

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** District Development Management Committee    **Date:** 29 November 2017

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 - 10.00 pm

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

**Other Councillors:** -

**Apologies:** H Brady

**Officers Present:** J Godden (Principal Planning Officer (Heritage, Enforcement & Landscaping)), J Shutt (Senior Housing Development Officer), G J Woodhall (Senior Democratic Services Officer) and A Rose (Webcasting Officer)

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### **24. 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.

### **25. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUB-COMMITTEES**

The Chairman welcomed members of the public to the meeting and outlined the procedures adopted that enabled members of the public to address the Committee, during 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.

### **26. SUBSTITUTE MEMBERS**

The Committee noted the following substitutions for this meeting:

- (i) Cllr L Hughes for Cllr H Brady.

### **27. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Cllr G Chambers declared a personal interest in the following item of the agenda, by virtue of being the Applicant. The Councillor had determined that his interest was pecuniary and would leave the meeting for the consideration of the application and voting thereon:

- EPF/1765/17 - 5 Beech Lane, Buckhurst Hill.

(b) Pursuant to the Council's Code of Member Conduct, Cllrs B Sandler, B Rolfe, R Jennings, S Heap, S Jones, H Kauffman, J Knapman, S Kane, R Morgan, C C Pond, G Shiell, D Stallan, J M Whitehouse and L Hughes declared a personal interest in the following item of the agenda, by virtue of the Applicant being a fellow District Councillor. 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/1765/17 - 5 Beech Lane, Buckhurst Hill.

(c) Pursuant to the Council's Code of Member Conduct, Cllr C C Pond declared a personal interest in the following item of the agenda, by virtue of having had some meetings with the Developer to discuss proposals for Chigwell Garden Village. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1390/17 - The Lodge, Woolston Hall, Abridge Road, Chigwell.

## 28. MINUTES

### Resolved:

(1) That the minutes of the meeting held on 4 October 2017 be taken as read and signed by the Chairman as a correct record.

## 29. EPF/1849/17 - CHIGWELL PRIMARY SCHOOL, HIGH ROAD, CHIGWELL

The Principal Planning Officer presented a report for the complete refurbishment of Chigwell Primary Academy and enabling residential development comprising 59 residential properties together with associated off-street parking, a dedicated parking court for existing residents, garden space, new vehicular accesses from High Road (A113) and Vicarage Lane, external landscaping and associated development. The application was before the Committee as it was classed as a 'large scale major' application as defined within the guidance issued by the Department of Communities & Local Government.

The Principal Planning Officer stated that the application site comprised the Chigwell County Primary School and the former BI Sports Ground fronting High Road and extending along Vicarage Lane and the full length of the access road serving the School. The School comprised a mixture of single storey buildings, dating from between the 1930's and 1960's, and a number of temporary classrooms; there were three principal School buildings. All buildings on the former Sports Ground had been removed above ground level and the land was given over to mainly scrubland, other than an access on Vicarage Lane and the mature tree screens that laid around and within the land. The surrounding area comprised a mixture of residential and non-residential uses, and there were three listed buildings opposite the site on High Road. All of the land within the site boundaries was inside the Green Belt, but the site laid outside the Chigwell Conservation Area which abutted it. Much of the site was covered by group Tree Preservation Orders and a number of trees were subject to individual orders; there were also two public rights of way crossing the site.

The Principal Planning Officer reminded the Committee that the current application was based upon previous submissions. The original planning permission sought to refurbish the School within the existing buildings with an enabling development of 32 houses (submitted in outline only). Revised proposals for the School were approved

in March 2017 as a minor amendment to the original permission. The current application had been submitted on the basis that the revised proposal for the School was not viable without additional enabling development. The associated development now comprised 59 residential units, submitted as a full application, and consisted of 7 x 2-bedroom flats, 15 x 3-bedroom houses, 13 x 4-bedroom houses, 23 x 5-bedroom houses and 1 x 7-bedroom house. All of the houses were detached and provided with a minimum of 2 parking spaces and private gardens.

The Principal Planning Officer explained that one of the key issues was the proposals generated an affordable housing requirement for 40% of the houses across all types of dwelling. The application had been accompanied by the required viability report and the Applicant was again advocating a financial contribution towards off-site provision. The Council's Viability Consultant, Kift Consulting Limited (Kift), had reviewed the submission and had highlighted a number of discrepancies. Kift were of the opinion that the scheme would generate a surplus of £10.064million, which was significantly higher than the surplus of £2.545million identified by the Applicant. This additional surplus could be used to contribute towards the provision of affordable housing without compromising either the development as a whole or the refurbishment of the School in particular. The Applicant had responded that, in the present market conditions, it was extremely difficult to raise funding for the scheme given the increase in Stamp Duty, pending interest rate rises, Brexit and other market uncertainties which would worsen with further delays. The School works had been extended and the occupation of the enabling houses were linked with the completion of the School works.

The Principal Planning Officer reiterated that Council Policy clearly stipulated affordable housing should be provided on-site for a development of this scale, although the Applicant felt the principle that this provision could be provided off-site had been established by the previous application. This was not the case as it was the particular circumstances of that application which permitted the off-site provision of affordable housing. However, Kift had advised that an appropriate level of subsidy for affordable housing to be provided off-site would be £4.936million, and this contribution could be provided in full to the Council without adversely affecting the viability of the Scheme. The Applicant's current offer of £2.8million for affordable housing was felt to be inadequate for the level of development now being proposed.

The Principal Planning Officer reported Planning Officers had concluded that the School development proposals were the same as previously approved, and this aspect was no less acceptable than before. The case that a residential development in this location was being used to cross fund the School improvements still constituted very special circumstances for development in the Green Belt. The increased residential development had been re-assessed, and it was felt that any potential harm was not so substantive as to outweigh the wider benefits of the scheme. In design terms, most aspects of the development appeared to be acceptable and the architectural approach provided interest and variety. It was apparent that the tree retention and the level of new landscaping to provide a screen had diminished, and Officers felt that this could have been better managed. It was clear that the application should be providing affordable housing, and the argument that on-site provision was not viable was not accepted by Officers or supported by the Council's consultants, Kift. When the offer of £2.8million from the Applicant for an off-site contribution was assessed, Kift had advised the Council that their assessment of the financial contribution in lieu of onsite affordable housing in the sum of £4.936million would be more appropriate given the likely surplus which would be generated by this development.

Overall, Planning Officers did not dispute the merits of the scheme as a vehicle to fund the refurbishment of the School; however, the application was not considered acceptable without appropriately meeting the other important objectives of providing an affordable housing contribution and safeguarding the character of the landscape. Consequently, it had been recommended that the application be refused planning permission.

The Committee noted that the summary of representations received in respect of this application, including support from Chigwell Parish Council and Chigwell Residents Association, and objections from 19 local residents and the West Essex Ramblers Group. The Committee heard from an Objector, the Applicant's Agent and the Headteacher of Chigwell Primary School before proceeding to debate the application.

Cllr J Knapman emphasised that this application had the same footprint as the previous one and that therefore the financial contribution for affordable housing should be similar to before. Kift had made a similar analysis for the last application and the Committee had overrode their recommendation when granting planning permission. The current application gave a better mixture of housing, which was much needed in Chigwell, and would refurbish the School which was also badly needed; the funding for which was not available elsewhere. The wider problem was the Banks were not lending money to fund large housing developments, and the housing market was in a state of flux currently and not as buoyant as in recent years. There were no issues with the listed building at the School from this application, so the Committee was requested to support this application and grant planning permission. Cllr G Chambers also highlighted that the application had support from the local Residents Association and the Parish Council.

Cllr Stallan expressed a number of concerns with this application. He accepted the need for the enabling development to refurbish the School and that there might not be any on-site provision of affordable housing, but was disappointed with the financial contribution being offered by the Applicant as it was clearly a lot less than the Council's consultants thought it should be. The Councillor supported the application in principle but disliked the considerable difference in opinions from the Council's and the Applicant's consultants over the contribution for affordable housing. The Council's Senior Housing Development Officer stated that the evidence on open market values provided by Kift was based on comparable sales evidence, whereas the applicant had not provided evidence based on actual comparable sales in support of their opinion of open market values.

Cllr J M Whitehouse commented that the housing element of the application was the issue rather than the refurbishment of the School, which was agreed as part of the last application. It was unusual for a Kift assessment to be challenged in this way by members of the Committee, but the report had requested further evidence from the Applicant to support their assertions and the Councillor felt that it would not be a serious problem if the application was deferred to the next meeting of the Committee as the refurbishment of the School was unlikely to happen before the Summer holiday. The lack of landscaping would have some impact on neighbouring properties, and the purpose of the application was to fund the refurbishment of the School, not to make a large profit for the Developer. Cllr Stallan added that the Committee should have all of the necessary evidence before it before making a decision, and it was his preference for the application to be deferred to the next meeting so that all of the evidence could be provided.

The Council's Senior Housing Development Officer stated that Kift had responded to the Applicant on 30 October 2017 and requested further evidence in support of their rebuttal report including a full build cost plan. When preparing their assessment, Kift

had also taken into account the contribution to the School for the refurbishment, and the projected surplus of £10million for the project would be generated after the refurbishment. Consequently, it was felt that a contribution of £4.9million for affordable housing was not unreasonable.

Cllr Kauffman felt that the appraisal a year ago for a contribution of £2.8million for affordable housing from a development of 32 houses was correct, but the new application was proposing to build 59 houses which was almost twice as many. The site was entirely within the Metropolitan Green Belt and also situated at a busy corner of the High Road. The recommendation of Planning Officers was to refuse permission on the basis of the financial assessment not being correct, and the Councillor felt that he could not go against the advice of the Council's technical experts.

Cllr J Knapman believed that the correct contribution for affordable housing could be agreed at the meeting; the Committee had previously requested £2million for the previous application but the County Council requested a contribution and hence this application required a bigger contribution, which the Applicant had offered. The Committee should consider and grant the application before it.

However, Cllr S Jones, whilst accepting that the School required refurbishment and the number of the houses within the enabling development had to increase, felt that the Committee required further evidence in relation to the differing financial viability assessments before it. Therefore, the Councillor proposed that this application should be deferred until the next meeting of the Committee on 31 January 2018; this proposal was seconded by Cllr C C Pond.

Cllr Chambers opined that there was a danger of the School refurbishment being postponed again and he would rather agree the matter at the meeting tonight. The Chairman highlighted the current poor state of the School and that the County Council never seemed to have the funds available to repair it. The Committee granted a similar application at Luxborough Lane in Chigwell, which did not require affordable housing to be provided. The Chairman strongly supported the application as a better mixture of dwellings were now proposed, and the application would benefit both the School through its refurbishment and the Council through a substantial contribution to the provision of affordable housing.

**Decision:**

(1) That planning application EPF/1849/17 at Chigwell Primary School in High Road, Chigwell be deferred for consideration until the next meeting of the Committee, scheduled for 31 January 2018, to enable the Applicant to provide full information on the financial aspects of the application.

**30. EPF/1390/17 - THE LODGE, WOOLSTON HALL, ABRIDGE ROAD, CHIGWELL**

The Principal Planning Officer presented a report for residential infill comprising 12 residential dwelling houses with associated off-street parking, garden space and external landscaping. The application had been considered by Area Planning Sub-Committee South at its meeting on 27 September 2017 and had been referred to this Committee for a decision so that a financial package could be agreed with Officers prior to this meeting; the Officer recommendation to refuse planning permission remained. The Applicant had been requested to submit a validated viability assessment for review by the Council's own affordable housing consultants. However, the Applicant had refused and instead had made an offer of £372,000

towards affordable housing on a without prejudice basis, despite asserting that the site was not within a settlement and therefore affordable housing was not required.

The Principal Planning Officer stated that the site was an open parcel of land to the north-west of the Lodge. The access road to Woolston Manor formed the south-western boundary of the site, whilst the north-eastern boundary was an avenue leading to a Leisure complex. To the north-west of the site was a building, a former motel, accommodating flats, and the site was off Abridge Road between the village of Abridge to the north-east and Chigwell to the south-west. The site was entirely within the Metropolitan Green Belt, and was situated within an isolated rural location which was distinct from the built-up area of Chigwell.

The Principal Planning Officer reported that Planning Officers had concluded the proposal was contrary to Green Belt policy and did not represent sustainable development. The main material consideration for the application was the absence of a five-year land supply for housing throughout the District as a whole. However, this was not sufficient to outweigh the degree of harm that would be caused to the Metropolitan Green Belt by the development, and therefore no very special circumstances existed in favour of granting the application. In addition, the application would not provide the required affordable housing, and that the Applicant had not provided sufficient evidence or information – as required by the National Planning Policy Framework – to demonstrate that it would be unviable to provide any affordable housing on the site.

The Committee noted the summary of representations received in respect of this application, including support for the application from Chigwell Parish Council. The Committee heard from the Applicant's Agent before proceeding to debate the application.

Cllr D Stallan expressed concerns that the report was inaccurate and did not contain enough information for the Committee to determine the application. There had been no reference to the email from the Applicant contending that the site was in Chigwell, nor any mention of the Council requesting a contribution for affordable housing. Cllr Stallan felt that as there was already development in the area with the flats then the site had to be sustainable. In addition, the legal advice stated that the site was in Chigwell.

The Principal Planning Officer responded that the application had been previously considered by Area Planning Sub-Committee South on 27 September 2017, and the second paragraph within the covering report dealt with the issues raised at that meeting in relation to this application. The Council had requested a viability statement for the development but the Applicant had refused to provide one and simply made a unilateral offer of £372,000 for affordable housing instead. The flats at that location were originally granted planning permission as part of the Leisure Complex, and Officers did not believe that the legal advice received was correct; as stated clearly in the report, the site was definitely in the parish of Chigwell but not in the village of Chigwell.

Cllr C C Pond felt that the isolation of the site could be resolved by a footpath to Debden station, but agreed with the Officers that the site was in the Chigwell Parish but not the settlement of Chigwell Village. Cllr C C Pond would also support an archaeological study to be made of the site before any development commenced if the application was approved, but the Councillor supported the Officer recommendation for this application.

Cllr G Chambers pointed out that it took approximately 15 minutes to walk, or 6 minutes to cycle, to the nearby Nuffield Gymnasium from Debden station. The Councillor felt that this application should be granted planning permission as it would provide much needed housing for the area. The Chairman of the Committee felt that the application should be considered in a practical manner; there would be little or no effect from the development occurring next to the existing flats, a contribution towards affordable housing would be received from the Developer, and there was support for the application from local residents and the Parish Council. Therefore, the application should be granted planning permission.

The Officer recommendation to refuse planning permission for this application was lost on a vote by the Committee.

Cllr J Knapman proposed that the application be granted planning permission and the special circumstances to outweigh the harm to the Green Belt was that it was a sustainable, in-fill development on a previously developed site, the Council had failed to prepare a five-year land supply for housing, and the application met the aim of the Local Plan by building a small-scale development on the edge of an existing community. Cllr G Chambers seconded the proposal. The Principal Planning Officer listed a number of conditions to be agreed for the application if planning permission was granted, and reiterated that it was the opinion of Planning Officers this was not an in-fill site.

The proposal to grant planning permission for this application was also lost on a vote by the Committee.

Cllr J Knapman proposed that the application be referred to the Council for a decision; this was seconded by Cllr D Stallan.

**Decision:**

(1) That planning application EPF/1390/17 at the Lodge in Woolston Manor, Abridge Road, Chigwell be referred to the Council with the Officer recommendation for planning permission to be refused.

**31. EPF/1973/17 - NEWSTEAD, 19 COOPERSALE COMMON, COOPERSALE**

The Principal Planning Officer presented a report for the demolition of the existing dwelling at 19 Coopersale Common, and the erection of six detached houses (2 x 3-bedroom and 4 x 4-bedroom) with associated amenity space, car parking, cycle storage and landscaping. This application was considered by Area Planning Sub-Committee East at its meeting on 11 October 2017 and was referred to this Committee for a decision with a recommendation to approve the application.

The Principal Planning Officer stated that the site currently contained a late Victorian/early 20<sup>th</sup> Century large detached house and garage within a generous mature landscaped curtilage. Its principal elevation faced Coopersale Common; the southern and eastern boundaries adjoined highway land at Parklands, whilst the northern boundary adjoined the boundaries of The Shrubberies (a semi-detached house) and The White House (a detached two-storey house). The site was in an urban area which was neither listed nor within a conservation area. The surrounding area was predominantly defined by two-storey semi-detached and detached dwellings, but there was a three-storey block of flats located further south of the site.

The Principal Planning Officer reported Planning Officers had concluded that the application would provide much needed housing of a type which would meet an

existing local housing need within an urban area of the District. This benefit would outweigh the limited harm from the height of the houses being higher than the neighbouring properties surrounding the site. The space provided around the boundaries of the site, along with the provision of good quality soft landscaping, would ensure that this additional height would not be prominent. In all other aspects, the design of the houses was considered acceptable and would preserve the character and appearance of the area. The application would not cause serious harm to highway safety or parking provision, and would not have an excessive impact on neighbouring amenity. It was therefore considered that the proposal met the requirements of sustainable development in accordance with the National Planning Policy Framework, and the application was recommended for approval.

The Principal Planning Officer also related the appeal decision for the original application (EPF/2113/16) to build eight terraced houses on the site, which had been received since this application was considered by Area Planning Sub-Committee East on 11 October 2017. The Planning Inspector had dismissed the appeal on the grounds that the eight houses, as a result of their scale and cramped appearance along Coopersale Common, would harm the character and appearance of the area, and the proposed landscaping would be insufficient to overcome this harm. The Planning Inspector also found that the proposal would have an overbearing impact on the adjacent property, The White House.

The Principal Planning Officer reminded the Committee that the current scheme had reduced the number of houses to be built from eight to six, and there was now a 2.9 metre gap between the adjacent property, The White House, and the nearest house of the proposed scheme. Thus, Planning Officers were of the opinion that this revised scheme had overcome the reasons for refusal and the reasons for dismissal of the appeal of the previous application.

The Committee noted the summary of representations that had been received in respect of this application, which included an objection from the Town Council plus 11 letters of objection from local residents. The Committee heard from an Objector, the Town Council and the Applicant before proceeding to debate the application.

Cllr R Jennings felt that the development would fit in well with the area, but was slightly concerned about the gap between The White House and the nearest new house being only 2.9 metres. The Principal Planning Officer responded that the gap between The White House and the existing dwelling was only 2 metres, so it would be an improvement on the current situation.

Cllr G Chambers opined that the application contained too many new houses, and he did not like the design of the proposed houses as they were not in keeping with the immediate area. Cllr G Chambers felt that an application to build four houses would be more acceptable. Cllr J M Whitehouse stated that he had voted against the application at the meeting of Area Planning Sub-Committee East, and following the receipt of the Appeal decision, saw no reason to change his mind and would vote against the application again. The revised application had only marginally increased the gaps between the houses, and Cllr J M Whitehouse was disappointed that no evidence had been provided by Essex County Council regarding the parking issues in the area.

The vote on the Officer recommendation to grant planning permission for the application was lost.

Cllr J M Whitehouse proposed that the application be refused planning permission, due to the cramped nature of the development, the impact of the development on the



neighbours, the development would be out of character with the immediate vicinity, and the environmental harm that the development would cause. Cllr G Chambers seconded the motion to refuse planning permission, and sought to add design as another reason for refusal. The Principal Planning Officer cautioned the Committee against including the environmental effects of the development as a reason for refusal.

**Decision:**

(1) That planning application EPF/1973/17 at Newstead, 19 Coopersale Common in Coopersale be refused permission for the following reason:

1. The proposed development results in a cramped appearance in the street scene, and the proposed units were over dominant in bulk, height and massing and were out of keeping with the character and appearance of the surrounding area, contrary to paragraph 17 and chapter 7 of the National Planning Policy Framework and along with policies DBE1, DBE2, DBE9 and CP2 of the adopted Local Plan and Alterations.

**32. EPF/1492/16 - THE CHIMES NURSERY, OLD NAZEING ROAD, NAZEING**

The Principal Planning Officer presented a report for an outline application for seven self-build houses with all matters reserved. This application had been considered by Area Planning Sub-Committee West at its meeting held on 15 November 2017, where it was decided to refer the application to this Committee for a decision.

The Principal Planning Officer stated that the site comprised an irregularly shaped area of land approximately 1 hectare in area, which was to the south of the former Chimes Garden Centre, and dropped down to the River Lea. Roughly half of the land was a former landfill site that had been backfilled and covered in topsoil; the whole of the site was open and free from development although some clearance and land raising had taken place. The site was located within the Metropolitan Green Belt, Lea Valley Regional Park, and wholly within an Environment Agency Flood Zone 2 and 3a.

The Principal Planning Officer informed the Committee that a flood risk assessment had been provided which had been accepted, subject to conditions, by the Environment Agency and the Council's Land Drainage Team. This had indicated that suitable attenuation and mitigation measures could be implemented to prevent the flooding of the houses themselves and any risk of increased flooding elsewhere, but these factors did not outweigh the failure of scheme to pass the Sequential Test and Exceptions Test, and was therefore contrary to the National Planning Policy Framework, the adopted policies of the Local Plan, and the prospective policies of the draft Local Plan.

The Principal Planning Officer reported Planning Officers had concluded that the site did not constitute previously developed land and the proposal constituted inappropriate development that was harmful to the openness of the Green Belt. In addition, the site was located within an Environment Agency Flood Zone 2 and 3a with the proposed housing being within the Flood Zone 3a, which was the highest flood risk, and the development had not passed a Sequential Test or the Exceptions Test as set out in the National Planning Policy Framework. The site was also located within the Lea Valley Regional Park and the proposed development would be harmful to the character and amenity of the Regional Park.

It was accepted that the Council could not currently demonstrate a five-year land supply of housing sites, however the National Planning Policy Framework contained clear policies regarding development in the Green Belt and in areas at high risk of flooding. It was also recognised that the site was in a relatively sustainable location; however, it was not considered that this was sufficient to outweigh the harm to the Green Belt from development or to disregard development within an area at the highest risk of flooding. Therefore, it had been recommended that the application be refused planning permission.

The Committee noted the summary of representations received in respect of the application, including letters of objection from four local residents and the Lea Valley Regional Park Authority. The Committee heard from an Objector, the Parish Council and the Applicant before proceeding to debate the application.

When questioned about the potential flood risk at the site, the Principal Planning Officer reiterated that the Environment Agency accepted the flood risk assessment and the mitigation measures that had been offered, but Planning Officers still felt that this would fail the Sequential Flood Test as outlined within the report. Although Cllr J Knapman felt that the Council could not simply ignore the view of the Environment Agency that the flood risk could be mitigated, the Principal Planning Officer confirmed that this was the position the Council had taken as the view of the Environment Agency was contrary to the National Planning Policy Framework and the Council's adopted Local Plan.

The Committee acknowledged that the area needed new housing but it could not approve development in a known high risk flood zone, as it would simply be creating problems for the future. The Principal Planning Officer also commented that he was uncertain about the Council's potential legal liability if it granted permission for these houses to be built and they then subsequently flooded.

The Committee also felt that there was no way forward for residential development on this site, given its location within the Metropolitan Green Belt, the Lea Valley Regional Park and an Environment Agency Flood Zone 3.

**Decision:**

(1) That planning application EPF/1492/16 at The Chimes Nursery in Old Nazeing Road, Nazeing be refused permission for the following reasons:

1. The proposed development includes "more vulnerable" development within Flood Zone 3. The development does not meet the sequential test and does not provide wider sustainability benefits that outweigh the flood risk and does not therefore pass the Exceptions Test. The proposal is therefore contrary to the NPPF Para 102 and policy U2A of the Adopted Local Plan and Alterations.
2. The development of this green field site within the Metropolitan Green Belt amounts to inappropriate development by definition harmful to the Green Belt and to the purposes of including land within the Green Belt, in addition the erection of 7 houses on the site will have a significant physical and visual impact on the openness of the Green Belt. No very special circumstances exist sufficient to outweigh the harm to the Green Belt that would result and the development is therefore contrary to policy GB2A of the adopted Local Plan and Alterations and to the NPPF.

3. The proposed development will adversely impact on the landscape of the Lee Valley Regional Park contrary to the strategic policies on landscape and detailed proposals which identify the site as within a landscape enhancement area, and adversely impact on the amenity of users of the Regional Park, as such the development is contrary to Policy RST24 of the adopted Local Plan and Alterations.

### **33. EPF/1956/17 - BROXLEA NURSERY, NURSERY ROAD, NAZEING**

The Principal Planning Officer presented a report for the erection of four four-bedroom houses with garages. The application was considered by Area Planning Sub-Committee West at its meeting on 18 October 2017 with a recommendation to refuse; the Sub-Committee referred the application to this Committee for a decision with a recommendation to approve planning permission.

The Principal Planning Officer stated that the site comprised a 0.45 hectare area of a former Mushroom Farm located on the western side of Nursery Road. The site currently contained a number of redundant agricultural buildings in a poor state of repair, was largely overgrown, and sat beyond the linear row of properties within Nursery Road. To the immediate north, east and west of the site were open areas of land containing woodland, open fields and lakes. The site was located within the Metropolitan Green Belt, the Lea Valley Regional Park, wholly within an Environment Agency Flood Zone 2, and partially within a Flood Zone 3.

The Principal Planning Officer reported Planning Officers had concluded that the site did not constitute previously developed land and the proposal did not meet any of the exceptions to inappropriate development in the Metropolitan Green Belt outlined within the National Planning Policy Framework. The application had not passed a Sequential Test and would also harm the character of the Lea Valley Regional Park. It was acknowledged that the Council could not demonstrate a five-year land supply of housing sites, but this did not negate the provisions of the National Planning Policy Framework at paragraphs 89 (Green Belt) and 100 (Flood Risk). It was also recognised that the site was but a short distance from the centre of Nazeing, but this was not sufficient to outweigh the harm to the Green Belt of the unacceptable nature of this site. Therefore, Planning Officers had recommended that planning permission be refused for this application.

The Committee noted the summary of representations received in respect of this application, including support for the application from Nazeing Parish Council and three other residents, and objections from three residents and the Nursery Road Residents Association. The Committee heard from the Parish Council and the Applicant before proceeding to debate the application.

The Principal Planning Officer informed the Committee that the Members of Area Planning Sub-Committee West had felt that the reduction in the number of houses proposed to be developed on the site from the previous application in 2016 was acceptable, and that the site had been previously developed. Therefore, the application had been recommended for approval as very special circumstances had been demonstrated. Planning Officers were not totally convinced by this argument as the previous buildings on the site had been erected for agricultural purposes.

Cllr S Kane stated that the general feeling of the Members at Area Planning Sub-Committee West was the development would be an improvement to the site and therefore would enhance the Green Belt rather than harm it. The Committee agreed that the site was in a terrible state and needed improving, and that it had been previously developed.

**Decision:**

(1) That planning application EPF/1956/17 at Broxlea Nursery in Nursery Road, Nazeing 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. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: ELA/1 Rev: 00, ELA/2, ELA/12 Rev: A, ELA/100 Rev: 00, ELA/300, ELA/301, ELA/400, ELA/401, ELA/500.
3. The development hereby permitted shall be carried out in accordance with the flood risk assessment (MTC Engineering – Broxlea Nursery, Ref 1671, July 2017) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
4. No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing. The development shall be implemented in accordance with such approved details.
5. No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
6. No development shall take place until details of flood mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
7. Prior to the commencement of the development hereby permitted, surveys at the appropriate time of year shall be undertaken with regards to:
  - (i) Bats
  - (ii) Reptiles
  - (iii) Great crested newts

Surveys should be undertaken in accordance with guidelines from Natural England (or other relevant body). These shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.

Should the surveys reveal the presence of any of these protected species, or their breeding sites or resting places then an appropriate and proportionate detailed mitigation and compensation strategy must be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. Should a Natural England European Protected Species licence (EPS) be required then this should also be submitted to the Local

Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

8. No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately prior to the vegetation being cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority prior to the commencement of any works on site.
9. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

10. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

11. Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

12. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
13. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
14. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed,

uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

15. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

**34. EPF/1765/17 - 5 BEECH LANE, BUCKHURST HILL**

The Principal Planning Officer presented a report for a proposed two storey front bay window, two storey side extension and single storey side and rear extensions. This application was before the Committee as it had been submitted by a serving District Councillor.

The Principal Planning Officer stated that the site was a two-storey Victorian semi-detached house located in Beech Lane – a fairly short and narrow road which was located between Epping New Road and the High Road in Buckhurst Hill. The property was not listed nor did it lay within a Conservation Area.

The Principal Planning Officer reported that the original application had been revised such that the depth of the bay window extension at the front had been reduced and its design amended to a more traditional canted profile as found on other nearby properties. Planning Officers had concluded that any potential overlooking of the neighbouring property at 4 Beech Lane had been reduced to a limited and satisfactory level, and the side and rear extension on the other side would not materially detract from the light and outlook of 6 Beech Lane. Therefore, the revised proposal was considered acceptable and it was recommended to grant planning permission.

The Committee noted the Summary of Representations within the report, including an objection from the neighbour at 4 Beech Lane on the grounds that the proposed development would be out of keeping with the street scene and would impact the light entering the bedroom window. The Committee heard from an Objector and the Applicant's Agent before proceeding to debate the application.

Cllr C C Pond commented that the design of the bay window was very good and would improve the overall street scene. Canted bay windows were designed to prevent the direct overlooking of neighbours and therefore the Councillor had no objections to this proposal. In response to the complaints mentioned by the Objector, i.e. loss of light and overlooking, the Principal Planning Officer reminded the Committee that the bay window had been redesigned to reduce the overlooking to acceptable levels, and it was the opinion of Planning Officers that there would be no loss of sunlight for the Neighbour from the proposed development.

**Decision:**

(1) That planning application EPF/1765/17 at 5 Beech Lane in Buckhurst Hill 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.
3. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

**35. ANY OTHER BUSINESS**

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

**36. 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**