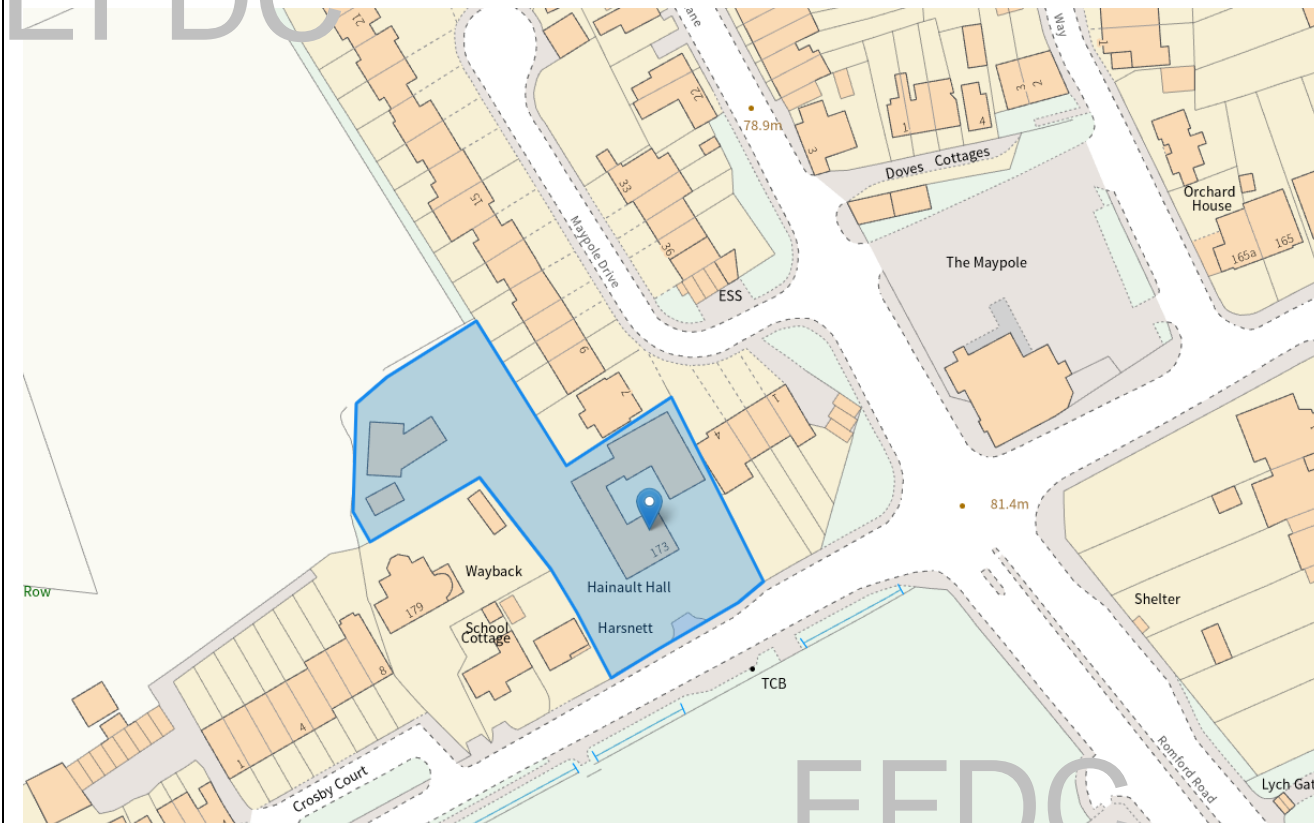




Epping Forest District Council

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Application Number:	EPF/2113/20
Site Name:	Hainault Hall, 173 Lambourne Road Chigwell IG7 6JU

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OFFICER REPORT

Application Ref: EPF/2113/20
Application Type: Full planning permission
Applicant: Mr Sandeep Singh
Case Officer: James Rogers
Site Address: Hainault Hall
173 Lambourne Road
Chigwell
IG7 6JU

Proposal: Installation of an outdoor swimming pool and hard landscaped surround in the grounds of Hainault Hall. The pool is adjacent to and associated with an annexe to the Hall (under construction).

Ward: Chigwell Row
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d00000NwsU>
Recommendation: Approve with Conditions

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The application site is located on the northern side of Lambourne Road within the built up area of Chigwell. Currently on the site is a Grade II Listed Building built in the late 18th Century. There is an existing outbuilding used as a summer house towards the rear of the site approximately 30m from the main dwelling. The application site is located within the boundaries of the Metropolitan Green Belt and it is not within a Conservation Area.

Proposal

The proposal is for the construction of a new swimming pool towards the rear of the site, adjacent to the existing summer house.

Relevant Planning History

There is much planning history on this site, relating to the main dwelling and the adjacent summer house, however none directly relating to the proposed swimming pool on the site. The most relevant of the outbuilding applications are:

EPF/0055/19 - Revision to approved application EPF/0959/18 for the erection of replacement single storey outbuilding in the rear garden to serve as an ancillary annex. – Approved

EPF/0959/18 – Proposed outbuilding in the rear garden to serve as ancillary annex – Approved

Development Plan Context

Epping Forest District Local Plan 2011- 2033 (“the EFDLP”)

The Local Plan (2011-2033) has now been formally adopted by the Council and therefore has full weight when considering planning applications. The following policies are relevant:

SP2 Spatial Development Strategy 2011-2033
T1 Sustainable Transport Choices
DM2 Epping Forest SAC and the Lee Valley SPA
DM3 Landscape Character, Ancient Landscapes and Geodiversity
DM4 Green Belt
DM5 Green and Blue Infrastructure
DM7 Heritage Assets
DM9 High Quality Design
DM10 Housing Design and Quality
DM15 Managing and Reducing Flood Risk
DM16 Sustainable Drainage Systems
DM19 Sustainable Water Use
DM20 Low Carbon and Renewable Energy
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality

National Planning Policy Framework 2021 (“The Framework”)

The Framework is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the Framework. Paragraph 11 of the Framework states that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the Framework are of relevance to this application:

Paragraphs 126 & 130
Paragraphs 137, 147 - 150
Paragraph 180
Paragraphs 189, 194, 195, 197, 199, 200, 207 & 208

Summary of Representations

8 Neighbours consulted – 11 objections received. A summary of the comments received is:

- Inappropriate development in the Green Belt with no very special circumstances
- Overdevelopment of the site
- The proposal will cause a significant noise impact

Planning Considerations

The main issues for consideration in this case are the potential impacts on the Metropolitan Green Belt, the living conditions of the neighbours, the potential impact on the setting of the Grade II listed building and the character and appearance of the area and any other material planning considerations.

The Green Belt

The Framework identifies that the Government attaches great importance to the Green Belt. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The fundamental characteristics of the Green Belt are its openness and its permanence, or in other words, it is characterised by an absence of development.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Government requires the decision maker to ensure that substantial weight is given to any harm to the Green Belt and that, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm identified is clearly outweighed by other considerations. The adopted Local Plan echoes the position of the Framework and both identify that certain forms of development are not considered to be inappropriate in the Green Belt.

Paragraph 149 part b) gives the exception:

the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

This application proposes an outdoor swimming pool, the outbuilding which is shown on the drawings already benefits from planning permission and is not part of this planning application.

An outdoor swimming pool clearly facilitates outdoor sport and recreation, albeit at a small scale for the occupiers of the main dwelling house and therefore fulfills the first part of this exception. Turning to the second part, by its very nature a swimming pool does not increase the level of built form in the Green Belt although it inevitably changes its character through the addition of ancillary swimming pool related paraphernalia. Nevertheless the Green Belt is characterised by an absence of development and in the context of this application, for a small scale outdoor swimming pool measuring only 3m x 8m the proposal will preserve the openness of the Green Belt.

Overall, the proposal facilitates outdoor sport and recreation and preserves the openness of the Green Belt and the purposes of including land within it.

It is also noteworthy that in most instances, domestic outdoor swimming pools within residential curtilages is permitted development under Class E of Part 1 of Schedule 2 of the GPDO. As such, in most cases they are acceptable even within the boundaries of the Green Belt, albeit this proposal is not permitted development since the host dwelling is Listed.

Living conditions of neighbours

The swimming pool is located within relative close proximity to the neighbours backing onto the site from Maypole Drive, whose rear gardens are reasonably modest. Whilst the swimming pool could cause an increased level of noise through its use, it is within the residential curtilage of Hainault Hall and can be used for the enjoyment of its occupants regardless of the outcome of this planning application. In any event the pool will not cause a significant increased level of noise above and beyond the existing

situation since it is only for domestic use in connection with Hainault Hall and would therefore not be used excessively. A condition can be attached to ensure that it is only used for purposes incidental to the enjoyment of Hainault Hall.

The applicant proposes significant and robust landscaping on the boundaries with these neighbours, which will lessen the potential noise impacts even further, which can also be secured through condition.

Potential impact on the Listed Building

The EFDLP is clear that development proposals must preserve or enhance designated heritage assets and their settings, in a manner that is appropriate to their significance.

In this case the Conservation Officer has commented that:

The proposal site stands within the setting of Hainault Hall, an imposing and attractive Georgian building, statutory listed at grade II. The impact of the pool on the setting of the listed hall is found acceptable as it can be mitigated through the use of appropriate materials for the pool lining and surrounding hard surfacing, it is recommended that these details are reserved by condition.

This is clearly a reasonable and necessary condition to impose and will ensure no harm to the setting of the heritage asset.

Character and Appearance

The swimming pool is of a small scale and is located to the rear of Hainault Hall, not visible from public viewpoints. Even if it were, swimming pools are relatively common in domestic areas and as such the proposal will not cause harm to the character and appearance of the area.

Other Matters

The land drainage team have commented that the proposal is acceptable subject to further details of foul and surface issues. This can be secured through condition.

The Tree and Landscape Team have offered no objection to the application subject to further details of hard and soft landscaping as well as the removal of the excavated material from the site.

Conclusion

The swimming pool is not inappropriate development in the Green Belt, will not cause significant harm to the living conditions of the neighbours, preserves the setting of the Grade II Listed Building and will not cause harm to the character and appearance of the area. It is therefore recommended that planning permission is granted, subject to conditions.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: James Rogers
email: contactplanning@eppingforestdc.gov.uk

Conditions: (7)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: PL-01, PL-02, PL-03 and PL-04

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 The swimming pool hereby permitted shall only be used for purposes incidental to the enjoyment of the main dwelling house known as Hainault Hall and shall not be used for commercial purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: The swimming pool is located within a suburban area with various neighbouring properties in close proximity. Its use for commercial purposes may cause significant noise disturbance to these neighbours. This protection of the living conditions of the neighbours is in accordance with Policies DM9 & DM10 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 Prior to any above groundworks, all material excavated from the below ground works hereby approved shall have been removed from the site.

Reason: In order to ensure that levels are not altered across the site as a result of deposited materials, in the interests of amenity, in accordance with Policies DM9, DM12 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 Prior to preliminary ground works taking place, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of foul and surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. 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.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 Full photographic details and drawings of the types and colours of the hard surfacing surrounding the pool, the external pool lining, and the pool furniture shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with the guidance contained within the National Planning Policy Framework and policy DM 7 of the Epping Forest District Council Local Plan (2011-2033)

Informatives: (1)

- 8 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.