

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

**Committee:** District Development Control **Date:** 25 June 2014  
Committee

**Place:** Council Chamber, Civic Offices, **Time:** 7.30 - 8.25 pm  
High Street, Epping

**Members Present:** B Sandler (Chairman), R Butler, R Jennings, H Kauffman, Ms Y Knight,  
Mrs J Lea, C C Pond, D Stallan and G Waller

**Other Councillors:**

**Apologies:** B Rolfe, A Boyce, Mrs H Brady, J Hart, Mrs S Jones and J Knapman

**Officers Present:** N Richardson (Assistant Director (Development Management)),  
G J Woodhall (Democratic Services Officer) and R Perrin (Democratic Services Assistant)

### **1. WEBCASTING INTRODUCTION**

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

### **2. APPOINTMENT OF VICE CHAIRMAN**

As the Vice-Chairman had tendered his apologies for the meeting, the Chairman invited nominations from the Committee for the appointment of a Vice-Chairman for the duration of the meeting.

**Resolved:**

(1) That Councillor Y Knight be appointed as Vice Chairman for the duration of the meeting.

### **3. WELCOME AND INTRODUCTION**

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

### **4. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

The Committee noted that Councillor Stallan was substituting for Councillor Hart and Councillor Waller was substituting for Councillor Boyce.

### **5. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following item of the agenda, by virtue of the

applicant having been a former member of the Conservative group at the District Council and the applicant's wife being a current member. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2554/13 11 Mount End, Theydon Mount.

(b) Pursuant to the Council's Code of Member Conduct, Councillors J Lea and G Waller declared a personal interest in the following item of the agenda, by virtue of the applicant's wife being a current member of the Conservative group at the District Council. The Councillors had determined that their interest was not pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2554/13 11 Mount End, Theydon Mount.

## 6. MINUTES

### Resolved:

- (1) That the minutes of the meeting held on 20 March 2014 be taken as read and signed by the Chairman as a correct record.

## 7. EPF 2361/09 212 MANOR ROAD, CHIGWELL - REDEVELOPMENT OF LAND FORMERLY IN USE AS A GARDEN CENTRE TO PROVIDE 21 FLATS 80% OF WHICH WILL BE AFFORDABLE HOUSING (REVISED APPLICATION)

The Committee considered a variation to the terms of an existing Section 106 Agreement for the approval of an application to redevelop land formerly in use as a Garden Centre to provide 21 flats, 80% of which would be affordable housing, at 212 Manor Road in Chigwell.

The Assistant Director of Governance (Development Control) reminded the Committee that the Section 106 Agreement had included a contribution of £40,000 towards the re-opening of a Post Office counter service in the local area. However, it had been subsequently highlighted that the need for such a counter within the vicinity no longer existed. The Post Office had subsequently confirmed that it would be detrimental to business carried out at adjacent branches operating locally, and that the removal of this obligation from the Section 106 Agreement was considered reasonable. Section 106 Agreements for other developments within Manor Road had secured the equivalent sum of £40,000 towards further provision of affordable housing, and therefore it was felt that no additional obligation should be sought from the Developer.

The Chairman, a local ward Member for Chigwell Row, confirmed that the small Post Office formerly in the area had been unsustainable and hence it had closed. Thus, a Post Office counter within the vicinity was not viable and the recommendation had his support.

### Resolved:

- (1) That the following variation to the terms of the existing Section 106 Legal Agreement (to be completed within six months) be agreed:

- (a) the removal of the obligation to contribute the sum of £40,000 toward the re-opening of a Post Office counter within the locality of 212 Manor Road, Chigwell.

**8. EPF/1399/09 212 MANOR ROAD, CHIGWELL - OUTLINE PLANNING PERMISSION FOR 68 RESIDENTIAL UNITS (52 AFFORDABLE) INCLUDING PUBLIC OPEN SPACE WITH ALL MATTERS RESERVED EXCEPT ACCESS**

The Committee considered a variation to the terms of an existing Section 106 Agreement for the approval of an application to redevelop land formerly in use as a Garden Centre to provide 68 residential units, 52 of which would be affordable housing, at 212 Manor Road in Chigwell.

The Assistant Director of Governance (Development Control) reminded the Committee that the Section 106 Agreement had included a contribution of £120,000 towards the re-opening of a Post Office counter service in the local area. It was intended that this sum, along with a further £40,000 contribution from an adjacent development, would fund the operation of a Post Office counter from a nearby shop for three years. However, as reported earlier in the meeting, it had been subsequently highlighted that the need for such a counter within the vicinity no longer existed. The Post Office had subsequently confirmed that it would be detrimental to business carried out at adjacent branches operating locally, and that the removal of this obligation from the Section 106 Agreement was considered reasonable.

The Assistant Director reported that the payment of £120,000 was to be in three instalments; the first had been received at the commencement of the development and the second instalment was now due. The removal of this obligation would eliminate an element of community gain from the development, and Officers had negotiated that the first payment should be retained by the Council, rather than returned to the Developer, for the purposes of delivering further affordable housing within the local area. The Developer had finally agreed to this and therefore it was felt that no further contribution should be sought from the Developer.

In response to questions from the Committee, the Assistant Director stated that "...within the local area..." in recommendation 1(b) of the report would mean Chigwell, however in practice, the monies would be added to the Districtwide 'pot' and used more widely throughout the District. To this end, it was proposed (and seconded) by the Committee that "...within the local area..." should be removed from the recommendation as this would create a precedent for future applications. It was highlighted that the money received would be used to provide affordable housing within the District, for the benefit of residents within the District.

The Assistant Director concluded that any Section 106 monies should be necessary and directly related to the development. This particular development had now almost been completed and the Council's Officers had performed admirably to negotiate the retention of the monies already received.

**Resolved:**

(1) That the following variations to the terms of the existing Section 106 Legal Agreement (to be completed within six months) be agreed:

- (a) the removal of the obligation to contribute the sum of £120,000 toward the re-opening of a Post Office counter within the locality of 212 Manor Road, Chigwell; and
- (b) the additional obligation to contribute the existing paid sum of £40,000 toward the provision of affordable housing.

9. **EPF/2554/13 11 MOUNT END, THEYDON MOUNT - CERTIFICATE OF LAWFUL DEVELOPMENT FOR RETENTION OF HARDSTANDING AND USE OF HARDSTANDING FOR VEHICLE PARKING IN ASSOCIATION WITH DWELLING AND STABLES**

The Committee considered an application for a Certificate of Lawful Development for the retention of hardstanding and use of hardstanding for vehicle parking in association with the dwelling and stables at 11 Mount End, Theydon Mount.

The Assistant Director of Governance (Development Control) reported that the only issues to be considered was whether or not the evidence demonstrated the Applicant's claim that, on the balance of probability, the hardstanding had been in existence for more than four years and that the parking use had taken place without interruption for a period of at least ten years. There were no national or local planning issues to consider. The application had been directly reported to the Committee as the Applicant was the spouse of a current serving District Councillor and the application related to a property in their ownership.

The Committee noted the summary of representations, and that the Parish Council had offered no objections to the application. Five representations had been received in support of the application, whilst one representation from Barkers Farm had objected to the application on the grounds that the area was actually a hard surface, not hard standing as it was without foundations, that the area had not been used by the applicant for a period of ten years for parking, and that the application was not supported by sworn affidavits.

The Assistant Director stated that the Council had aerial photographs of the area which had been taken in 2004, 2007 and 2011, and the area of hardstanding (along with the stables) were clearly visible on all three pictures. Normally, sworn statements would be sought by the Council, but the presence of the aerial photographs had confirmed the representations submitted by the majority of the respondents. No definition of hardstanding was given in either the Town and Country Planning (General Permitted Order) Act or the Highways Act; the Oxford Dictionary definition of hardstanding was "*an area with a hard surface for a vehicle to stand on*". Therefore, it was not considered necessary for the surface to sit upon foundations for it to be considered hardstanding.

The Assistant Director concluded that, in the opinion of Officers, sufficient evidence existed to demonstrate, on the balance of probability, that the claim was lawful. If the Committee agreed then it was proposed that the Certificate of Lawfulness be issued subject to the condition that the use was incidental to the use of the stables and the residential property at 11 Mount End, and would not form any extension to the existing residential curtilage.

**Resolved:**

- (1) That a Certificate of Lawful Development be issued for the retention of hardstanding and use of hardstanding for vehicle parking in association with the dwelling and stables at 11 Mount End in Theydon Mount;
- (2) That this Certificate be issued as the Local Planning Authority was satisfied of the lawfulness of the development by reason of the passage of time prescribed in Section 171(b) of the Town and Country Planning Act 1990 (as amended) being met; and

(3) That the existing residential curtilage not be extended by the inclusion of the area of hardstanding for which a Certificate of Lawfulness had been issued in resolution (1) above.

**10. EPF/0630/14 69 BALDWINS HILL, LOUGHTON - SINGLE STOREY REAR EXTENSION, GARAGE CONVERSION AND DORMER WINDOW TO FRONT ELEVATION**

The Committee considered an application for a single storey rear extension, garage conversion and dormer window to the front elevation at 69 Baldwins Hill in Loughton.

The Assistant Director of Governance (Development Control) reported that this application had been considered by Area Plans Sub-Committee South on 11 June 2014 with an Officer recommendation to grant approval. The Officer recommendation was lost and a minority reference to this Committee was made. However, there was no formal proposal to refuse the application made at that time and therefore the application was before the Committee with the original Officer recommendation.

The Assistant Director stated that the proposed development was for a single storey rear extension which would be 3.5metres deep, 10.5 metres wide and 3.2 metres high. The application also included a front porch and new front dormer windows which would alter the façade of the dwelling. It was also proposed to change the garage into a habitable living space. The Committee noted the representations received from 71 Baldwins Hill, The Hills Amenity Society and Loughton Town Council; all of whom had objected to the application.

The Assistant Director reported that the main issues to consider were the effects of the proposal on the living conditions of neighbours and the design of the proposal with regards to the existing building and its setting. After considering Neighbour Amenity issues and Design issues, Officers had concluded that the rear extension was of a modest size, the development would not harm the living conditions of the neighbouring properties and the design respected the existing building. Therefore, it was recommended that planning permission be granted.

The Assistant Director commented upon the appeal decision from 1986. It did concern a similar sized extension and Officers were surprised that the appeal was dismissed, but the Planning Inspector had considered the potential loss of light to the neighbours. Planning Law had changed since then and the Applicant could now build a similar sized extension as in 1986.

The Committee heard from an Objector before proceeding to debate the application.

The Assistant Director assured that Committee that the Planning Officer had visited the site to consider the loss of light issue, and it was believed that the potential harm was not significant enough to justify refusal. Extensions of this size were normally acceptable. Planning rules had been relaxed since the appeal decision quoted in the report from 1986; it was acknowledged that more information regarding that decision should have been included in the report. It was confirmed that the Applicant could build a 4 metre single storey extension under their permitted development rights; the application was for an extension 3.5 metres long which would be 2 metres beyond the houses on either side.

Some members of the Committee had sympathy for the views expressed by the Objector and proposed a motion to refuse the application, on the grounds that:

- the development, by virtue of its incongruous appearance would have a deleterious effect on the street scene;
- the host dwelling would have insufficient private amenity space in its rear garden contrary to Policy DBE8; and
- The proposed rear extension was overbearing and unneighbourly and would have an adverse effect on the amenities of the adjoining properties, especially given the lack of light to the rear and gardens of these houses, because of the preserved trees adjoining.

However, the proposal was lost by a narrow majority.

The Committee further considered the merits of the case and noted that of the four neighbouring residents consulted regarding the application, only one had objected. The Committee felt that it was very difficult to object to the proposed rear extension as the light predominantly came through the trees at the back of the gardens. It was also noted that, although the two neighbouring houses were very similar, they were not identical. The Assistant Director highlighted that the application site was not in the Baldwins Hill Conservation Area.

**Resolved:**

- (1) That planning permission be granted subject to the following conditions:
  - (a) the development hereby permitted be begun not later than the expiration of three years beginning with the date of this notice; and
  - (b) all construction/demolition works and ancillary operations, including vehicle movement on site which were audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 and 18.30 Monday to Friday and 08.00 and 13.00 hours on Saturday, and at no time during Sunday and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

**11. ANY OTHER BUSINESS**

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

**CHAIRMAN**