

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Management Committee **Date:** 30 January 2019

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.40 pm

Members Present: Councillors B Sandler (Chairman), S Jones (Vice-Chairman), S Heap, H Kauffman, P Keska, J Knapman, C C Pond, C Roberts, B Rolfe, D Sunger, J M Whitehouse, N Bedford, H Whitbread, D Wixley

Other Councillors: None

Apologies: Councillors H Brady, G Chambers, I Hadley, R Jennings, R Morgan, E Webster

Officers Present: N Richardson (Service Director (Planning Services)), S Tautz (Democratic Services Manager), R Perrin (Webcasting Officer)

28. WEBCASTING INTRODUCTION

On behalf of the Chairman, the 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.

29. 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.

30. SUBSTITUTE MEMBERS

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

- (a) Councillor N. Bedford for Councillor G. Chambers;
- (b) Councillor D. Wixley for Councillor R. Jennings; and
- (c) Councillor H. Whitbread for Councillor E. Webster.

31. DECLARATIONS OF INTEREST

The following interests were declared by members of the Committee pursuant to the Council's Code of Member Conduct:

- (a) Councillor D. Wixley declared a personal interest in item 10 (Planning Application EPF/1058/18 – Land at Marlescroft Way, Loughton) of the agenda for the meeting, by virtue of his appointment as a representative of Loughton Town Council on the Roding Valley Meadows Local Nature Reserve Consultative Group. Councillor Wixley had determined that his interest was not prejudicial and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

32. MINUTES

RESOLVED:

That the minutes of the meeting of the Committee held on 28 November 2018 be taken as read and signed by the Chairman as a correct record.

33. 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:

That the Planning Policy Briefing Note for the Epping Forest District Local Plan Submission Version, be noted.

34. PLANNING APPLICATION EPF/1950/18 - WOODBERRIE, KINGS HILL, LOUGHTON

The Service Director (Planning Services) presented a report with regard to the proposed construction of a swimming pool and associated landscaping at Woodberrie, Kings Hill, Loughton.

Members were advised that the application had been referred to the Committee for determination as a result of a minority reference from Area Plans Sub-Committee South at its meeting on 21 November 2018, after an equal number of members had voted for and against the development proposal. The Committee noted that the recommendation of the Service Director (Planning Services) remained that planning permission should be granted for the proposed development, notwithstanding that factors in support of and against the grant of planning permission were balanced.

The Committee was advised that the application site was within the York Hill Conservation Area and was a locally listed building. The Service Director (Planning Services) reported that Woodberrie was a three-storey pitched-roof house with first floor accommodation above the eaves within a steeply pitched roof and on the second floor in the upper roof area. Members noted that the house was set within a generous plot that included a link attached garage to the north and that trees around the boundary of the site were subject to a Tree Preservation Order. The Committee was advised that the property had an extant planning permission for a large extension to the north of the existing building and was prominent on Woodbury Hill,

contributing to the historic interest and appearance of the area and other buildings of similar style.

The Service Director (Planning Services) advised the Committee that the main issues for consideration in respect of the application related to design in the Conservation Area, impact on amenity and impact on trees. Members noted that it was considered that the proposed swimming pool had been well designed to respect the character of Woodberrie and the surrounding conservation area and the pool and landscaping would sensitively integrate into the plot and sit behind a high hedge which was a characteristic of the conservation area and would soften the appearance of the swimming pool and create an attractive landscape feature. The Committee noted that the pool would be further screened with additional planting and that the necessary plant equipment would be situated below ground level so as to not affect the setting of Woodberrie. The Service Director (Planning Services) advised the Committee that the proposed pool would occupy a level plateau within the existing garden and would leave a large area of garden to the rear of the house. Members noted that the proposal was not therefore considered to be harmful to the conservation area and would preserve its character and appearance.

The Service Director (Planning Services) reported that the proposed pool would be set well away from neighbouring properties and that, due to the land levels of the site and the high volume of protected screening, it would not be visible from long views of the property and would not appear overbearing on neighbouring properties or overlook the private amenity space of neighbouring properties. Members were advised that the proposed location of the plant machinery was a sufficient distance from neighbouring properties, so as to not cause any significant harm to the amenity of neighbouring properties

The Committee noted that the Tree and Landscape Officer had made no objection to the proposal and that, as the site was within a Conservation Area, all trees were afforded legal protection in addition to several trees on and adjacent to the site that were also protected by Tree Preservation Orders. The Service Director (Planning Services) reported however that conditions requiring the submission of a landscaping scheme, tree protection and retention of trees and shrubs, should be applied to any grant of planning permission for the development proposal.

The Service Director (Planning Services) acknowledged that roadways within the Conservation Area were narrow and there were no footpaths and that a Construction Method Statement was required to be submitted as part of the approval for the extension of the existing house. The Committee noted that a revised Construction Method Statement had been submitted with the current application to limit any impact caused by the construction of the development. Members noted that the development was a significant distance from nearby buildings and that it was unlikely that the proposal would impact on neighbouring properties.

RESOLVED:

That planning application EPF/1950/18 be approved, 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) 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. 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;

- (3) If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place;
- (4) No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS: 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation;
- (5) All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority;
- (6) 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; and
- (7) Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

35. PLANNING APPLICATION EPF/1058/18 - LAND AT MARLESCROFT WAY, LOUGHTON

The Service Director (Planning Services) presented a report with regard to the proposed formation of an off-street parking area on land at Marlescroft Way, Loughton, to provide daytime parking for employees of the Council's depot at Oakwood Hill.

Members were advised that the application had been refused by Area Plans Sub-Committee South at its meeting on 23 January 2019 and that the proposal therefore stood referred to the District Development Management Committee for determination in accordance with Article 10 of the Constitution, as the application had been submitted by the Council and related to land in the ownership of the authority. The Committee noted that the recommendation of the Service Director (Planning Services) remained that planning permission should be granted for the proposed development and voted on a motion that it undertake a site visit prior to the determination of the application, which was lost.

The Committee was advised that the application site comprised a parcel of grass land to the south of dwellings in Marlescroft Way and that, whilst not situated within a conservation area, the site was in close proximity to the Roding Valley Meadows Site of Special Scientific Interest (SSSI). The Service Director (Planning Services) reported that it was proposed to change the use of the land to a car park providing fifty-six formally laid out parking spaces and three disabled bays with manoeuvring space in accordance with the Essex Vehicle Parking Standards (2009), together with improved pedestrian access to public rights of way into and across the Roding Valley Meadows Nature Reserve. Members noted that the proposal would provide staff parking during working hours and parking for the public at other times.

The Service Director (Planning Services) advised the Committee that the main issues for consideration in respect of the application related to highways, design and the impact of the proposed development on the Epping Forest Special Area of Conservation (SAC). Members were advised that Marlescroft Way and Oakwood Hill were heavily parked areas, with parking strain caused by the nearby Oakwood Hill Industrial Estate and that the proposal would provide off-street parking for employees of the Council's Oakwood Hill Depot and local residents and users of the Roding Valley Nature Reserve. In response to concerns of local residents that the proposal would result in a loss of parking along the hammerhead area of Marlescroft Way, the Service Director (Planning Services) advised the Committee that the development would result in the addition of formal parking spaces, as opposed to the existing casual on-street layout, would not result in the loss of any formal resident parking provision and that Essex Highways had raised no objection to the proposal.

The Committee was advised that the proposal would maintain the largely urban character of Marlescroft Way but that, whilst it would increase hard surfacing at the site, an area of green space and mature trees would be retained to limit the visual impact of the development. The Service Director (Planning Services) reported that, although some planting would be removed in order to facilitate the development, such trees were not of high-quality and replacement trees would be located to the middle of the proposed hard surfaced area in order to soften the appearance of the proposal and ensure that the development maintained the green character of the area of Marlescroft Way. Members noted that the proposal would increase vehicle movements outside the properties along Marlescroft Way, although the nearest parking spaces would be in excess of 20 metres from the flank elevation of the closest properties, which would limit any potential harm caused by increased vehicle movements during business hours.

The Service Director (Planning Services) reported that the site acted as an undesignated public open space and that, although some of the open space would be lost as a result of the development, a smaller section to the west of the site and along Highwood Lane would remain. Members were advised that, arising from the proposal, access to the Roding Valley Meadows Nature Reserve would be improved through the provision of a new footpath towards the River Roding, incorporating a pedestrian route within the car park to ensure easy access and egress into the nature reserve, to be secured through a legal agreement. The Committee noted that issues had been identified with respect to the effect of proposed development on the integrity of the Epping Forest SAC from local air quality issues within and adjacent to the SAC, as the application site was within the 6.2km zone identified by Natural England within which new development was likely to particularly impact on the SAC. The Service Director (Planning Services) reported that the Council and its partners were developing a strategy for the management of visitor pressure on the SAC and the monitoring of air quality, which would include measures to be funded through financial contributions secured from new development. The Committee was advised that the provision of a new footpath would amount to mitigation measures within the Roding Valley Meadows SSSI, since it would direct pedestrian movement to a suitable surface rather than haphazard movement between the site and the SSSI and had been approved by Natural England as a suitable strategy to benefit the site.

The Committee was advised that a small section of the site along its eastern boundary, was within the Metropolitan Green belt and that the majority of this strip would remain as a grassed area, although some hard-standing for the proposed footpath into the Nature Reserve and a small area of the proposed exit leading onto Marlescroft Way, would fall within this area. The Service Director (Planning Services) reported that, whilst the National Planning Policy Framework stated that inappropriate development was by definition harmful and should not be approved except in very special circumstances, Paragraph 146 of the Framework specified certain forms of development that were considered not inappropriate, which included engineering operations. Members noted that Section 366 of the Town and Country Planning Act 1990 interpreted engineering operations as including the formation and laying out of means of access to a highway and that it was considered that the proposal would constitute an engineering operation and preserve the openness of the Green Belt and was therefore considered acceptable.

The Service Director (Planning Services) reported that the Council's Land Drainage Section had raised no objection to the proposed development and that, subject to the imposition of the conditions recommended in the report and the completion of a Section 106 obligation securing the Epping Forest SAC contribution and contribution towards a footpath within the Roding Valley Meadows SSSI, the proposal would constitute an acceptable form of development. However, a number of members of the Committee raised concern with regard to the proposed development, particularly in relation to the loss of open space provided as part of the original design of the Oakwood Hill Estate, as a result of the development.

RESOLVED:

That planning application EPF/1058/18 be refused for the following reasons:

- (1) The proposal amounts to the loss of playing fields for the adjacent residential development, approved under planning permission reference CHI/0302/66, without proper justification or appropriate alternative provision. The loss would result in a disproportionate loss of amenity and opportunity for outdoor play and exercise for the occupants of the Oakwood Hill Estate, particularly those of the adjacent flats that rely upon

communal play areas. The proximity of the adjacent nature reserve/SSSI cannot compensate for the loss since it serves a different function. The proposal would therefore be harmful to the amenities and health of those residents. As a consequence, the proposal is in conflict with paragraphs 97-98 of the NPPF, contrary to Local Plan and Alterations policy RST14 and Submission Version Local Plan (2017) policy DM 6 (paragraph B);

- (2) The proposal would, without proper justification or compensatory planting, result in the loss of mature trees on the application site, to the detriment of the visual amenities of the locality. The proposal is therefore contrary to Local Plan and Alterations policy LL10 and Submission Version Local Plan (2017) policies DM 5 (paragraphs A & D) and DM 9 (paragraph E), which are consistent with the NPPF;
- (3) By reason of its likely intensity of use by motor vehicles and its siting adjacent to the Roding Valley Meadows SSSI, pollution arising from the proposal would be likely to cause harm to the interests of nature conservation and biodiversity, contrary to Local Plan and Alterations policy NC1 and Submission Version Local Plan (2017) policy DM 1, which are consistent with the NPPF;
- (4) By reason of the lack of proposals to encourage alternative forms of travel, including a possible scheme for charging for parking vehicles, the proposal amounts to an unsustainable form of development that would be likely to encourage motor vehicle use at the expense of more sustainable alternatives. The proposal is therefore contrary to Local Plan and Alterations policies CP1(v) & CP9 and Submission Version Local Plan (2017) policy T 1 (paragraph B) which are consistent with the NPPF; and
- (5) By reason of its scale, location and likely intensity of use, the proposal would appear conspicuous from within and beyond the Green Belt resulting in a reduction in its openness and causing harm to its visual amenities. The proposal is therefore contrary to Local Plan and Alterations policy GB7A and Submission Version Local Plan (2017) policy T 1 (paragraph B) which are consistent with the NPPF.

Immediately following the voting on the application that planning permission for the proposed development be refused, four members of the Committee referred the application to the Council for determination on the application of the minority reference procedure set out in the Constitution (Rule M2).

36. PLANNING APPLICATION EPF/3043/18 - 6 ST. MARY'S WAY, CHIGWELL

The Service Director (Planning Services) presented a report with regard to the proposed provision of a ground-floor front and rear extension and first-floor side extension and loft conversion with two rear dormers, at 6 St. Mary's Way, Chigwell.

Members were advised that the application had been referred to the Committee for determination as a result of a minority reference from Area Plans Sub-Committee South at its meeting on 23 January 2019, after an equal number of members had voted for and against the development proposal. The Committee noted that the recommendation of the Service Director (Planning Services) remained that planning permission should be granted for the proposed development, although the application had been referred for determination without any recommendation by Area Plans Sub-Committee South.

The Committee was advised that the application site was a two-storey semi-detached house within a built-up area of Chigwell and was not listed or situated in a conservation area. The Service Director (Planning Services) advised the Committee that the main issues for consideration in respect of the application were its impact on the character and appearance of the locality and on the living conditions of neighbouring properties.

The Service Director (Planning Services) reported that the proposed rear extension was considered to be subservient to the existing building and similar to others in the locality and that, although the proposed works to the front and side of the house would be visible from the street, they would complement the existing building in terms of its height, scale and detailed design and would have no adverse impact on the street scene. Members noted that the proposed roof works were considered to be of an appropriate design, with the increase in ridge height matching that of the attached neighbouring property and, together with the two rear dormer windows that were well-proportioned and set appropriately within the roof space, achieved a well-proportioned roof in relation to both the neighbouring property and the wall height of the existing house, to safeguard the character and appearance of the locality.

The Committee was advised that the application site was located at the beginning of a cul-de-sac with the rear of the property facing towards a principal elevation of 7 St. Mary's Way, which was separated from the existing house by the length of its rear garden and a pair of garages. A number of members of the Committee raised concern with regard to the potential harm in terms of overlooking into the first-floor flank wall windows of 7 St. Mary's Way, arising from the proposed rear dormer windows. The Service Director (Planning Services) reported that such harm was considered to be minimal and not significant enough to justify the refusal of the application, as the rear wall of the application site was a distance of approximately 23 metres from the principal elevation of 7 St. Mary's Way, which was not unusual on modern housing estates. Members noted that the affected elevation of 7 St. Mary's Way was generally visible from public areas of the cul-de-sac and that there would be no harmful impact to the living conditions of the neighbouring property from the proposed single-storey rear element in terms of overshadowing, outlook, visual impact or loss of light. The Committee was advised that with regard to the impact on the living conditions of 10 St. Mary's Way and the rest of the properties looking on the rear of the application site, there would be no additional overlooking or loss of privacy than that currently achievable. The Service Director (Planning Services) reported that the proposal would safeguard the living conditions of all neighbouring dwellings.

RESOLVED:

That planning application EPF/3043/18 be approved, 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) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Class B of Part 1 of

Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority; and

- (4) 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.

37. ANY OTHER BUSINESS

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

38. EXCLUSION OF PUBLIC AND PRESS

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

CHAIRMAN

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