

## **EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** District Development Management Committee    **Date:** 22 January 2020

**Place:** Council Chamber - Civic Offices    **Time:** 7.30 - 8.07 pm

**Members Present:** B Sandler (Chairman), S Jones (Vice-Chairman), H Brady, D Dorrell, I Hadley, S Heap, R Morgan, J Philip, C C Pond, C Roberts, B Rolfe, J M Whitehouse, S Heather, R Jennings and H Kane

**Other**

**Councillors:** N Bedford, S Kane and J McIvor

**Apologies:** H Kauffman, J Lea and G Mohindra

**Officers Present:** A Marx (Development Manager Service Manager (Planning)), G Woodhall (Senior Democratic Services Officer) and V Messenger (Democratic Services Officer)

### **10. WEBCASTING INTRODUCTION**

On behalf of the Chairman, the Senior Democratic Services Officer reminded 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.

### **11. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES**

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 meetings of the Council's planning committees.

### **12. SUBSTITUTE MEMBERS**

The Committee was advised that the following substitute members had been appointed for the meeting:

- (a) Councillor R Jennings for Councillor H Kauffman;
- (b) Councillor H Kane for Councillor J Lea; and
- (c) Councillor S Heather for Councillor G Mohindra.

### **13. DECLARATIONS OF INTEREST**

No declarations of interest were made by members of the Committee, pursuant to the Council's Code of Member Conduct.

**14. MINUTES****Resolved:**

- (1) That the minutes of the meeting of the Committee held on 18 September 2019 be taken as read and signed by the Chairman as a correct record.

**15. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE**

The Service Director (Planning Services) reminded the Committee that a briefing note had been prepared to ensure that a consistent approach was taken to the provision of planning policy advice, following the publication of the Epping Forest District Local Plan Submission Version on 18 December 2017. Members were advised that the primary purpose of the briefing note was to inform development management activities and to provide assistance for Councillors, Officers, Applicants, Planning Agents and other persons involved in the development management process.

**Resolved:**

- (1) That the Planning Policy Briefing Note for the Epping Forest District Local Plan Submission Version be noted.

**16. PLANNING APPLICATION EPF/2217/19 - LAND AT POTASH ROAD, MATCHING GREEN, ESSEX**

The Development Management Service Manager presented a report for the erection of two dwelling houses (revised design 3), including the removal of existing underground storage tanks. The Committee was informed that this application had been referred from Area Planning Sub-Committee East on 22 November 2019 via a minority reference after a Member motion to grant planning permission had been approved, contrary to the Officer recommendation to refuse planning permission.

The Service Manager informed the Committee that the site was located to the east of Matching Green, with access to the site via a private road. There were various underground storage tanks on the site, but the only visible features were the pipework which connected the tanks and a dilapidated single storey building. The site was within the Metropolitan Green Belt. The proposal was for the construction of two detached houses with a maximum height of 4.5metres, and four rooflights in each house; the storage tanks would be removed from the site as a consequence of the development.

Planning Officers had concluded that, with both proposed houses having an above ground volume of 843m<sup>3</sup> which represented a 300% increase on the previously approved scheme in 2016, the proposal was considered to be inappropriate development in the Green Belt and in addition it would have a serious adverse impact on the openness of the site and on the aims and purposes of the Green Belt.

The permission for the two houses approved under planning application EPF/2724/16 had not been implemented. It was on this basis any net increase in dwellings would have an impact on air quality that had not been assessed and therefore would have an increased impact beyond what had been modelled in the Council's Habitat's Regulations Assessment 2019. Given that the potential impact on the Special Area of Conservation (SAC) was still being determined, paragraph 177 of

the NPPF required that the presumption in favour of sustainable development did not apply.

No very special circumstances had been demonstrated which clearly outweighed the harm identified above. The proposal was therefore unsustainable development and as a result chapter 13 and paragraph 177 of the NPPF along with Green Belt and habitat protection policies contained within the Local Plan and Local Plan Submitted Version (LPSV) required that it should be restricted. Refusal of planning permission was therefore recommended.

The Committee noted the summary of representations received in respect of this application, including four letters of support and one letter of non-objection from local residents. In addition, the County Council Highways Authority had no objection and the Parish Council was in support of the application. The Environmental Health (Land Contamination) authority requested that further information be submitted for approval, whilst the Land Drainage Team requested an extra condition to dispose of foul sewerage from the site if planning permission was granted. The Committee heard from an Objector, the Parish Council and the Applicant's Agent before proceeding to debate the application.

Cllr Morgan opined that the site was previously developed land and the buildings proposed by this application were lower than the buildings in the previously approved application. There were no objections from local residents, or the Parish Council; there was no visual impact on the area and planning permission had been previously granted for the site. Therefore, the Councillor felt that the application should be granted planning permission as per the decision reached by Area Planning Sub-Committee East. Cllr Heap added that many local residents appeared to prefer this scheme, and the new application was more sustainable than the previously approved planning application.

Councillor McIvor highlighted his reasons for proposing approval of the application at the Sub-Committee meeting in November. The site was an eyesore at the moment, and this scheme would greatly improve the appearance of the site. Local residents appeared content with the proposed scheme, and the Councillor felt that it would be inappropriate if a scheme with local consensus was refused planning permission.

The Service Manager stated that the Council had been informed that the previously approved planning application was not viable in financial terms, but this was not classed as very special circumstances in planning terms.

Cllr Philip disagreed with the previous comments, and emphasised that the socialising area for the previous application had been set below ground level and therefore had less impact on the Green Belt. The application being considered at this meeting had significant visual impact on the Green Belt, no very special circumstances had been demonstrated, and therefore the application should be refused planning permission. Cllr C C Pond also reminded the Committee that the refusal on appeal of the previous application (EPF/0189/19 refers) for this site was also a material fact in determining this application.

Cllr Brady pointed out that the first application, which was granted permission, was very unusual but it answered a number of concerns about the visual impact on the Green Belt with its subterranean development, and was approved. However, the developers had returned with an application that was 300% bigger than the previously approved application, but there had been no local objections to this bigger scheme. The Councillor felt that this particular application contravened a number of the Council's planning policies.

Cllr Philip reminded the Committee that it had to understand the rules for development in the Green Belt and apply to any planning application before it. There had been no exceptional circumstances made for this application, and refusal of the application was supported by the Planning Inspector's appeal decision referenced earlier in the meeting.

The Service Manager reminded the Committee that the current planning permission for the site would expire in October of this year, and that financial viability was not a planning concern.

Cllr Morgan, although concerned that a number of the Committee Members had not visited the site, formally proposed that the application should be granted planning permission. This motion was seconded by Cllr Rolfe, but was lost when put to the vote. The Officer recommendation to refuse planning permission for the site was then put to the vote and this was carried.

**Resolved:**

(1) That planning application EPF/2217/19 on Land at Potash Road in Matching Green be refused permission, for the following reasons:

1...The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. The proposal would result in significantly greater impact on openness than the existing development and is therefore inappropriate development by definition harmful. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework and Policy GB2A and GB7A of the Combined Policies of Epping Forest District Local Plan and alterations 2008 and DM4 of the Submission Version of the Local Plan.

2...The application does not provide sufficient information to satisfy the Council, as competent authority, that the development has not adversely affected the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the development should be permitted. As such the development is contrary to Policies CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), Policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version (2017) and the requirements of the Habitats Regulations 2017.

**17. PLANNING APPLICATION EPF/2503/19 - LAND TO THE NORTH OF DOWDING WAY, WALTHAM ABBEY**

The Development Management Service Manager informed the Committee that the Council had not received a representation from the Highways Agency, who were a statutory consultee for this application. Consequently, this application had to be deferred pending the receipt of comments from the Agency.

**18. ANY OTHER BUSINESS**

The Committee noted that there was no other urgent business for consideration by the Sub-Committee.

**19. EXCLUSION OF PUBLIC AND PRESS**

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

**CHAIRMAN**

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