

Report to District Development Control Committee

Date of meeting: 16 October 2013



**Epping Forest
District Council**

Subject: Planning Application EPF/0735/13 – Land at 40a Hainault Road, Chigwell - Change of use from vacant former agricultural land to use for car parking ancillary to the use of Victory Hall and works to construct car park including lowering of land levels and removal of trees.

**Officer contact for further information: Stephan Solon Ext 4018
Committee Secretary: Simon 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.5837:2012). 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. D (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:

Description of Site:

1. The application site comprises land immediately south of Victory Hall, Hainault Road. That land comprises a hard surfaced area adjacent to the hall, the vehicular access to the site and a linear row of trees some 15m high

on an embankment. The embankment rises to land rear of 40a Hainault Road that separates Victory Hall from 30 and 40a Hainault Road. The land is an uncultivated open field. A narrow strip of the field on the boundary with Victory Hall is included in the application site.

2. The land part of the field together with the remainder of the field and open land to the east is within the Green Belt while the remainder of the site together with land to the north and west is outside of it. The locality is not included within a Conservation Area and no trees on the site or adjacent to it are preserved.

Description of Proposal:

3. Change of use of vacant former agricultural land to use for car parking ancillary to the use of Victory Hall and works to construct car park including lowering of land levels and removal of trees.
4. The proposal would achieve a 17 space car park that would serve Victory Hall. The parking spaces would be set on the southern site boundary some 8m from the site boundary with Hainault Road. A 1.7m high retaining wall would be constructed on the southern site boundary.

Relevant History:

EPF/0247/09 Erection of 5 bedroom detached house. Pending decision. On 9/06/2009 DDCC resolved to give planning permission subject to the completion of a S106 agreement to secure the provision of additional car parking space for Victory Hall. The S106 agreement was not completed by 5/04/2011 when DDCC requested the application be reported back to it if the agreement was not completed by June 2011. The agreement was not completed and the application reported back on 14/12/2011 when DDCC resolved that planning permission should be given subject to a similar S106 agreement with more specific heads of terms to achieve the car park. A period of 6 months was given to complete the agreement, however it was not completed. The application will be reported back to DDCC at the meeting following its decision on the current application for the construction of a car park.

EPF/1767/09 Formation of 17 space car park Approved 2/12/2009 by DDCC. Not implemented and consent lapsed 2/12/2012

Policies Applied:

The NPPF provides the primary policy context for assessing this application.

The following Local Plan and Alterations policies, which are found to be consistent with the NPPF, are relevant:

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

Consultation Carried Out and Summary of Representations Received

NEIGHBOURS:

Number of neighbours consulted. 10

Site notice posted: No, not required

Responses received: One response received from the occupant of 30 Hainault Road raising objection to the proposal as follows:

“Firstly, the planning application refers to land which is situated on the Metropolitan Green Belt. As such, this does not comply with your Council's planning policy regarding the Restriction of Dwellings in the Metropolitan Green Belt. In addition, this land in question is located next to a commercial property, which I believe also, does not comply with your Council's planning policy.

Secondly, this is a large piece of land which is currently a natural habitat for many birds and other wildlife. If this planning application is to be approved, it will not only destroy the land but also a natural habitat, possibly leading to migration.

Thirdly, Hainault Road is already quite a busy road. Given previous occasions where road works were stationed here (only a few metres away from the turn off road to Station Road); this already demonstrated the potential high level of traffic and increased risk of traffic congestion. Should the building works commence on this land and increased car parking facility permitted on this land, we would undoubtedly see more traffic along Hainault Road due to various contractors working on this site; restricting the flow of traffic for others who regularly pass through this route.”

CHIGWELL PARISH COUNCIL: “The Council **OBJECTS** to this application as this application cannot be assessed as it is linked to the original application where DDC gave permission for the house, and a car park. It is critical that this application goes before DDC which gave the original permissions”

Main Issues and Considerations:

5. The development was previously given planning permission in 2009 but was not implemented. That consent has lapsed and the applicant now seeks a further consent to carry out the development. The development is required to facilitate the erection of a house on land to the south since the Council has resolved to approve the house subject to a S106 agreement to secure the provision of the proposed car park. Authority to complete the S106 agreement has expired therefore the proposed house will be the subject of a subsequent report to Committee following the decision on this application. The decision on this application will affect the terms of that report. The applicant for the car park is also the applicant proposing the house. He confirms it is his intention to take steps to complete the S106 agreement should planning permission be given for the car park.
6. Since the original planning permission was given the planning policy context has changed following the publication of the National Planning Policy Framework, which replaced previously relevant national planning policy statements. The provisions of the NPPF as they relate to this development are not materially different and relevant Local Plan and Alteration policies are consistent with those of the NPPF. Accordingly, there has been no material change in planning policy relevant to this proposed development.

7. The application site is partially within the Green Belt. It would serve a need for additional car parking for a community facility and would have a very limited impact on openness. The need for the car parking, which can only be provided on this land, has previously been found to be a very special circumstance that outweighs any harm that may be caused to the Green Belt and any other planning interest.
8. The loss of trees that have an amenity value is a matter that has been given consideration by the Council's Tree and Landscape Team. The Team previously considered whether their amenity value is such that they would merit a TPO and found no justification in those terms. Moreover, the proposal makes provision for an Ash tree close to the boundary with Hainault Road and makes adequate provision for further landscaping. Accordingly, the Team raises no objection but recommends the imposition of conditions requiring the removal of excavated material and implementation of a hard and soft landscaping scheme.
9. The retaining wall would only be seen within the site and cars using the parking area would generally be screened from view by a combination of changes in land levels and landscaping. Although no details of the external finish of the retaining wall have been submitted, they can be secured through the condition requiring a landscaping scheme.
10. The matter of consequence for highway safety has been considered by the Highway Authority who has found the proposal would not cause harm to the safe and free flow of traffic.
11. The consequence for wildlife habitat has been considered in relation to adopted local plan policy. Such policy relates to sites that are designated as being of importance. Since this site is not such a site, adopted nature conservation policy does not apply to this site. Consideration to whether a protected species survey is necessary at this site has also been given. No such survey was previously required and since there has been no material change in circumstances since permission was given for the proposal in 2009 there is no basis for taking a different view now.

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.