

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Management Committee **Date:** 31 January 2018

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.45 pm

Members Present: B Sandler (Chairman), B Rolfe (Vice-Chairman), H Brady, R Jennings, G Chambers, S Heap, S Jones, J Knapman, S Kane, C C Pond, G Shiell, J M Whitehouse and D Sunger

Other Councillors: -

Apologies: H Kauffman and D Stallan

Officers Present: N Richardson (Assistant Director (Development Management)), G J Woodhall (Senior Democratic Services Officer) and S Mitchell (PR Website Editor)

37. 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.

38. WELCOME AND INTRODUCTION

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, 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.

39. SUBSTITUTE MEMBERS

The Committee noted the following substitution for this meeting:

- (a) Cllr Sunger for Cllr Stallan.

40. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

41. MINUTES**Resolved:**

(1) That the minutes of the meeting held on 29 November 2017 be taken as read and signed by the Chairman as a correct record.

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

The Assistant Director of Governance (Development Management) introduced a report for the complete refurbishment of Chigwell Primary School 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 Assistant Director reminded the Committee that it had deferred this application at the last meeting to allow further consideration of affordable housing matters. Following the last meeting, the Applicant had commissioned a new viability assessment rather than negotiate further on the original submission, which required a new reassessment by the Council's consultants, Kift Consulting Limited (KCL). KCL concluded that the development could now provide an off-site affordable housing contribution of £4.8million, as opposed to the Applicant's original offer of £2million, and the application was still recommended for refusal by Officers.

However, the Assistant Director explained that there had been some further discussions / negotiations this week regarding the affordable housing provision, and agreement had been reached with the Applicant. Consequently, the recommendations within the report were no longer valid and a revised report was being prepared by Officers. Advice had been sought from the Council's Democratic Services section, and the Committee was now being strongly advised to defer this item. A special meeting had been arranged for Thursday 15 February 2018 to consider this application with a revised report, which would now recommend the granting of planning permission for the application, subject to a number of planning conditions and the agreement of a Section 106 Legal Agreement. Consequently, the Committee was now strongly urged to defer consideration of this application until the extra-ordinary meeting on 15 February 2018.

Cllr Knapman argued that if an affordable housing provision of £3million had been agreed between the Applicant and Officers then the Committee could determine this application and Officers could progress the detail of the Section 106 Legal Agreement. Cllr Knapman could not understand the reasons for further delay, and did not accept the Officers' reason for deferral. Cllr Chambers and Cllr Heap also spoke out against deferring this application.

However, a number of other Councillors concurred with the recommendation of Officers to defer this application for another two weeks. Cllr Brady commented that this was a large scale application and the Committee should be in possession of all the facts when considering it. It was not the fault of the Council's Officers that negotiations had only began two or three days before the meeting. Cllr Jones contended that the Committee could not vote on the application if it did not have a valid report in front of it. The Council was duty bound to attain the correct amount of affordable housing and this item should be deferred. Cllr Kane also agreed that the Committee could not determine an application when the report before it was not valid.

Cllr Pond also highlighted that it was good practice for the Committee to have a proper report before it, otherwise there was a risk to the Council of a judicial review or the decision would be open to challenge. The Senior Democratic Services Officer informed the Committee that the possibility of a judicial review or a challenge to the decision had been uppermost in the thoughts of Officers prior to the meeting, and the decision to recommend deferral of this application had not been taken lightly. The Assistant Director confirmed that negotiations had now concluded with the Applicant and the final report would be completed by Officers by the end of this week. In relation to the second reason for refusal, the Applicant had revised the landscaping details to provide more screening.

The Committee heard from the Applicant's Agent and the Applicant's Affordable Housing Consultant, both of whom confirmed the conclusion of the negotiations but exhorted the Committee to grant planning permission for the Application at this meeting as there was a risk that the funding for the project would have expired by 15 February 2018.

Cllr Chambers urged the Committee to determine the application to avoid the loss of funding, and Cllr Knapman felt that the issues should have been dealt with in time for this meeting. However, Cllr Brady reiterated that the Council should follow the correct procedure in determining this large and important application and it was unrealistic for Officers to produce a revised report in less than two days. Cllr Jones sympathised with the situation but declared that she would have to vote against the application if the Committee determined it at this meeting on the basis of an unsound report. It would be better to wait two weeks for a revised and correct report. Cllr Heap also emphasised that if the application was deferred then it would allow an objector an opportunity to register to speak at the extra-ordinary meeting.

The Chairman acknowledged that a number of Members of the Committee were not comfortable with determining the application this evening, given that the report before the Committee was no longer valid. The Chairman felt that the application would have been granted if the proper paperwork could have been produced in time, but this Committee was the Council's foremost Planning Committee and it had to follow due, legal process. Therefore, the Chairman felt that the application should be deferred.

Decision:

(1) That determination of planning application EPF/1849/17 at Chigwell Primary School in High Road, Chigwell be deferred until the extra-ordinary meeting of the Committee, scheduled for 15 February 2018, to allow for the production of a revised report following the conclusion of negotiations between the Council and the Applicant.

43. EPF-2413-17 - 1 BENTONS COTTAGES, MIDDLE STREET, NAZEING

The Assistant Director of Governance (Development Management) presented a report for the installation of a new vehicle crossover at 1 Bentons Cottages in Middle Street, Nazeing. This application was considered by Area Planning Sub-Committee West at its meeting on 17 January 2018 with a recommendation to refuse planning permission; the Sub-Committee voted to grant planning permission, but as this would be contrary to adopted planning policy then the application was referred to this Committee for confirmation.

The Assistant Director stated that the application site was located at the southern end of Middle Street, within the village of Nazeing, and was a small strip of land

adjacent to Bentons Cottage to the north west. It would also be adjacent to four dwellings which had yet to be built. There was a robust screen of vegetation on its front boundary which was afforded legal protection as the site was within the boundaries of a conservation area, and the site was also located within the metropolitan Green Belt. The proposed development was for the construction of a new access onto Middle Street.

The Assistant Director reported that Planning Officers had concluded the proposal constituted inappropriate development in the Green Belt and would cause additional harm to its openness. The application would also cause significant harm to the character and appearance of the conservation area, to existing protected trees, and impact adversely on existing highways issues. Therefore, Planning Officers had originally recommended that the application be refused planning permission.

The Assistant Director informed the Committee that the Area Planning Sub-Committee West was of the opinion the proposal would improve the highway safety at the location, there would no adverse impact on the amenities of the Green Belt and therefore it was not inappropriate development in the Green Belt. Despite this view by the Members of the Sub-Committee, and that the new access would be further from the bend in the road, the Applicant was not proposing to close the existing access, and there had been no recorded accidents at this location for the last five years. Planning Officers had included possible planning conditions within the report for this application, but the Assistant Director counselled that if the Committee was minded to grant planning permission then it would have to identify the very special circumstances to outweigh the harm to the openness of the Green Belt.

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

Cllr Whitehouse felt that it was helpful to listen and consider local views when determining planning applications, and the planning conditions listed in the report appeared reasonable for a site with protected trees. The existing access was unsafe and the Committee should insist the existing access was closed off if permission was granted. Cllr Chambers also noted that the Parish Council supported the application and there were no objections from local residents. The Assistant Director reminded the Committee that the application site was only around the area for the new access; the existing access was not part of the application and the Committee could not insist on its closure.

Cllr Brady felt that the Applicant wanted to keep all three entrances and not have any planning conditions applied, and build the four new houses for which permission had already been granted. Cllr Brady firmly believed that all possible screening for this site should be retained. Cllr Pond added that any development in the metropolitan Green Belt had to demonstrate very special circumstances, and none had been supplied with the application. There had been no Heritage Statement included in the application and Cllr Pond was very surprised that an archaeological study for the site had also not been included. The Assistant Director reminded the Committee that the Council relied upon Essex County Council for archaeological advice, and no such study had been requested.

Cllr Jennings cited the known highways issues at the site, and would be very concerned to approve the application. Cllr Jones felt that the new access would only make this stretch of road more dangerous, especially as the existing access could not be removed, and would not support the application.

The recommendation from Area Planning Sub-Committee West to grant planning permission for this application was lost when voted upon by the Committee.

It was now proposed to refuse planning permission for the application, for the four reasons stated on the original report to the Sub-Committee. In respect of the third reason for refusal, the non-submission of tree reports to support the application, the Assistant Director stated that the Applicant had sent a pack to the members of the Sub-Committee on the day before the meeting with a plan but no report.

The original Officer recommendation to refuse planning permission was carried when voted upon by the Committee.

When considering a possible way forward for the application, which would have to overcome all four reasons for refusal, it was felt that the Applicant would have to re-design and submit a revised application which demonstrated the very special circumstances to permit development within the metropolitan Green Belt, closed up the existing access and also provided a Heritage Statement to accompany the application.

Decision:

(1) That planning application EPF/2413/17 at 1 Bentons Cottages in Middle Street, Nazeing be refused planning permission for the following reasons:

1. The proposal constitutes inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and for which there are no very special circumstances which clearly outweigh this harm. The proposal will also cause additional harm to the openness of the Green Belt and therefore the proposal is contrary to policies GB2A and GB7A of the Adopted Local Plan and with paragraph 87 of the National Planning Policy Framework. It is also contrary to policies DM4 and SP6 of the Epping Forest Local Plan (Submission Version) 2017.
2. The proposal will cause a significant erosion to the character and appearance of the Conservation Area through the removal of the attractive vegetation at the front of the site and the substantial urbanising impact of the new access. In addition the failure to submit a heritage statement has not justified the identified harm. The proposal is therefore contrary to policies HC6 and HC7 of the Adopted Local Plan and with the objectives of the National Planning Policy Framework. It is also contrary to policies DM3 and DM7 of the Epping Forest Local Plan (Submission Version) 2017.
3. The proposal will remove an area of protected trees and vegetation at the front of the site and the applicant has not submitted tree reports to accompany the application. The proposal has therefore failed to demonstrate the adequate provision for the retention of trees and hedgerows and is therefore in conflict with policy LL10 of the Adopted Local Plan and with the objectives of the National Planning Policy Framework. It is also contrary to policies DM3 and DM5 of the Epping Forest Local Plan (Submission Version) 2017.
4. The proposal would lead to the creation of an additional and unnecessary access on a stretch of Secondary Distributor highway

where the principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety. Therefore this proposal is contrary to policy ST4 of the Local Plan and with the objectives of the National Planning Policy Framework. The proposal is also contrary to policy T1 of the Epping Forest Local Plan (Submission Version) 2017.

44. ANY OTHER BUSINESS

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

45. EXCLUSION OF PUBLIC AND PRESS

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

CHAIRMAN