt boundary should be considered through other processes and that it was not appropriate to consider the merits of the inclusion of the land in the green belt through the Development Control process.

4. Accordingly, they felt it was too soon to consider allowing a dwelling on the site. With regard to the dwelling itself, there was some debate regarding its size, with

some Councillors considering that the dwelling was too big, and others considering that its size was in keeping with other dwellings within the street. One Councillor expressed an opinion that the amount of car parking proposed was not enough to justify very special circumstances for allowing a development within the green belt, but felt that there was sufficient space within the site for the amount of car parking provided to be increased.

5. When the application was finally considered Councillors were unable to make a decision. 7 votes were recorded against the proposal and 7 votes were recorded in favour of the proposal, with one abstention. The Committee Chairman declined to use her casting vote and accordingly the application has been referred to the District Development Committee.

### **Conclusion**

6. The Committee should consider whether there are exceptional circumstances in this case that would outweigh the harm to the open character and appearance of the Metropolitan Green Belt.



**District Development Control Committee**  
**9 June 2009**

**Extract from Area Plans Subcommittee South Agenda 15 April 2009**  
**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0247/09
<b>SITE ADDRESS:</b>	Land Adjacent to Copperfield Lodge Hainault Road Chigwell Essex
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Mr Syed Raza
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of new five bedroom house with basement and integral garage.
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**REASON FOR REFUSAL**

- 1 The site is within the Metropolitan Green Belt. The proposed development is inappropriate development in the Green Belt and, by definition, harmful. It is at odds with Government advice contained within PPG2, and Policy GB2A of the adopted Local Plan and Alterations and moreover would detract from the openness of the Green Belt at this location. No very special circumstances have been demonstrated to justify the granting of planning permission in this case.

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

**Description of Proposal:**

Planning consent is being sought for the erection of a new five bedroom house with basement and integral garage.

### **Description of Site:**

Large overgrown plot located on the eastern side of Hainault Road within the Metropolitan Green Belt. To the north lies a site accommodating Chigwell Library, Chigwell Parish Council offices, a Working Men's Club and Victory Hall. To the south lie two detached dwellings, namely Nos. 30 and 40a (Copperfield Lodge). Open views exist to the rear. Chigwell underground station is located some 250m from the site and Hainault Road is on the 167 London bus route.

### **Relevant History:**

Varied history dating back to 1949. However applications of note more recently are:

CHI/0021/72 – Erection of synagogue – Refused 23/02/76

EPF/1258/91 – Development of land for residential purposes – Refused 17/01/92 and dismissed on appeal with the reason being that it represented inappropriate development in the green belt

### **Policies Applied:**

#### Government Guidance

PPS1 – The Planning System: General Principles

PPG2 – Green Belts

#### Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

CP9 – Sustainable Transport

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

H1A – Housing Provision

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

DBE6 – Car Parking in New Development

DBE8 – Private Amenity Space

DBE9 – Loss of Amenity

ST1 – Location of Development

ST4 – Road Safety

ST6 – Vehicle Parking

I1A – Planning Obligations

### **Summary of Representations:**

9 neighbours were consulted, and a site notice was erected, the following representations were received:

PARISH COUNCIL – Supports this application on the grounds that it acknowledges it is a special case, it would be beneficial to the community and the development follows the existing street scene. The Council would ask EFDC to consider the visual appearance of the existing car park if this development is permitted.

30 HAINAULT ROAD – object on the grounds that the size and mass is out of character with the houses at this end of Hainault Road contrary to DBE1; the site is in the Green Belt and is contrary to GB2A; proposal will have an adverse impact on the openness and visual amenity of this parcel of the MGB, contrary GB7A; proposal

show no measures to protect an established habitat of wildlife habitat of wildlife, contrary to NC4.

CHIGWELL VICTORY HALL – Chairman of the trustees has no objection to the house but objects to the potential car parking as it will intrude on privacy of various activities of the hall. Not aware of the need for parking spaces. It is a sweetener. No traffic statement on sight lines. EFDC Estates and Valuation dept are aware of this matter. The situation has arisen from the fear of travellers staying on the site and local residents have taken fright.

PETITION OF 67 LOCAL RESIDENTS – strongly supporting the application on the grounds that the provision of additional parking for Victory hall renders the land a special case for building on what is an anomalous Green Belt site. The house is entirely in keeping with the street scene.

### **Issues and Considerations:**

The main issues here relate to the appropriateness of the proposal in terms of impact on the Metropolitan Green Belt, appropriateness of the application in terms of prematurity given the site is being considered as a potential Gypsy and Traveller site; its design and impact on the neighbouring amenity and any highway safety issues.

#### **Green Belt**

The site is located within the Metropolitan Green Belt. Government guidance as contained within PPG2 states that there is a general presumption against inappropriate development within the green belt. Such development should not be approved, except in very special circumstances.

Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:

- agriculture and forestry
- essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it
- limited extension, alteration or replacement of existing dwellings
- limited infilling in existing villages and limited affordable housing for local community needs under development plan policies according with PPG3 (Housing) or
- limited infilling or redevelopment of major existing developed sites identified in adopted local plans.

Policy GB2A of the adopted Local Plan and Alterations mirrors this approach and states in paragraph 5.22a that, 'Any development which is not in accordance with this policy would be inappropriate in the Green Belt.'

The proposal here for one new detached dwelling is not in accordance with this policy. Therefore it is considered inappropriate development. It is considered that a new dwelling here would detract from the open character and appearance of the green belt and very special circumstances will need to be demonstrated. The applicant states that,

'Although the site falls within the Green Belt there are special circumstances for the development proposed to be permitted. The neighbouring local amenity, 'Victory Hall' and adjacent local library require more parking and so it is proposed that a portion of land to the northwest perimeter of the site be assigned over from the applicant's ownership to Epping Forest District Council to be used to provide 13 no. additional parking spaces as indicated on the plan. This is proposed as a benefit to the local amenity in return for allowing the proposed development of the new house to take place.'

Having visited the site, it was noted that there are 34 parking spaces to both the front and rear of the buildings. A further 13 would result in a total of 47 parking spaces. The benefit of 13 additional car parking spaces is doubtful. No need has been proved on the site for these additional spaces. A clear need has not been proven on this site. Chigwell underground station is 250 yards from the site and it is on the 167 local bus route. The Council's Senior Planning Policy Officer backs this view with the argument that Planning policy PPS1, PPS3 and Local Plan policy CP9 (ii) and (iv), encourages the use of alternatives to the car and in particular on a site that is well located for existing bus and train services.

Furthermore, the Chairman of Victory Hall objects to the scheme stating that he is not aware of the need for the additional spaces.

The area proposed to be given over for parking is in any case also within the Metropolitan Green Belt and the intrusion of parking into this area would clearly be a further breach of adopted Green Belt policy.

The applicants also argue that the proposed house will help to meet the housing need in the local district. However, housing need is for dwellings that will meet the need of those, in particular, who are on incomes struggling to afford to buy. The proposal for a 5 bedroom house will not meet this need.

Additionally, residential development was proposed on this site in 1992 but was subsequently dismissed at appeal, where the Inspector considered that, 'visually it provides an important link with the large green belt area to the east.' The Inspector argued that it was all the more important given the development of the dwellings at Nos. 30 and 32 Hainault Road and in his view, '...this has increased the significance of the appeal site's contribution to the character of the MGB. I consider that its development...by largely closing this important gap would adversely affect the character of the green belt in this area.'

In conclusion, officers consider that there are no very special circumstances to justify the development of the site, which would adversely affect local green belt character and would be contrary to the objectives of green belt policy to protect such areas from general development.

#### Prematurity

A response from the Council's Senior Planning Policy Officer has been received regarding the fact that the site is currently being considered as a potential site to take

forward to help meet the need for extra pitches in the district by 2011. He emphasises that responses are currently being considered and the decision about which sites to take forward will only be made once all responses have been deliberated over.

Planning Policy Statement 1 (PPS1) supplementary document, The Planning System: General Principles allows for circumstances where it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan Document (DPD) is being produced, in this case the Gypsy and Traveller DPD. Where the cumulative effect of proposals will pre-empt decisions about location it is justifiable to refuse the application on the grounds of prematurity.

On balance however, whilst officers are concerned that this application may be being used as a way to ensure that the site is not designated for a gypsy site and whilst it would be regrettable to lose one of the potential sites from the draft document, it is not considered that the draft document has sufficient weight at this stage to warrant a reason for refusal on prematurity grounds.

### Amenity

In terms of impact on neighbouring properties the proposed dwelling has been located well within the plot and set away from No. 30 to the south. No windows are proposed on the flank facing that dwelling so no loss of privacy will occur.

### Design

The proposed house will be set away from the northern boundary with the Victory Hall site by between 5 and 10m and from the southern boundary with No. 30 by 5.4m. It would sit comfortably within the sites. Hainault Road is typified by large detached dwellings in expansive plots. The dwelling follows the existing building line along this part of Hainault Road and is of a style typical of new builds in this area. Therefore it would not appear out of keeping with the existing character of the area

A streetscene elevation shows the dwelling, whilst slightly higher than its neighbour at No.30, it is indicated that it would be the same height as its neighbour to the north, Victory Hall. The height of the proposed dwelling would be 9.3m high. Victory Hall is a single storey building with a semi circular roof. It is clear that Victory Hall is not as high as this. This is combined with the fact that it is located on ground level at least 1m lower given the incline of Hainault Road. The accuracy of the plans is therefore questioned in this respect. However, notwithstanding this, given the separation of at least 20m between the proposed house and Victory Hall and the number of trees separating the buildings the height differential would not be so apparent.

There appears to be sufficient private amenity space to accommodate a house of this size.

### Highways

The Highway Authority has no objections to the scheme subject to relevant conditions.

### Other Issues

The Design and Access Statement submitted by the applicant states under the section entitled 'The Proposal' that:

'The applicant was recently approached by the council who suggested that an application should be made to build a new single dwelling house on the land to boost local housing stock by using a potential infill site in an already established street.'

For the avoidance of doubt it is contested that the council referred to here is not the District Council, for as far as Officers are aware no discussions have taken place regarding this site. We can only assume that the applicant means Parish Council in this instance.

**Conclusion:**

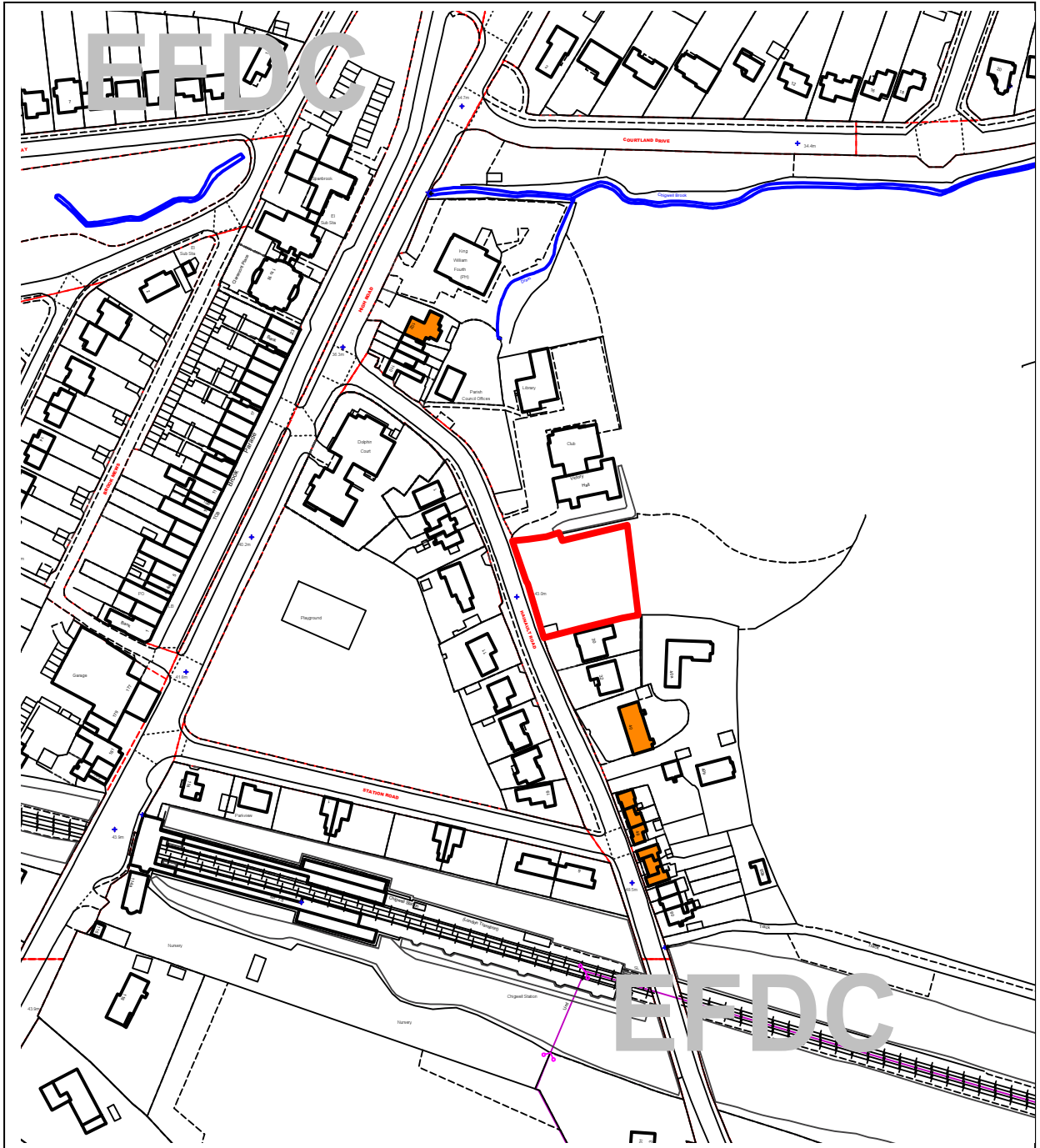
Whilst the site can accommodate a dwelling of this size and design, it is located in the Green Belt and is inappropriate development and is visually harmful to the openness of the Green Belt. The potential to provide 13 parking spaces on undeveloped Green Belt land to serve the neighbouring site is not considered to represent very special circumstances sufficient to outweigh the very real harm to the openness of the Green Belt that the house, and indeed the parking, would represent.

The application is therefore recommended for refusal.



# Epping Forest District Council

## Area Planning Sub-Committee South



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Agenda Item Number:	5
Application Number:	EPF/247/09
Site Name:	Land Adjacent to Copperfield Lodge Hainault Road, Chigwell, IG7 6QX
Scale of Plot:	1/2500

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## **Report to District Development Control Committee**

**Date of meeting: 14 December 2011**

**Subject: Planning application EPF/1972/11 - Pine Lodge, Lippetts Hill, High Beech – Erection of extension to form residential annexe.**



**Epping Forest  
District Council**

**Officer contact for further information: Jill Shingler  
Committee Secretary: S Hill Ext 4249**

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### **Recommendation:**

**That the application be approved 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; and**
- (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.**

### **Report Detail:**

1. (Director of Planning and Economic Development) This application is brought before committee as the proposal is for development on Cllr Mrs Stavrou's residence.

### **Planning Issues**

#### **Description of Development**

2. Consent is being sought for the removal of an existing extension, currently used as a home office/utility room and rebuilding of this area, together with a further single storey addition, to provide a kitchen/diner and bedroom with en suite bathroom for use as an annexe to the existing dwelling.

#### **Description of Site:**

3. The existing dwelling is a two storey 3 bed residential property, originally a barn, located on the western side of Lippitts Hill, High Beech. The building is adjacent to a stable yard and stables that are within the same ownership. The existing office/utility room area is a single storey element to the side of the main house, which is side on to the road. The access to the house is shared with the stable business and runs past the front of the property and there is an enclosed private garden to the rear. Springfield Farm House immediately to the south of the site is a listed building.

### **Relevant History:**

4. The larger site includes Springfield Farm to the south and there is an extensive planning history. The applications most relevant to the determination of this application are:

- EPF/1056/96 Use of ground floor of stable building as riding centre office and staff rest room, and use of first floor as staff flat. Approved.

- EPF/377/02 Change of use of ground floor of stable building from riding centre, office and staff rest room to residential in connection with the residential use of the first floor. Approved.

### **Policies Applied:**

5. Epping Forest District Local Plan and Local Plan Alterations:

GB2A – Development in the Green Belt.

DBE10 - Residential extensions

HC12 – Development affecting the setting of listed buildings

### **Summary of Representations:**

6. TOWN COUNCIL - No Objection

3 neighbouring properties were notified and a site notice was erected, no responses were received.

### **Issues and Considerations:**

7. The main issues in the determination of this application are impact on the Green Belt, design and impact on the existing dwelling and on the setting of the adjacent listed building and impact on neighbouring properties.

#### Green Belt

8. The proposal results in an increase in residential floorspace of less than 19 square metres, as the major element of the addition is simply replacing existing floorspace. This would be the first extension to the dwelling and can be regarded as a limited extension to an existing dwelling and therefore appropriate development in the Green Belt. The proposal is for an annexe to the main dwelling for family members and is clearly linked to the main dwelling with an interlinking internal door. The site is not suitable for the creation of a separate dwelling unit, due to its Green Belt location and lack of separate parking and private amenity space, but it is considered that an ancillary annexe use is appropriate. The proposed addition is modest and has a low roof, and will be largely hidden from view from the road by existing screening, as such the development is not considered harmful to the openness of the Green Belt in this location and complies with policy GB2A..

#### Design

9. The proposed addition replaces an existing element of the building that is of no design merit or historic interest. The proposed extension is to be built of brick walls and pantile roof and will incorporate weatherboard on the end elevation (facing

the road), all to match the existing building. Window and door detailing has also been designed to match the existing.

10. The extension of floorspace to the rear of the property, does run counter to the existing linear nature of the building, but given the lack of space for further linear extension and the small size of the addition it is not considered that this undermines the character of the original building. The extension is very much a subordinate addition and complies with DBE10.

11. Given the design and materials of the proposed addition and that it is an annexe and not intended for use as a separate dwelling, it is not considered that the addition has any adverse impact on the setting of the adjacent listed farmhouse. It therefore complies with policy HC12.

#### Impact on Neighbours

12. The proposed extension is away from any boundary with neighbouring properties and will not have any adverse impact on neighbours residential amenity.

#### **Conclusion**

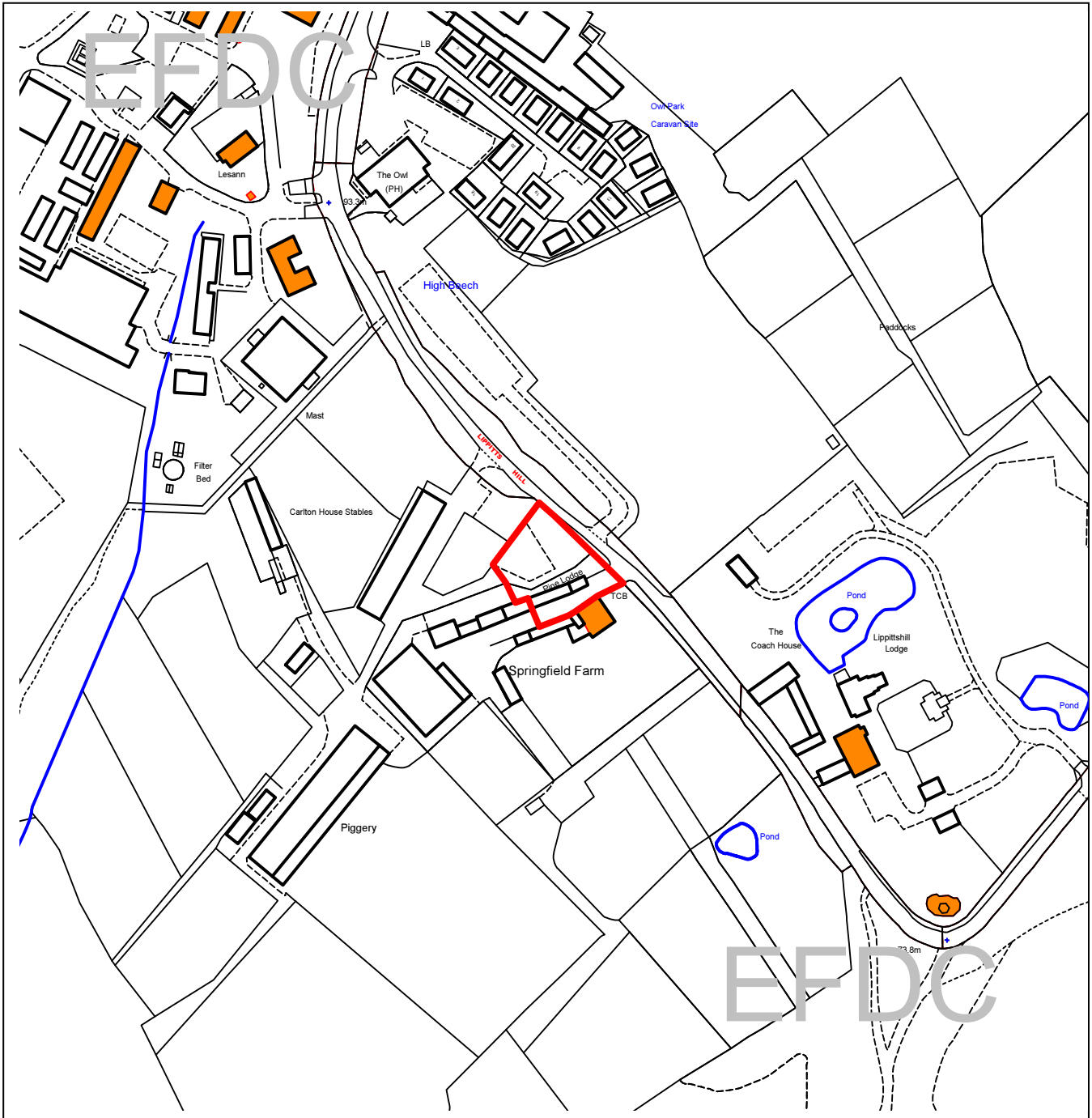
13. The development is considered to be in accordance with the adopted policies of the Local Plan and Alterations and is therefore recommended for approval.

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# Epping Forest District Council

## District Development Control Committee



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<b>Agenda Item Number:</b>	
Application Number:	EPF/1972/11
Site Name:	Pine Lodge, Lippitts Hill High Beech, IG10 4AL
Scale of Plot:	1/2500

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## **Report to District Development Control Committee**

**Date of meeting: 14 December 2011**

**Subject:** Planning application EPF1758/11 – Pine Lodge, Lippitts Hill, Waltham Abbey – Provision of roof mounted solar array on existing equestrian building.



**Epping Forest  
District Council**

**Officer contact for further information:** Lindsay Trevillian Ext 4337  
**Committee Secretary:** S Hill Ext 4249

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### **Recommendation:**

**The planning application EPF/1758/11 be granted subject to the following condition:**

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

**Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).**

### **Report Detail**

1. This application is brought before committee as the proposal if for a development on Cllr Stavrou residence.

### **Planning Issues**

#### **Description of Proposal:**

2. The applicant seeks planning permission for the installation of 150 solar panels on the south facing slope of the existing indoor riding building. The panels will be mounted 50mm above the roof and would comprise of 5 rows of 30 columns. Each solar panel would measure 9991mm by 1665mm. The solar panels would provide a renewable source of energy to the subject site.

#### **Description of Site:**

3. The subject site is located on the western side of Lippitts Hill just south of the Police Training Camp on the outskirts of High Beech. A complex of equestrian buildings is located beyond a residential dwelling that fronts onto Lippitts Hill. The site is well screened by mature vegetation located on the front boundary. The site and the surrounding area are located within the Metropolitan Green Belt. Open fields comprising of agricultural buildings surround the site.

#### **Relevant History:**

4. There have been a number of planning applications submitted over the years however none of them are relevant to this proposal.

### **Policies Applied:**

5. Local Plan policies relevant to this application are:
- CP1 Achieving Sustainable Development Objectives
  - CP2 – Protecting the Quality of the Rural and Built Environment
  - CP4 – Energy Conservation
  - CP10 – Renewable Energy Schemes
  - DBE1 – Design of New Buildings
  - DBE2 – Effects to Adjoining Properties
  - DBE4 – Development within the Green Belt
  - DBE9 – Loss of Amenity
  - GB2A – Development within the Green Belt
  - HC12 – Setting of a Listed Building

### **Summary of Representations**

6. Two neighbouring properties were notified by mail and a site noticed placed on site. No representations were received.
7. TOWN COUNCIL: - No comment as Deputy Leader of the Council is the applicant.

### **Issues and Considerations:**

8. The main issues to be addressed are:
- Design and Appearance
  - Green Belt
  - Neighbouring amenities

#### Design and appearance:

9. Each solar panel is relatively small in terms of their size. However as a whole they would comprise of an area of 20.4 metres by 7.3 metres and would take up the majority of the south facing roof slope of the building.
10. The proposed panels are to be coated in an anti reflecting coating in order to reduce any glare and reflection. They would also only project 50mm from the roof slope and as such they would hardly be noticed.
11. The existing building is set well back from the highway and the cumulative effect of the panels would not result in an unnecessarily visual harm to the existing building.
12. The character and appearance of the building would still respect the wider landscape setting of the rural area. The flat profile of the panels will ensure that it appears little more than a conventional roof covering.
13. The proposal to mount 150 solar panels on the roof slope of an existing building would not result in a harmful impact upon the character and appearance of the surrounding area.



Green Belt:

14. No visual harm will be caused to the open character of the Green Belt. Although the solar panels would take up the majority of the south facing roof slope, they would not add to the overall building footprint of the existing building.

Neighbouring amenities:

15. Given the distance the existing building is set away from adjoining dwellings and that the panel themselves would be coated in non-reflective coating to reduce glare and reflection, the proposed development would not cause a detrimental harm to the amenities enjoyed by adjoining occupiers.

Other issues:

16. The panels would not result in harm to adjacent listed buildings.
17. Policy CP10 state that proposals for renewable energy schemes will be permitted provided there is no significantly adverse effect upon existing land uses from loss of visual amenity, noise, pollution, upon the safety of the local highway network, or upon flight paths for aircraft and radar installations and sites of natural conservation.
18. It should be noted that the Metropolitan Police Cadet Training Camp is located approximately 150-200 metres north of the building in which the solar panels are to be mounted. Given that the Metropolitan Polices Air Support Unit operates from these grounds the application was referred to them for comments regarding whether the proposed solar panels would be harmful to the safety of flight paths of the Air Support Units. At the time of writing this report, no comments were received from the Metropolitan Police but if received, they will be verbally reported. As stated above, the panels will be ant-reflective, so it is not anticipated that there will an issue of glare to the operators of the aircraft.
19. Both PPS1 and PPS22 promote and encourage the development and use of renewable energy schemes particularly small scale schemes such as the proposed in order to fight against climate change and the delivery of sustainable forms of development.

**Conclusion:**

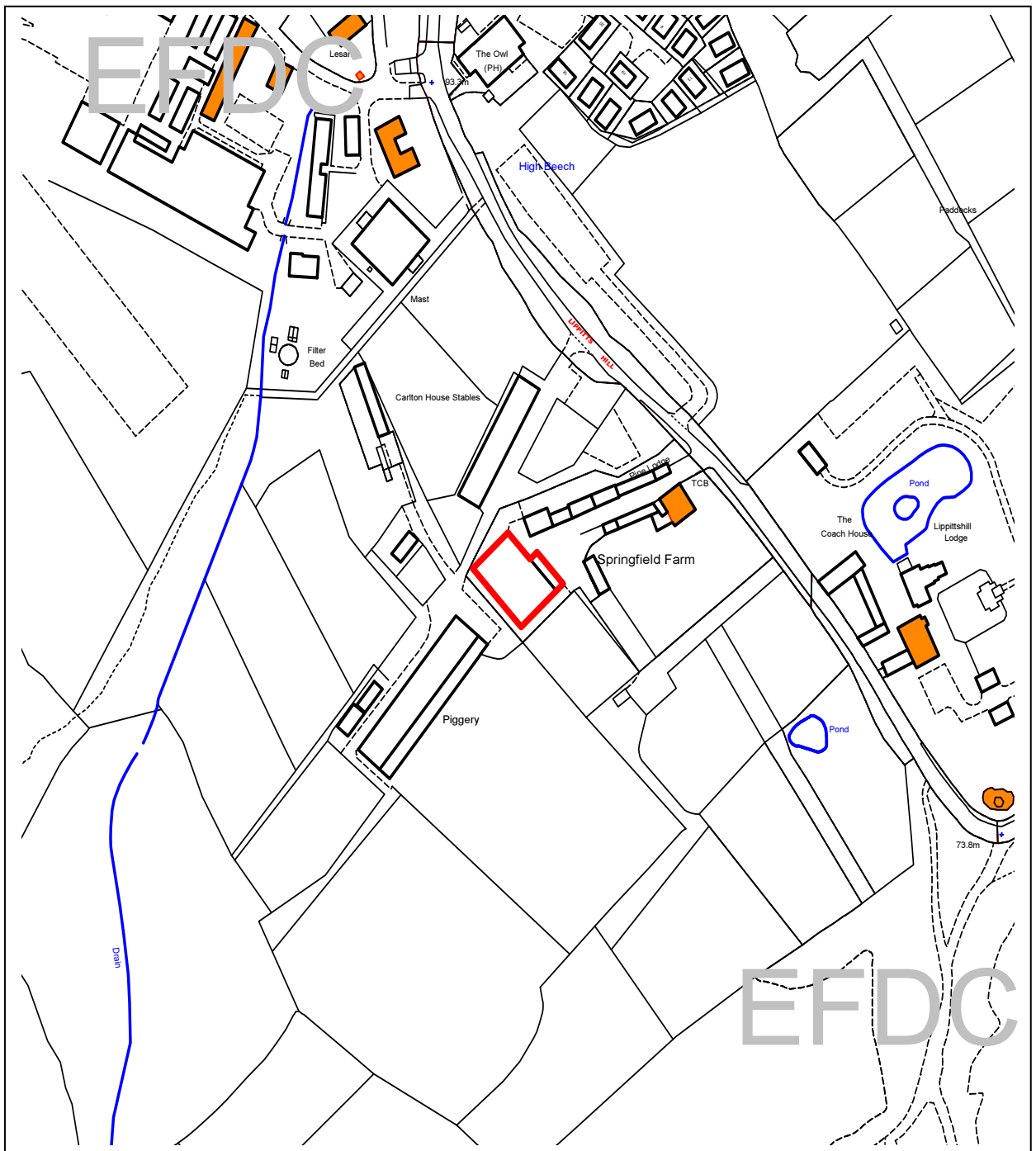
20. In conclusion, the proposal to mount 150 solar panels on the south facing roof slope of the existing building is appropriate in terms of design and appearance and that it would not result tin a harmful impact upon the openness of the Green Belt or upon neighbouring users or neighbours. The proposed development is in accordance with national and local policies and therefore it is recommended that the application be granted permission subject to suggested conditions.

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# Epping Forest District Council

## District Development Control Committee



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<b>Agenda Item Number:</b>	
Application Number:	EPF/1758/11
Site Name:	Pine Lodge, Lippitts Hill High Beech, IG10 4AL
Scale of Plot:	1/2500

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