

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Management Committee **Date:** 4 October 2017

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.30 pm

Members Present: B Sandler (Chairman), B Rolfe (Vice-Chairman), H Brady, R Jennings, S Heap, S Jones, H Kauffman, J Knapman, R Morgan, C C Pond, G Shiell, D Stallan, J M Whitehouse, L Hughes and J Philip

Other Councillors: -

Apologies: G Chambers and S Kane

Officers Present: J Shingler (Principal Planning Officer), G J Woodhall (Senior Democratic Services Officer) and R Morton (Webcasting Officer)

14. WEBCASTING INTRODUCTION

The Senior Democratic Services Officer made a short address to remind everyone present that the meeting would be broadcast live to the internet, and would be capable of repeated viewing, which could infringe their human and data protection rights.

15. 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, for the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at Council Planning Committee meetings.

16. SUBSTITUTE MEMBERS

The Committee noted the following substitutions for this meeting:

- (a) Cllr L Hughes for Cllr S Kane; and
- (b) Cllr J Philip for Cllr G Chambers.

17. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Member Code of Conduct, Cllrs B Sandler and J Knapman declared a personal interest in the following item of the agenda, by virtue of having been present when Chigwell Parish Council had pre-submission discussions with the Applicant. The Councillors had determined that their interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/3386/16 Land West of Froghall Lane, South of Chigwell Cemetery, Chigwell.

18. MINUTES

Resolved:

- (1) That the minutes of the meeting held on 10 July 2017 be taken as read and signed by the Chairman as a correct record.

19. EPF/3386/16 - LAND WEST OF FROGHALL LANE, SOUTH OF CHIGWELL CEMETERY, CHIGWELL

The Principal Planning Officer (Development Management) presented a report for an assisted living development comprising of apartments and integrated communal and support facilities, landscaped residents' gardens, staff areas, refuse storage, construction of a new site access, a sustainable urban drainage system, a new sub-station and associated infrastructure and services. The application also included outline planning permission for a 0.45 hectare extension to Chigwell Cemetery. These applications had been considered by Area Planning Sub-Committee South at its meeting on 23 August 2017, when they had been refused permission as per the Officer's recommendation. However, four Members of that Sub-Committee then invoked the Minority Reference rules within the Council's Constitution to refer the applications to this Committee for a final decision.

The Principal Planning Officer stated that the application site comprised approximately 2.8 hectares situated west of Froghall Lane, between Chigwell Cemetery to the north and residential development to the south. The northern part of the site extended up to land that was part of the Central Line railway, the remainder of the site was set approximately 100 metres east of the existing turning head between 33 and 35 Mount Pleasant Road. Land levels fell 9 metres over a distance of 175 metres from the main eastern site boundary to Froghall Lane, and 1.5 metres over a distance of 30 metres in the north west corner of the site. Presently, the site was unused scrubland and was entirely within the Metropolitan Green Belt. The site was not in a conservation area but was in a Flood Risk Zone 1 area.

The Principal Planning Officer clarified that the site would be laid out as five buildings (blocks A – E), with each building having four floors containing a mixture of one and two bedroomed apartments. This would give a total of 105 apartments: 94 two-bedroomed apartments and 11 one-bedroomed apartments. Blocks B, D and E would stand alone in the central and eastern part of the application site, whilst blocks A and C would be situated on higher ground in the western area of the site. Each block was designed to have steeply pitched roofs with prominent gable features, and ridge heights would typically be between 16.5 and 17.5 metres above ground level.

The Principal Planning Officer explained that the proposed community facilities rooms would extend beyond each building on both ground floor levels, such that they would form a two-storey link between the blocks; the link building would also contain a reception / office area. The submitted planning statement had stated that the community facilities to be provided would include a library, restaurant, gymnasium and cinema. The Committee was also informed that the second reason for refusal should be amended by removing the second part of the first sentence which read "...and by restricting that contribution towards provision for older people only the proposal fails to make appropriate provision for affordable housing. ...".

The Principal Planning Officer stated that as part of the application, the Applicant had offered the following financial contributions to be secured by way of a Section 106 Agreement under the Town & Country Planning Act 1990:

- (i) £488,526 towards the provision of affordable housing within the District;
- (ii) £105,000 towards the running costs of the Chigwell Hoppa Bus service over a ten-year period; and
- (iii) £24,909 towards the provision of primary health care services.

These contributions would be in addition to the transfer of land to Chigwell Parish Council for an extension to Chigwell Cemetery.

The Principal Planning Officer remarked that, in order to ascertain whether an appropriate contribution for affordable housing was being made, the opinion of the Council's Director of Communities was requested. Following an analysis of the proposed scheme, the Director of Communities had advised Planning Officers that the scheme would generate sufficient surplus to enable a contribution of £8,755,981 to be made in lieu of the provision of on-site housing, which reflected the subsidy to be provided by the Developer if the affordable housing was provided on-site. This was considerably more than the £488,526 offered by the Applicant.

The Principal Planning Officer reported that the conclusion of Officers was the proposal would cause considerable harm to the Green Belt by way of the development as a whole being inappropriate, causing a severe reduction in openness and by conflicting with the purposes of including land in the Metropolitan Green Belt. Moreover, the application failed to make adequate provision for affordable housing. The benefits of the proposal in providing for the expansion of Chigwell Cemetery and specialist housing for the elderly were insufficient to overcome the harm from the proposed development to the Green Belt and the failure to make adequate provision for affordable housing. Consequently, the application had not demonstrated any very special circumstances to mitigate the harm to the Green Belt, and it was recommended that planning permission be refused.

The Committee noted the summary of representations received in respect of this application, including support for the revised application from Chigwell Parish Council and the receipt of identical letters of objection from 139 local addresses. The Committee heard from an Objector and the Applicant before proceeding to debate the application.

Cllr Knapman, a local ward Member for Chigwell Village, felt that there were two key considerations for this application: the class of land use; and whether the application attracted the need to provide affordable housing. The Councillor felt that the *sui generis* use class (unique, of its own kind) attributed to this application was not compatible with recent rulings, and should not be applied to a facility intended to provide 24-hour care. There was a chronic lack of this kind of facility throughout the whole country, and Cllr Knapman felt that this application should be classified as C2 (Residential Institutions, including Care Homes) use and a decision made on the level of affordable housing required as a result.

Cllr Knapman accepted that this was inappropriate development within the Green Belt; however, as virtually all of Chigwell Parish was within the Metropolitan Green Belt, then there were not many alternative sites. The access to the site was not perceived as a problem, there would not be much of an impact on the neighbours as most of the existing surrounding houses would only see the top of the proposed

buildings, and the communal area would provide facilities for local residents to use as well. In addition, the application would provide support for the Chigwell Hopper Bus, and it might provide some additional affordable housing for the District. The site was in the Parish Council's Neighbourhood Plan, but not the District Local Plan, and the site was better suited for development than Limes Farm. The very special circumstance was that the application would assist in relieving the chronic shortage of such facilities, and the Councillor would support the application.

Cllr Philip countered that the Parish Neighbourhood Plan and District Local Plan were not adopted documents, and therefore the Committee could not give any weight to them in determining this application. The Councillor could understand why this application was classified as *sui generis*, and the independent Viability Assessment gave a different view to that presented within the Application. Cllr Philip felt that the Application had not demonstrated any special circumstances to outweigh the harm to the Green Belt, this was neither the right place nor the right way to combat the perceived lack of such facilities, and there were simply not enough planning merits to support the Application.

The Principal Planning Officer explained that Planning Officers had taken advice from Counsel on the *sui generis* use, and there was no guarantee that all of the residents would be in need of care nor was there any requirement for them to be in need of such care. The proposed other facilities for the site had not been set out in the report, so it could not be confirmed as to whether a swimming pool for example would be provided as part of the application.

Cllr Jones stated that she agreed with the professional advice received by the Committee. Although the District needed this sort of facility, there was also a requirement for affordable housing and therefore the Councillor could not support this application. Cllr C C Pond also agreed with the Officer recommendation to refuse permission, and commented that the prime purpose of the Green Belt was to prevent urban sprawl, which was clearly applicable in this case. Cllr Kauffman felt that this was a site within the Green Belt, no special circumstances had been demonstrated, and there was no proven need to extend the Cemetery at the current time. The Councillor commented that perhaps this site would come forward in the future as part of the District Local Plan, but not at the current time.

Cllr Heap expressed some surprise that the Officer recommendation for this application had been to refuse permission. The Committee had previously considered an application at a different site for a similar development (EPF/2473/16 – Woodview, Lambourne Road, Chigwell) which had been recommended for and granted approval. The Chairman stated that he had visited the site and had been surprised at how the site would not cause any problems in terms of the Green Belt as no other areas close to the site had been built on. The Chairman was aware of the need for this type of facility and would support the application.

Decision:

(1) That planning application EPF/3386/16 at Land West of Froghall Lane, South of Chigwell Cemetery in Chigwell be refused permission for the following reasons:

1. The proposal as a whole was inappropriate development in the Green Belt, that was by definition harmful to it. Furthermore, by reason of the scale, bulk and height of the proposed buildings together with associated works, the proposal would cause considerable harm to the openness of the Green Belt. The proposed development amounted to a substantial intrusion of built form into the countryside and therefore

conflicted with two of the purposes of including the land within the Green Belt: to check the unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment. The benefits of the proposal were insufficient to overcome the harm it would cause to the Green Belt, and therefore the application did not demonstrate very special circumstances in favour of granting planning permission. Accordingly, the proposal was contrary to the Local Plan and Alterations policies GB2A and GB7A, which were consistent with the policies of the National Planning Policy Framework.

2. By reason of making an insufficient contribution towards the provision of off-site affordable housing. It was therefore contrary to the Local Plan and Alterations policies H5A, H6A, H7A and H8A, which were consistent with the National Planning Policy Framework.

20. EPF/1216/17 - 15 CURTIS MILL LANE, STAPLEFORD ABBOTTS

The Principal Planning Officer (Development Management) presented a report for the retention of the existing three-bedroomed bungalow on the site, which had been built without prior planning permission being obtained. This application had been considered by Area Planning Sub-Committee East on 6 September 2017, where planning permission had been granted; however, four Members of that Sub-Committee then invoked the Minority Reference rules within the Constitution to refer the application to this Committee for a final decision.

The Principal Planning Officer stated that the site was one of 30 plots in this area, on which stood predominantly single-storey buildings used as dwellings. These lots were close to the eastern boundary of the District in an isolated and discreet rural location to the east of Stapleford Abbots. These buildings were within the Metropolitan Green Belt, but they were not listed and nor did they lie within a conservation area. Originally, timber leisure chalets had been built on these plots for leisure and recreational uses during the summer months. However, over several decades, these chalets had come to be used as permanent dwellings and many were rebuilt for all year round occupation. Consequently, this section of Curtis Mill Lane was now characterised by bungalow dwellings occupied on a permanent basis.

The Principal Planning Officer reported that a timber chalet had existed on this particular site, but had been demolished to make way for the new bungalow. The new bungalow had been 80% built, but following enforcement action, works had ceased pending the outcome of this planning application. It was estimated that the new building was some 60-70% larger than the timber chalet that it had replaced. However, as it formed part of a built-up enclave, its impact on the openness of the Green Belt was reduced.

The Principal Planning Officer informed the Committee that Planning Officers had concluded this, and the other bungalows in the locality, provided a more affordable form of home than could generally be found elsewhere in the District. And while the erection of this replacement dwelling without planning permission could not be condoned, the proposal was considered acceptable. Therefore, it had been recommended that planning permission be granted, subject to conditions including the submission of details of the materials to be used on the external surfaces and details of a new front boundary enclosure, as well as the removal of permitted development rights.

The Committee noted the summary of representations received in respect of this application, including an objection from the Parish Council on the grounds that the

new dwelling was not in character with the buildings in the vicinity, and a letter in support from the neighbour stating that the local rat problem had resolved itself since the old building was demolished. There were no speakers registered for this application so the Committee proceeded to debate the application.

Cllr Brady expressed her concerns about the timber chalet which was previously in situ being replaced by a large bungalow, and that construction was started without seeking planning permission first; this was a rural location surrounded by countryside. Cllr Brady conceded that the Council could not probably do much to prevent the construction, and the removal of the local rat problem once the previous building was demolished was a positive aspect, but the Councillor was worried that this could set a precedent whereby buildings were constructed in the District without first seeking planning permission. Cllr Philip also stated his distaste for retrospective applications, but highlighted that this could not be taken account of as part of the decision making process. The Councillor could not perceive any good planning reasons for refusal, and there were several other buildings of a similar size at the location, so the application would be, reluctantly, supported.

The Principal Planning Officer reminded the Committee that, if an application had been received prior to construction, Officers would have most likely still recommended approval despite the bungalow being 60% bigger than the previous chalet on site. Cllr Morgan also reminded the Committee that the vote to approve the application at Area Planning Sub-Committee East had been overwhelmingly in favour, and that this was a permanent residence for living in and not a holiday home. The Chairman stated that he also disliked retrospective applications, but there was not much to dislike about this application.

Decision:

(1) That planning application EPF/1216/17 at 15 Curtis Mill Lane in Stapleford Abbots be granted permission, subject to the following conditions:

1. Details of the following shall be submitted to the Local Planning Authority, in writing, within four months of the date of this decision and, once approved, these details shall be fully implemented on site within a six-month period:
 - (a) the types and colours of the external finishes to be used on the new bungalow; and
 - (b) a new front boundary enclosure.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
3. The development hereby permitted will be completed strictly in accordance with the four approved drawings numbered 2087.1, 2087.2, 2087.3 and 2087.4.

21. EPF/1400/17 - 41 BOWES DRIVE, ONGAR

The Principal Planning Officer (Development Management) presented a report for the construction of a rear extension, garage and loft conversion at 41 Bowes Drive in Ongar. This application had been considered by Area Planning Sub-Committee East on 6 September 2017, where it had been directly referred to this Committee for a decision with no recommendation.

The Principal Planning Officer stated that the application site was a single storey semi-detached dwelling within the built up area of Ongar. The site was not within the Metropolitan Green Belt nor a conservation area. The application was requesting permission to construct a roof extension with a box dormer to the rear, and a single-storey rear extension, finished in matching brickwork, with a small link to the existing garage.

The Principal Planning Officer reported that Planning Officers had concluded the proposed development would not be unduly detrimental to the character and appearance of the area or the amenities of the neighbouring residents, and was very similar to that which could be completed under permitted development rights with the same impact upon neighbours. Consequently, the application complied with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies, and was recommended for approval.

The Committee noted the summary of representations received in respect of this application, including an objection from Ongar Town Council and an objection from the neighbour. The Principal Planning Officer highlighted that a further letter of objection had been received since the publication of the agenda from another neighbour in Bowes Drive, raising similar points to the objection summarised in the agenda. There were no public speakers registered for this application, so the Committee proceeded to debate the application.

The Committee noted that there were very few planning grounds on which to refuse the application, as if there was a 30cm gap between the rear extension and the existing garage instead of the proposed small link then the application could be constructed under permitted development rights.

Decision:

(1) That planning application EPF/1400/17 at 41 Bowes Drive in Ongar be granted permission, 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. 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.

22. ANY OTHER BUSINESS

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

23. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there was no business which necessitated the exclusion of the public and press.

CHAIRMAN