

Report to District Development Control Committee

Date of meeting: 1 December 2009



**Epping Forest
District Council**

Subject: Planning Application EPF/1767/09 – 40a Hainault Road, Chigwell - Change of use from vacant (formerly agricultural) to car parking and creation of 17 spaces involving excavation of soil and erection of retaining wall.

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

Recommendation:

That the Committee considers the Officer recommendation to grant planning permission for the change of use of the land for car parking in association with Victory Hall and approves the submitted layout of 17 car parking spaces 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.**

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

- 2 Before the commencement of the development, or of any works on the site, and concurrently with the detailed design plans, a tree survey shall be submitted to the Local Planning Authority. The survey shall contain relevant details on all trees on or adjacent to the site, and with a stem diameter of 100mm or greater, to include the following:**

- (a) Reference number, species, location, girth or stem diameter, and accurately planned crown spread.**
- (b) An assessment of condition, and value.**
- (c) Existing ground levels, including contours where appropriate, adjacent to trees, where nearby changes in level, or excavations, are proposed.**
- (d) Trees to be removed in conjunction with the proposed development shall be clearly marked as such on a plan.**

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable proper consideration to be given to the impact of the proposed development on existing trees, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development.

- 3 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.**

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction- Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, 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 & Country Planning Act 1990 so as to ensure that the amenity value of the existing tree is potentially maintained by the provision of an adequate replacement tree.

- 4 The parking area shown on the approved plan shall be constructed as shown on the approved plan EPL_20 rev. C (unless otherwise agreed in writing) and shall be retained free of obstruction for parking in association with Victory Hall and other public buildings on the adjacent site thereafter**

Reason:- In the interests of highway safety.

- 5 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.

Report Detail

1. Members will recall that at the meeting of 9th June 2009 it was resolved to grant planning permission for the erection of a new dwelling on the adjacent site, subject to the completion of a Section 106 legal agreement securing the creation of additional car parking for use in association with Victory Hall and the transfer of the

land to Epping Forest District Council. This application seeks the planning permission required to enable that change of use.

2. At the meeting of 9th June 2009, Members requested that the proposal for the car parking be presented to them for consideration. The developers ability to fulfil the obligations of the legal agreement for the development of the adjacent site is reliant upon the approval of this application.

Planning Issues

Description of Proposal:

2. This application proposes the change of use of the land from agricultural to car parking for use in association with Victory Hall. 17 car parking spaces are proposed. The development would involve the removal of existing trees and the levelling of the land to facilitate the proposed car parking.

Description of Site:

3. The application site lies partly within the Victory Hall site (in the Council's ownership) and partly within the development site to the south, which lies within the applicant's ownership and within the Metropolitan Green Belt. The land is banked along its southern boundary and there are several Ash and Sycamore trees along its length.

Relevant History:

(Adjacent site) EPF/0247/09. Erection of new five bedroom house with basement and integral garage. Awaiting Section 106.

EPF/1064/09. Change of use from vacant land (formerly agricultural) to car parking for use in association with Victory Hall. Withdrawn.

(The above application only related to the part of the site which lies within the applicant's ownership.)

Policies Applied:

Adopted Local Plan and Alterations

DBE1 – Design of New Development
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
CP2 – Protecting the Quality of the Rural and Built Environment
LL10 – Landscaping for Retention
LL11 – Landscaping Schemes
ST4 – Road Safety

Representations Received:

CHIGWELL PARISH COUNCIL. Support. The Council strongly supports this application on the basis of the invaluable amenity benefits that it will provide to the community.

Issues and Considerations:

4. The main issues to be considered in this case are: the acceptability of the proposed development within the Metropolitan Green Belt; the impact of the proposed development on the character and appearance of the area; the impact on residential amenity; and any impact on highway safety.

Green Belt

5. The site is located within the Metropolitan Green Belt, where the proposed car parking is considered to constitute inappropriate development. Notwithstanding this, Members have previously considered that there is a need for additional car parking for Victory Hall and it is, therefore, considered that the community benefit of the provision of this additional parking may provide very exceptional circumstances for allowing the development.

6. It is considered that the proposed development would have a limited impact on the openness of the Green Belt, due to its location immediately adjacent to the Victory Hall site. It would be only a slight encroachment into the Green Belt and the physical development on the site would not be prominent when viewed from the open countryside to the rear of the site. Having regard to this quite limited impact on the open character of the Green Belt, it is considered that considerable weighting may be applied to the case for very special circumstances.

Appearance

7. The proposed development would require the loss of most of the trees on the land. The trees are generally multi-stemmed and appear to be self sown. With the exception of the Ash tree located close to the site frontage onto Hainault Road, the trees appear not to have particular merit when viewed individually. Notwithstanding this, they do provide a clear demarcation of the site boundary and would provide important screening following the development on the adjacent site. It is considered that the Ash tree to the front of the site could be retained within the development. This would soften the impact of the proposed development when viewed in the street scene and could be controlled by the use of a planning condition.

8. The loss of the trees would result in the proposed new dwelling on the adjacent site being considerably more prominent when viewed from Hainault Road. However, the resolution to grant planning permission on the adjacent site includes a planning condition requiring the submission of a landscaping scheme. As these two development sites are within the same ownership and are intrinsically linked via the proposed Section 106 legal agreement, it is considered that it would be reasonable to require reinforced landscaping to provide screening along this boundary through the condition proposed to be attached to the permission for the new dwelling. Having regard to this, it is not considered that the loss of the trees would be detrimental to the street scene. If that adjacent development did not proceed, there would be no material harm caused by the removal of the trees.

9. Due to the change in levels between the two sites following the proposed development there would be a need for a retaining wall approximately 1.8 metres high with a boundary wall/fence above. The details of this boundary treatment can be controlled by the use of a planning condition to ensure that it has an acceptable appearance.

Residential Amenity

10. If the proposal for a new dwelling on the adjacent site were to proceed, the car parking area would extend along a length of approximately 40.8 metres of the private amenity space. In some instances, such a relationship could be considered to be harmful to residential amenity, due to the potential for noise and disturbance. However, in this case the proposed dwelling would have a large rear garden, with a width in excess of 30 metres. Having regard to the size of the garden, it is not considered that the loss of amenity along the side boundary would be detrimental to the future occupiers enjoyment of that property. The change in levels would also serve to minimise the disturbance from the use of the car parking.

Highway Safety

11. It is considered that there would be sufficient space within the existing Victory Hall site to enable cars to turn. No alterations are proposed to the existing access onto Hainault Road and it is considered that the access is capable of accommodating the additional 17 vehicles. Accordingly, it is not considered that there would be any material harm to highway safety.

Conclusion

12. In light of the above appraisal, it is considered that there are exceptional circumstances for allowing this development within the Green Belt. It is considered that the proposed development would have an acceptable appearance and the Ash tree to the front of the site could be retained to soften the appearance of the additional parking within the street scene. There would be no adverse highway issues arising from the proposed development. Screening of the proposed development on the adjacent site could be reinforced using conditions attached to that planning permission. Accordingly, it is considered that the proposed development would be acceptable. It is, therefore, recommended that planning permission be granted.