

Report to District Development Control Committee

Date of meeting: 5 April 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

Recommendation:

That the Committee refuses planning permission for the development described above, for the following reason:

- 1. The proposal represents inappropriate development in the Metropolitan Green Belt which by definition is harmful to the objectives of including land in the Green Belt and is therefore at odds with Government advice in PPG2 and policy GB2A of the adopted Local Plan and Alterations. There are no very special circumstances that are sufficient to outweigh this harm in Green Belt terms.**

Report Detail

1. (Director of Planning and Economic Development) Members may recall this application, which was considered by the Committee 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 previous 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. The implications of the absence of these planning obligations on the planning merits of the proposal now requires consideration.

4. Government guidance relating to the use of planning obligations is contained within Circular 05/05 and within the Community Infrastructure Levy (CIL) Regulations 2010.

5. Supporting text of Policy I1A of the Local Plan re-states the guidance within Circular 05/05, that in general it will be reasonable to seek, or take account of, a planning obligation if what is sought or offered is:

- Needed to enable the development to go ahead and, in the case of financial payment, will meet or contribute towards the cost of providing such facilities in the near future; or
- Necessary from a planning point of view and is so directly related to the proposed development and to the land after its completion that the development ought not to be permitted without it.

Planning Issues

6. The suggested Heads of Term for the legal agreement were intended to address the impact of the development on the Metropolitan Green Belt.

7. 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.

8. 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.

9. Whilst the provision of the additional car parking for Victory Hall provided only part of the case for very special circumstances, it was fundamentally this that justified what is inappropriate in Green Belt terms. It is considered by Officers that it formed such a substantial component that, in its absence, the case for very special circumstances is weakened to the extent that it would no longer outweigh the harm to the Green Belt caused by the proposal.

Conclusion

10. In light of the above appraisal, in the absence of the matters to be secured by legal agreement the proposed development would be in conflict with the Local Plan due to the inadequacy of the case for very special circumstance for permitting the development within the Green Belt.

11. A period of 21 months has lapsed since the Committee's resolution to grant planning permission subject to the completion of a legal agreement and no significant progress has been apparent since the planning permission for the car parking was obtained some 15 months ago. The failure to provide the additional car parking for Victory Hall would result in the case for very special circumstances being eroded to the degree that it would no longer mitigate the identified harm to the Metropolitan Green Belt.

12. It is for this reason that it is recommended that planning permission now be refused.