

Report Item No: 1

APPLICATION No:	EPF/2025/12
SITE ADDRESS:	43 Colebrook Lane Loughton Essex IG10 2HJ
PARISH:	Loughton
WARD:	Loughton Fairmead
APPLICANT:	Mr R Webster
DESCRIPTION OF PROPOSAL:	TPO/EPF/13/90 T1 - Oak - Fell
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=542617

REASON FOR REFUSAL

- 1 Although it is recognised that there is significant structural damage within the main house the evidence supplied and investigation of the issues on site does not demonstrate that this is a result of root related subsidence, nor that removal of the tree would contribute to its stabilisation and repair. It is recognised that the tree's root activity may have contributed to the damage to the boundary wall and the conservatory, but both these structures are of unsatisfactory construction, not in accordance with published advice. Their failure is seen to result from unsatisfactory construction. The application provides no evidence that removal of the tree would contribute to their future stability or repair. The loss of the tree's existing and potential visual amenity is therefore seen to be unnecessary and unjustified and as such to be contrary to policy LL9 of the Council's Adopted Local Plan and Alterations.

This application is before committee since all applications to fell preserved trees are outside the scope of delegated powers.

Description of Proposal:

Oak. Fell.

Description of Site:

The tree stands approx 10m in height, and on the front boundary, close to the junction into the Fairmead development and immediately behind the pavement. The house itself is set back some 9m from the tree. The flank of the building is connected to its garage by a brick wall, approx 1.8m in height, which encloses the rear garden, and also leaves an extensive open lawn to the front,

The tree itself sits prominently in that area. Although relatively young for an oak, it is an important feature of the local street scene.

Relevant History:

TPO/EPF/13/90 was a strategic order, protecting the most prominent trees on the Fairmead School site, before development.

EPF/9/92: Outline consent for 112 houses APP/CON

EPF/0410/96: Details of 108 houses APP/CON

The development was designed and constructed in 1997 to allow tree retention, with relevant tree protection and landscape conditions. There is no specific recent history. Consent was granted in 1998 for a limited crown lifting, ref EPF/0114/98.

Policies Applied:

Epping Forest District Local Plan and Alterations, LL 09: Felling of preserved trees.

Summary of Representations:

LOUGHTON TOWN COUNCIL: Objects to inappropriate treatment to any significant tree and on that basis objects. It would prefer the roots to be contained, rather than the tree felled.

LOUGHTON RESIDENTS ASSOCIATION Objects: Willing to withdraw objection should the council's arboriculturist approve felling, subject to suitable replacement. .

Issues and Considerations:

Introduction

The reason given for the felling within the application as submitted in October 2012 was that the "tree is causing clay subsidence damage". Members will be aware that the costs arising from decisions are claimable against the LPA in relation to TPO decisions, and that in subsidence cases these can be considerable. The application on submission was supported by:

- 2 technical reports from Crawfords (Loss Adjusters), dated September 2010 & October 2012;
- an Arboricultural Appraisal report from MWA Arboriculture of August 2012,
- levels monitoring results and
- supporting technical information on soils, foundations and drains.

The damage was said to be to the main house, a conservatory and also to the brick garden wall. Although drains had been leaking it was stated that their location meant they were unlikely to be a relevant factor.

The LPA appointed an independent structural engineer to provide advice, (P Kelsey Associates). An accompanied inspection was undertaken in January 2013, following which an additional technical report was received in April from Crawfords. This committee report is based on that information set, and the advice received from P Kelsey Associates, including following the most recent submission. Investigations have also referred to building control records for the original foundation design and the ground investigations report accompanying the building control application for approval of details, ref BC/1074/96.

The Tree

The assessment of the tree is that it is healthy, and of good form. It is a valuable tree, but not fully mature. Generally therefore if there were compelling evidence that the tree were causing structural damage, that the affected structures have been properly constructed in accordance with contemporary good practice and guidance and that its removal would restore stability to the structures involved then the policy LL9 would be satisfied, and removal, with suitable replacement,

would be recommended. It is true that felling can sometimes be avoided by other technical solutions, such as underpinning or by constructing a root barrier, but these will generally be considerably more expensive and justifiable only for trees of the highest value, which this while important, is not.

Main considerations

The main considerations therefore are:

- How strong is the evidence linking tree root activity to the damage?
- Would tree removal assist in their resolution in a cost effective manner? And also
- Whether the structures damaged in this case have been properly constructed, particularly given that the tree was present and subject to TPO prior to construction?

Damage to the property

The reports supporting the application conclude that there is root related subsidence to the property. The latest report states “the additional site investigations have confirmed our earlier diagnosis that the cause of subsidence is root induced clay shrinkage. It is now clear that the oak’s influence is throughout the property and, therefore, there is even more need to fell the tree as the dominant and effective cause...If the council refuse (the application)...then partial underpinning will be needed to stabilise the property. This would escalate the current repair reserve of £7k to over £120k to include underpinning and alternative accommodation.”

In terms of the damage evident there appears to be no evidence of externally visible damage to any of the main house walls, with none of the characteristic stepped cracking from doors or windows associated with subsidence. However there is crack damage to internal walls and ceilings, and within the kitchen. The floor of the kitchen is visibly lower than it should be, with associated damage to kitchen fittings and tiles etc. The floor of the conservatory is visibly disrupted, with cracking at its junction with the house proper. The boundary wall is widely cracked, and also out of true.

Discussion

The application as originally submitted was on the basis that the house foundations were substandard, only 1m deep, and this was the cause of the cracking. Level monitoring showed a considerable annual movement, consistent (it is said) with tree root activity. It is stated that the clay is desiccated.

In relation to the main house P Kelsey Associates point out that there are serious flaws in the interpretation of the data, not remedied in Crawford’s latest report. In particular they state that the best interpretation of the levels data suggests that it is the datum point that is moving, rather than the property itself, which accounts for the lack of damage to the main structure. They suggest that the internal damage arises from a failure of the floor slab, not the foundations. The foundations have been ascertained to be from 2.5 to 2.25m deep, which broadly accords with the approved details, and should be more than enough at 9m for a tree of this size. It appears from the technical information that, where the floor should be suspended, it is in fact ground bearing, and hence likely to fail irrespective of the tree’s presence. Although the subsoil is stated to be relatively dry they point out that the technical information does not bear this out and that, in areas where roots should be present to bear out the allegation, they have not in fact been found.

In relation to the conservatory and wall P Kelsey Ass. point out that both have very shallow foundations, and would be likely to move irrespective of the presence of the tree. The damage to the conservatory is due to differential movement between it and the house as a result of having a clearly insufficient foundation; while oak root activity is likely to have been at least a contributory factor in this damage its removal would not prevent further movement and so further damage would, they consider, be inevitable.

Conclusion

The owner of 43 Colebrook Lane has a very understandable desire to have the defects to his property, now of longstanding, remedied under his insurance policy. However it is suggested that the tests to allow tree removal are not satisfied.

1. The evidence to support the application in respect of the main structure, the house, is badly flawed. It does not demonstrate that the main house is suffering from subsidence.
2. It does not seem from the evidence supplied that removal of the tree would assist with resolution of any of the structural issues which have been identified
3. The failures all arise from construction defects which need to be remedied, irrespective of the tree's presence.

It is therefore concluded that policy LL9 of the Local Plan and Alterations is not satisfied and that the application should therefore be refused.

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:

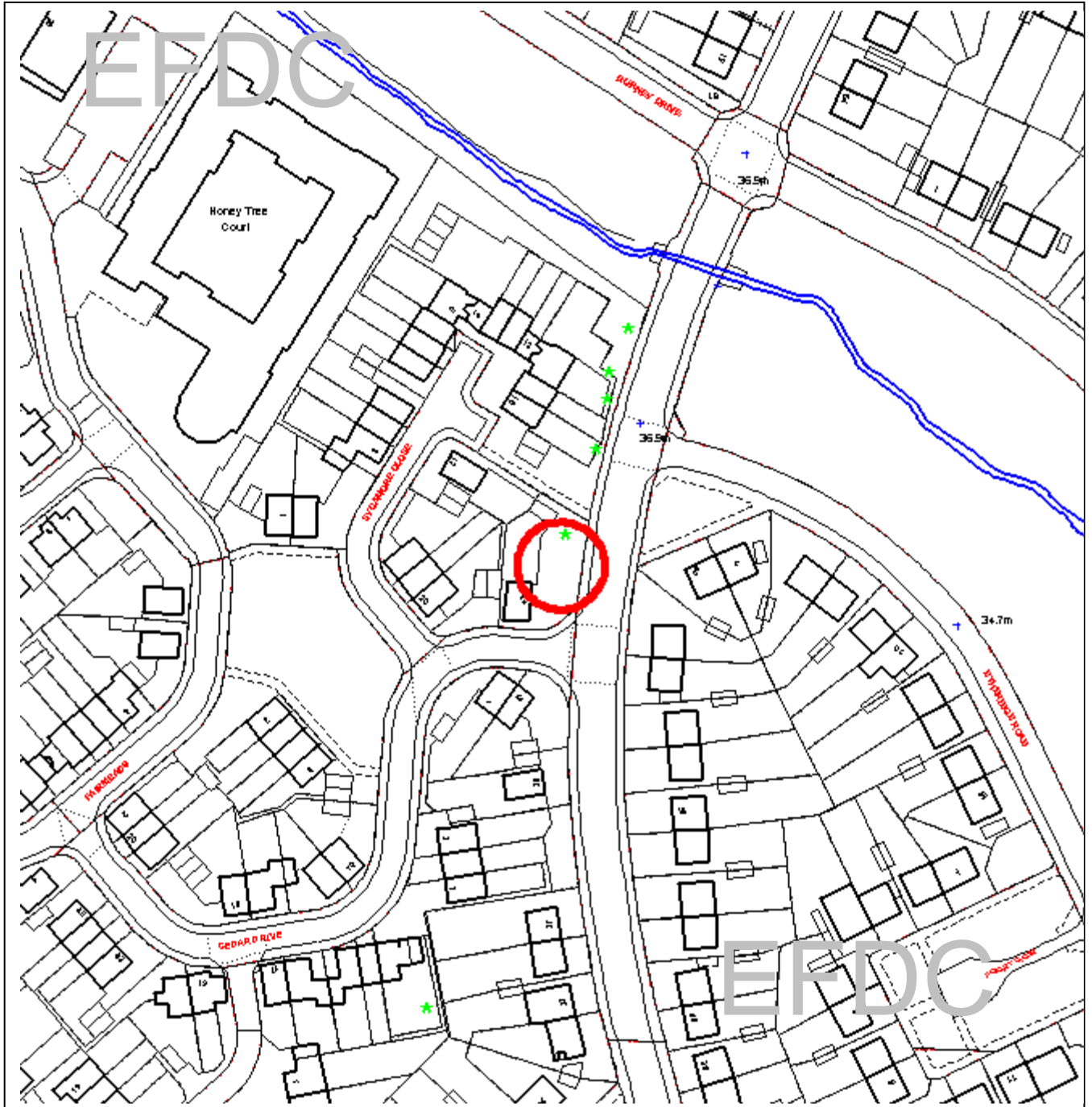
***Planning Application Case Officer: Christopher Neilan
Direct Line Telephone Number: 01992 564117***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	1
Application Number:	EPF/2025/12
Site Name:	43 Colebrook Lane, Loughton IG10 2HJ
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0233/13
SITE ADDRESS:	44 Kenilworth Gardens Loughton Essex IG10 3AF
PARISH:	Loughton
WARD:	Loughton Roding
APPLICANT:	Miss Mine Remzi
DESCRIPTION OF PROPOSAL:	Proposed replacement of redundant former garages with one single storey, 1 bed bungalow.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545553

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: 1249/1, 1249/2A, 1249/3 and 1249/4
- 3 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 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]
- 4 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 in writing 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]

- 5 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 in writing 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]
- 6 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 in writing. The approved monitoring and maintenance programme shall be implemented.
- 7 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.
- 8 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 in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 9 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no enlargement of the dwellinghouse hereby approved and no building within its curtilage generally permitted by virtue of Classes

A, B and E of Part 1, Schedule 2 to the Order shall be constructed without the prior written permission of the Local Planning Authority.

- 10 Prior to commencement of development, detailed design of the proposed railing, fence and sliding gate shall be submitted to and agreed in writing by the Local Planning Authority. The agreed railing, fence and gates shall be completed prior to the first use of the dwelling and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).). It is also before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

The application site comprises a disused garage court of 6 garages on the western side of Kenilworth Gardens situated between its junctions with Avondale Drive and Southern Drive. The site was originally the rear part of the rear garden of 47 Avondale Drive prior to the development of the garage court in the mid 1970's.

The site has a 17m frontage to Kenilworth Gardens and a width of 8m. The site is entirely hard surfaced and the garages are flat roofed structures approximately 2.5m high. They are arranged in two blocks of 3 garages, one at the northern and one at the southern end of the site. They are separated by a turning area which gives on a gated access directly off Kenilworth Gardens.

A narrow private alley some 1m wide providing access to rear gardens of properties on Avondale Drive and Southern Drive from Kenilworth Gardens separates the site from the rear garden boundary of 54 Southern Drive.

The locality is characterised by short terraces of two-storey houses with rear gardens typically 25m in length, as at 54 Southern Drive. The rear garden of 47 Avondale Drive is only 9m in length as a consequence of the development of the garage site in the 1970's. Opposite the site is a substantial garage with hipped roof, some 4m high, in the rear garden of 45 Avondale Drive. Otherwise, this part of Kenilworth Gardens is entirely enclosed by the side garden boundary fences of houses fronting Avondale Drive and Southern Drive.

The development is entirely within Flood Risk Zone 2 and largely within Flood Risk Zone 3. It is not within a Flood Risk Assessment Zone shown on the proposals map of the Local Plan.

Description of Proposal:

It is proposed to redevelop the application site to provide a one-bedroom bungalow and courtyard providing a parking space and small private amenity area.

The bungalow would be sited at the northern end of the application site abutting the site boundary with the alley separating the site from 54 Southern Drive. It would be set back 1m from the boundary with the footway with its rear wall adjacent to the site boundary with the rear part of the back garden of 49 Avondale Drive. A distance of 15.6m would separate it from the rear elevation of 47 Avondale Drive.

The bungalow would have a footprint of some 6.5m by 10.3m. It would have a hipped roof with a flat top. Its eaves height would be 2.3m and its ridge height would be 4.35m. The front elevation would comprise equally spaced openings; a central entrance door with canopy porch flanked by a pair of windows. A 1m wide landscaped strip separating the bungalow from the footway of Kenilworth Gardens would be enclosed by 1m high railings.

The parking and amenity area would be enclosed by a solid 1.8m high fence and automatic sliding gate. The outside walls of the garages would be retained on the site boundaries with 47 and 49 Avondale Drive. A new section of wall would be built between the retained garage walls on the boundary with 49 Avondale Drive in order to create a uniform boundary treatment.

Relevant History:

EPF/0278/76	Erection of three garages.	Approved
EPF/1221/76	Erection of three garages.	Approved
EPF/1221/76A	Details of garages.	Approved

Policies Applied:

CP2	Quality of Rural and Built Environment
CP3	New Development
CP7	Urban Form and Quality
H2A	Previously Developed Land
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road Safety
ST6	Vehicle Parking
U2A	Development in Flood Risk Areas

NPPF

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 20

Site notice posted: No, not required

Responses received: Response received from the occupants of 7 neighbouring properties together with a petition signed by 13 people, each of separate addresses:

1 AVONDALE COURT, AVONDALE DRIVE (Cllr Stephen Murray): Objection

1. The development is to the rear of properties
2. The proposal will have an overbearing impact on the locality, homes and gardens of residents due to its size and proximity to neighbouring property.
3. The development would set a precedent for other similar development.

28 AVONDALE DRIVE: No objection. (No further information given)

47 AVONDALE DRIVE: Objection

1. The proposal will not blend into the area. It is not in accordance with the scale of a permitted development outbuilding.
2. The building will encroach on three gardens and residents do not want someone living on a street which does not have any other houses.

3. The building will emit cooking smells onto adjacent properties.
4. The roof of the building will block out light from adjacent properties.
5. The building will cause a lack of privacy to adjoining properties.
6. The building could hinder the sale of adjacent properties
7. The development would be a breach of the terms of restrictive covenant on the deeds to the property.

49 AVONDALE DRIVE: Objection

Points 1-6 made by 47 Avondale Drive repeated. Attention drawn to the objection of Cllr Stephen Murray.

51 AVONDALE DRIVE: Objection

1. The construction is larger than any outbuilding of the properties in the area and does not blend in with the neighbouring homes
2. The building will invade on the privacy of the neighbouring families
3. The proposed construction would set a dangerous precedent and could lead to the sale of garden portions for the development of similar properties
4. The proposed construction will have a negative impact in the value of the adjoining properties and hinder future sales

54 SOUTHERN DRIVE: Objection

1. The bungalow would overlook our and surrounding properties causing harm to privacy.
2. A bungalow with a pitched roof would block sunlight to our house and garden.
3. Potential cooking smells are a concern.
4. Existing drainage is often being repaired and cannot cope with additional development.
5. If permission is given that will open the way for allowing bungalows in back gardens generally.

56 SOUTHERN DRIVE: Objection

1. The building would affect light into our home, especially out back room and rear garden.
2. The development would put more pressure on an already overloaded sewage system.
3. The site was originally part of someones garden. If the development is approved it will be a precedent for other similar development in back gardens.
4. The development is not in keeping with the character of the locality.
5. The development could hinder sales of neighbouring properties

58 SOUTHERN DRIVE: Objection

1. The development would put more pressure on an already overloaded sewage system.
2. The close proximity of the development will put off potential buyers should we ever wish to sell.

PETITION: Proposal supported by the occupants of the following 13 properties:

30 AVONDALE DRIVE
38 AVONDALE DRIVE
39 AVONDALE DRIVE
40 AVONDALE DRIVE
41 AVONDALE DRIVE
42 AVONDALE DRIVE
43 AVONDALE DRIVE

45 AVONDALE DRIVE
25 SOUTHERN DRIVE
31 SOUTHERN DRIVE
33 SOUTHERN DRIVE
41 SOUTHERN DRIVE
66 SOUTHERN DRIVE

LOUGHTON TOWN COUNCIL: Objection

“The Committee OBJECTED to this application as the proposal was considered an inappropriate infilling and overdevelopment of the site that would allow almost no private amenity space. The proposed bungalow, situated halfway down a residential rear garden, would have a detrimental visual impact and cause loss of amenity to neighbouring residents from loss of light, noise and disturbance, much more so than from the existing garages. The proposal would also set a precedent.”

ENVIRONMENT AGENCY: Initial objection removed following the submission of a Flood Risk Assessment.

EFDC Land Drainage: No objection

Main Issues and Considerations:

The main issues raised by this proposal are the consequences for flood risk, living conditions of neighbours, the character and appearance of the locality and highway safety. This report will also discuss the potential for any consent to amount to a precedent. Objections made on the basis of impact on the sewerage system, property values and the ability of neighbours to sell their houses are not planning matters and therefore will not be discussed. In relation to consequences for the sewerage system, that is a matter for Thames Water. The Building Regulations will separately impose requirements on any developer in relation to the disposal of sewerage. Having regard to the use of the garage block for keeping motor vehicles and associated maintenance and the presence of infilled ground in the locality there is potential for ground contamination. Any consent given for the proposed dwelling house should therefore be the subject of standard conditions that seek to mitigate that potential and safeguard human health.

Flood Risk:

The application site is situated within Flood Zones 2 and 3. The western two garages of the northern garage block are outside of Flood Zone 3, but the remainder of the site is within it and consequently at greater hypothetical risk of flooding.

Detailed consideration has been given to whether the proposal would actually increase the risk of flooding or be at risk of flooding. A Flood Risk Assessment (FRA) has been submitted to inform the assessment of the merits of the proposal. It demonstrates the proposal would not increase the risk of flooding on the site or elsewhere and that it would be appropriately flood resistant.

The Environment Agency accepts the findings of the FRA and raises no objection to the development.

Living Conditions:

The proposal is of a scale that its siting would not cause any excessive harm to the amenities enjoyed by the occupants of nos. 54 to 58 Southern Drive. The building would be seen from those houses beyond the depth of their gardens and the width of a private alley separating them from the

site and the rear gardens of properties fronting Avondale Drive – a minimum of 26m. That distance is more than adequate to mitigate any visual impact.

The distance separating the proposed house from the rear elevation of 47 Avondale Drive would be 15.6m. Given the height of the proposal would be 4.35m and the existing garage wall on the site boundary with the rear garden of 47 Avondale Drive would be retained, the proposal would not have an excessive adverse impact on the visual amenities of 47. The development would largely be viewed from the first floor of no 47 which would overlook the site rather than the rear garden. The proposal would not cause any loss of light to 47 Avondale Drive or give rise to any overlooking of it.

As indicated above, the relationship of the proposal to the rear elevation of 47 Avondale Drive is such that the private amenity area and lounge patio doors of the proposal would be overlooked from the first floor of 47. That potential for overlooking of the proposed development is mitigated by the retained garage wall on the boundary, the slight elevated position of the site in relation to the rear garden of 47 (some 200mm) and the distance separating the southern flank of the proposed house from the rear elevation of 47. The private amenity area would remain adequately private and any overlooking would be restricted to the top part of the patio doors of the proposed house.

The proposed house would appear somewhat overbearing when seen from the rear garden of 49 Avondale Drive. The degree to which it would be likely to appear more overbearing than the existing garages is adequately mitigated by the hipped design of the roof and its termination in a crown. That serves to both limit the height of the house and ensure that the additional height above that of the existing garages is set away from the site boundary in accordance with the slope of the roof.

Concerns about the impact of cooking odours appear to be overstated and, in any event, if Members find it necessary the potential impact can reasonably be controlled through the imposition of an appropriate planning condition controlling the position of any extract outlet.

The very small area of private amenity space for the proposal is mitigated by its good degree of privacy and the fact that the site is within 200m of playing fields and 300m of informal public open space/parkland. Although an off-street parking space is shown for the development, it would be open to any future occupant to park on the street in order to achieve greater private amenity space as required since there is no parking restriction in the locality.

Character and appearance:

Although the proposal would amount to the reuse of previously developed land in a residential area for residential purposes, the proposed house would not be consistent with the character and appearance of the locality. However, it would replace an existing development which is also not consistent with that character. The house would be more prominent than the existing garages and thereby emphasise the inconsistency. However, the existing garages are redundant and their appearance is harmful to the character of the locality. There is no reasonable prospect that they would be refurbished and reused as garages due to their small size and they are not needed to deal with any parking difficulty in the locality. Unless an acceptable alternative use for the site is found or an acceptable redevelopment of it takes place, it is likely the existing harm caused by the site will persist and may well be compounded since the site could become a security risk.

An alternative use for employment purposes could be harmful to the living conditions of neighbours and would certainly be inconsistent with the character of the locality. In terms of use, residential is most likely to be compatible with that character provided the intensity of the use is low. The existing buildings could not be reused for any residential use and there does not appear to be any reasonable prospect of the site being cleared and returned to use as a part of the rear

garden of 47 Avondale Drive, the preferred use in terms of compatibility with the character of the locality.

In the circumstances, the redevelopment of the site for the proposed dwelling is the least harmful outcome, provided the form of the development has an acceptable impact on the living conditions of neighbours, a matter discussed above, and is of an acceptable detailed design.

The proposed house would be of an appropriate scale, with a good relationship to the street. It would be a simple design that is appropriate to its scale and setting. The use of solid automatic gates to give privacy to the private amenity/parking area is also acceptable subject to the use of suitable material and a suitable detailed design. These matters, together with that of the external finishes of the house and details of railings enclosing a landscaped area between the house and footway can all be secured by condition.

Overall, the proposed development is found to be acceptable in terms of its impact on the character and appearance of the locality.

Highway Safety:

Informal verbal advice from an Officer at the Highway Authority is that the access arrangements to the site are satisfactory and as a consequence the proposal would not be harmful to the interests of highway safety. As stated above, there is no on-street parking restriction in the locality. Moreover, Officer knowledge of this specific locality is good and Members are therefore advised that there is normally considerable availability of on-street parking space on this part of Kenilworth Gardens. The occupiers of the proposal and any visitors would be able to make use of the availability of on-street parking space if they wished to.

Potential for a Precedent to be Set:

Concern is raised in respect of the potential of a grant of consent to act as a precedent. The weight that could be attached to such a decision would depend on the degree of similarity between this site and another site. A good deal of weight could be attached in circumstances where the other site has very similar circumstances, e.g. disused garages with a frontage to the street within a residential area. No significant weight could be attached in respect of land that is a rear garden of a house, even if it did have good frontage to the street. It is therefore found the grant of consent would not act as any general precedent for similar proposals. Any similar proposals subsequently submitted could be assessed on their own merits.

Conclusion:

The principle of redeveloping the site to provide a small-scale single dwelling is found to be acceptable. The proposal would, on balance, be acceptable in terms of its impact on the character and appearance of the locality. The proposal would give its occupants a good standard of living accommodation and would be acceptable in highway safety terms. While the proposal would not harm the living conditions of properties on Southern Drive or those of 47 Avondale Drive, it would appear somewhat overbearing when seen from the rear garden of 49 Avondale Drive. The degree that it would appear overbearing would not be so much greater than the existing garage block and would not amount to excessive harm to the living conditions of 49 Avondale Drive. A Flood Risk Assessment accepted by the Environment Agency demonstrates the proposal would not increase the risk of flooding and that the development would be appropriately flood resistant.

Overall, the proposal is found to be an appropriate reuse of previously developed land that is acceptable in terms of the quality of accommodation that would be provided, its impact on the character and appearance of the locality and its consequences for the living conditions of neighbours. It is therefore recommended that conditional planning permission be granted.

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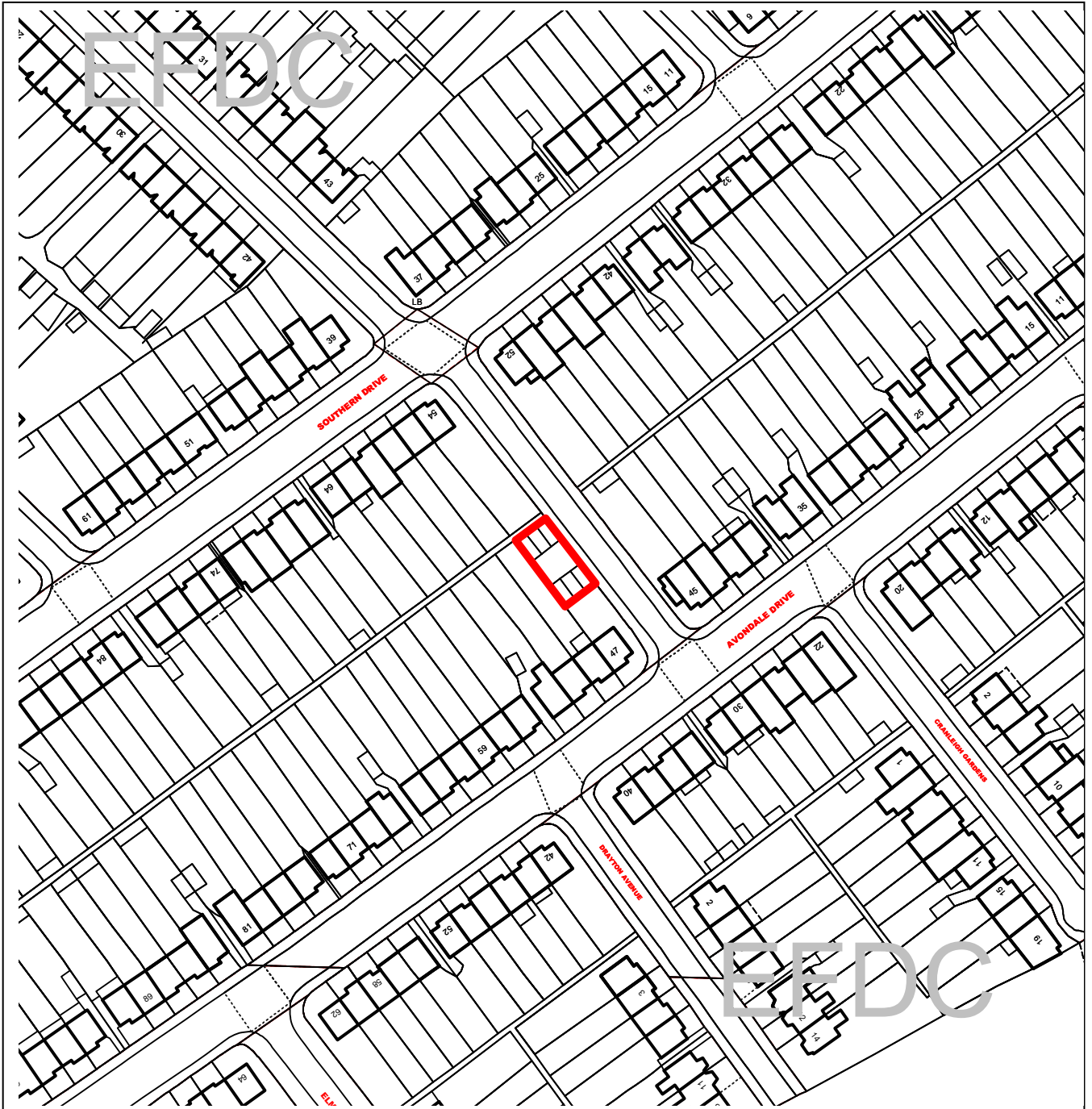
**Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018**

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	2
Application Number:	EPF/0233/13
Site Name:	44 Kenilworth Gardens, Loughton, IG10 3AF
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0307/13
SITE ADDRESS:	38 Chigwell Lane Loughton Essex IG10 3NY
PARISH:	Loughton
WARD:	Loughton Alderton
APPLICANT:	Mr Baljit Virk
DESCRIPTION OF PROPOSAL:	Change of use and conversion of part of an existing office (Use Class B1/B2) to a new cafe (Use Class A3) with indoor seating for 22 and outside seating area for 10. Including new cladding to front elevation.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545833

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: 1403_0001, 1403_0002 A, 1403_003, 1403_0110, 1403_0200, 1403_0250 A and 1403_1000 A
- 3 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 in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 The cafe (A3) use hereby permitted shall not be open to customers / members outside the hours of 8am to 6pm Monday to Sunday (including Bank/Public Holidays).
- 5 No access shall be formed or signage erected for the cafe hereby approved on the Oakwood Hill elevation of the building with the application site.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

The application is part of a three storey industrial unit located within the Oakwood Hill Industrial site. The application site itself fronts onto Chigwell Lane, but at present there is no access from Chigwell Lane into the application site as it is behind a wall and railings. There is a wide grass verge and pavement to the front of the application site between the site and the road. The site is designated as an employment area (part of the Oakwood Hill/Langston Road site). The nearest residential properties are some 20m to the north of the site. The site is not within the Metropolitan Green Belt or a Conservation Area.

Description of Proposal:

This application seeks planning permission for the change of use and conversion of part of an existing office (use class B1/B2) to create a new café (use class A3) with indoor and outdoor seating areas. The proposal also includes new cladding to the front (Chigwell Lane) facing elevation and a new pedestrian entrance fronting Chigwell Lane. The café will have an area of approximately 63m². The existing building has a current footprint of over 1000m².

Relevant History:

EPF/0308/13 – New fascia signage – Concurrent application

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 - Protecting the Quality of the Rural and Built Environment

CP7 – Urban Form and Quality

DBE1, 3 - Design

DBE 2, 9 – Amenity

ST4 – Highway Safety

ST6 – Vehicle Parking

E1 – Employment Areas

E2 – Redevelopment of existing employment premise

E4B – Alternative uses for Employment Areas

Summary of Representations:

LOUGHTON TOWN COUNCIL: The Committee OBJECTED to the loss of amenity to the resident's of the Railway Cottages at nos. 30-36 Chigwell Lane. Members were also concerned that if people sought to park on the grass verge outside, this would pose a highway danger to road users of the busy and highly congested A1168 entry road into Loughton. Fencing would have to be conditioned to prevent this. Members also considered the site unsuitable for outdoor seating owing to the potential pollution from the passing, but often heavily congested traffic on Chigwell Lane.

NEIGHBOURS

6 neighbours were consulted and a site notice erected:

LOUGHTON RESIDENT'S ASSOCIATION – Object to application – There is no parking for customers; the opening hours are inappropriate for the location; adverse effect on traders in The Broadway and it introduces a non-industrial use into the industrial estate setting a dangerous precedent. Request bollards or fencing to prevent parking on the grass verges.

1,2 & 8 OAKWOOD HILL INDUSTRIAL (NEOPOST TECHNOLOGIES LTD) – Concern that café will bring a further requirement for parking to Oakwood Hill Industrial Estate, concern that access will be from Oakwood Hill with signage on Oakwood Hill.

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Principle of the change of use within the Employment Area
- Character and Appearance
- Highways
- Amenity

Principle of the change of use

The café is a very small part of a larger building which will remain as an employment use, and in size is not considered much larger than an ancillary café to a business use albeit that this café will be opened to the Public. The proposal will be located in an under used office and will not involve any loss of employment to the existing business, but will employ 5 new staff (in part time and full time) positions. It is not considered that this modest change of use will have a detrimental impact on the employment area, particularly as it is a use that can be classed as ancillary to the surrounding employment uses and will generate additional employment.

It is not considered that the proposal will lead to an undesirable precedent being set with regards to any loss of employment uses because as stated above this is a modest change in floor area and due to the location of the application site fronting onto Chigwell Lane, this will be difficult for many other units within this industrial estate to replicate.

Character and Appearance

The Oakwood Hill Industrial Estate has remained static in appearance for some years compared to Langston Road on the opposite side of the road, which has had several new, modern buildings fronting onto Chigwell Lane. It is considered that this proposal is a welcome improvement to the Oakwood Hill Industrial Estate, with the proposed cladding particularly modernising the appearance of this side of Chigwell Lane and the proposed external changes are considered a welcome, if modern enhancement to this building and this part of the Oakwood Hill Industrial Estate.

Highways

The proposal does not include any additional parking provision, and the existing parking for the existing use of 38 Chigwell Lane will remain as is and not for café customer parking. Given the location of the café within an Industrial Estate, opposite another industrial estate (Langston Road) (both presumably the main intended market) and some 250m from Debden Tube station, the site is considered of a sustainable nature and one where additional car parking in this case is not considered a requirement.

Essex County Council Highways were consulted on the application and have raised no objection as the proposal is not contrary to Highway policy. Both the LRA and the Town Council have requested some sort of preventative measure along the grass verge adjacent to Chigwell Lane to avoid parking, however the Highways Officer has not raised this as an issue, particularly as stated above the intended market is not customers who will travel to the site by car and given the extent of bollards/fencing required it would not be proportionate to the size of the development, and would appear unreasonable to condition this. In addition the grassed area to the front of the proposed café is within 250m of the Debden Underground Station and parking does not currently

appear to be a problem in this area from commuter parking and therefore it seems unlikely that this area would be used for parking.

Amenity

Since first submission the proposed opening times have been altered following discussion with Officers and the time proposed is now 8am to 6pm Monday to Sunday, rather than 8am to Midnight. It is considered that these proposed opening times are far more in keeping with the opening and active times at the Industrial Estate and therefore will not result in an isolated, late night use which may be detrimental to the amenity of the neighbours to the north of the site on Chigwell Lane and attract additional vehicle movements.

Other Matters

Impact on The Broadway

The proposal is for one café, located close to but separate from The Broadway. The Broadway provides a wide mix of shops, cafes and services and is anchored by the existing Sainsbury's store. It provides a valuable community service and it is not considered that one additional café nearby will be so detrimental to this service to justify a refusal.

Comments on Representations Received

The neighbouring business at 1, 2 and 8 Oakwood Hill has raised concerns with regards to access to the café from Oakwood Hill, with particular concern regarding parking. The café fronts Chigwell Lane and this is where the entrance will be, therefore from Oakwood Hill Industrial Estate any potential customer will have to use the existing pedestrian footpath. No signage is proposed to the Oakwood Hill side of the property and this can be conditioned as such to mitigate against any parking specifically for the café on the Oakwood Hill Industrial Estate.

Conclusion:

In light of the above appraisal, particularly the limited impact on the employment area the proposal is on balance considered an acceptable form of development and approval with conditions is recommended.

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:

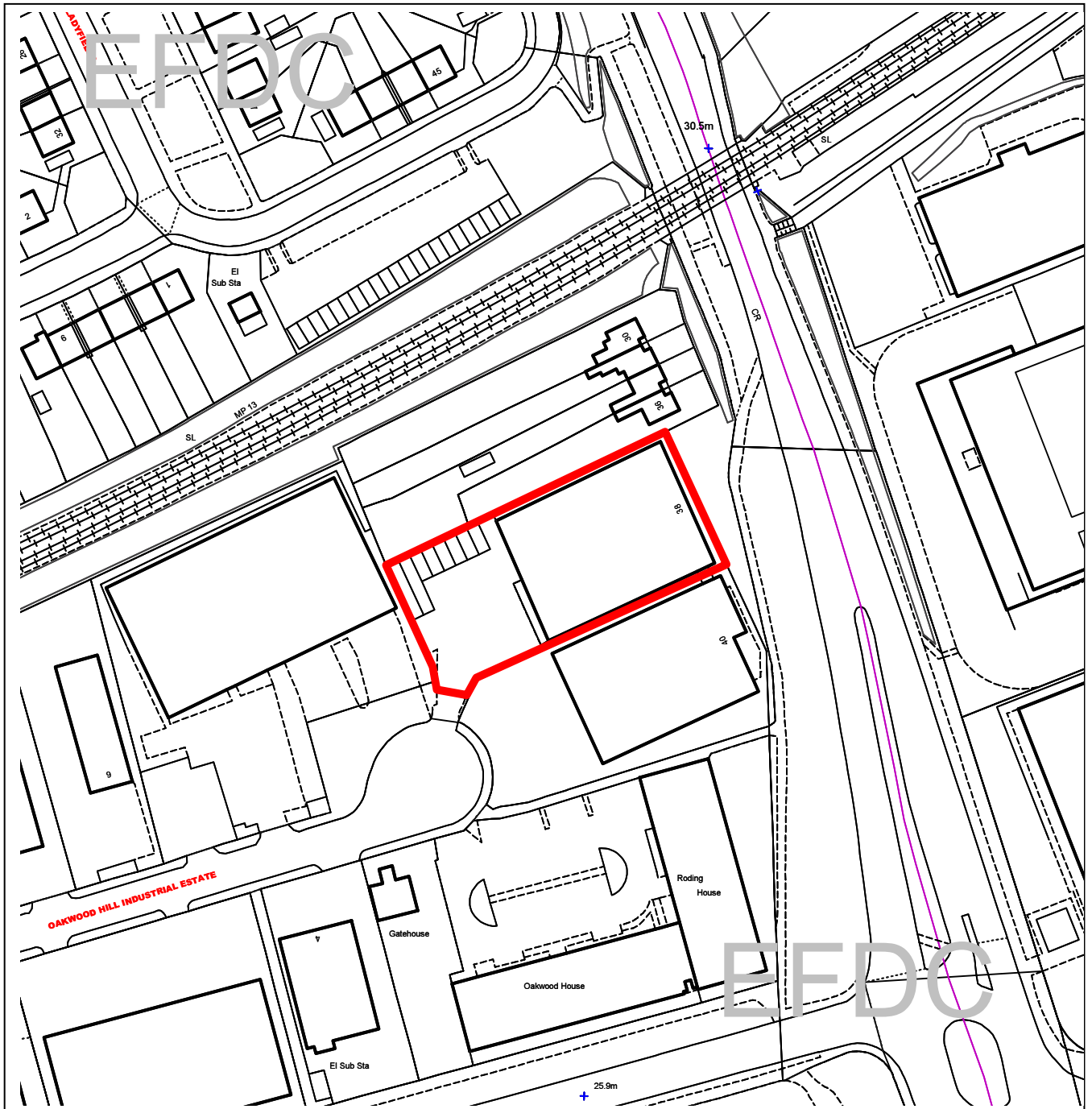
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	3
Application Number:	EPF/0307/13
Site Name:	38 Chigwell Lane, Loughton, IG10 3NY
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/0555/13
SITE ADDRESS:	7 Albany View Buckhurst Hill Essex IG9 5TW
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr & Mrs M Twaites
DESCRIPTION OF PROPOSAL:	Part one and part two storey side extension with internal alterations (revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=547212

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.

This application is before this Committee because the recommendation for approval is contrary to an objection from a local Council which is material to the planning merits of the proposal - (pursuant to the constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A (f) and (g).

Description of Proposal:

Part one and part two storey side extension with internal alterations (Revised application)

Description of Site:

Two storey semi detached house but where a smaller first floor is housed in a triangular and gable ended roof profile sometimes found on chalet style houses. Most of the other houses in this cul-de-sac have a more typical and traditional two storey shape and profile. The property is not listed nor does it lie in a conservation area.

Relevant History:

A similar part one and part two storey side extension, submitted under EPF/ 2246/11, was refused on grounds that a) it extended to the side boundary and therefore would have had a cramped appearance, b) that it would have been overbearing to the outlook and amenity of the neighbour at no.6 Albany View, and c) the provision of a second floor rear dormer window above one at first floor would have resulted in an unsatisfactory appearance.

Policies Applied:

DBE9 – Loss of amenity.
DBE10 - Residential extensions.

Summary of Representations:

BUCKHURST HILL PARISH COUNCIL – Object – the proposed extension is overbearing on the neighbouring property. The proposed gable end is also overbearing. The extension would affect the symmetry of the building.

NEIGHBOURS – 5 properties consulted and no replies received.

Issues and Considerations:

In the previously refused application the first floor of the proposed extension would have extended sideways to the side boundary with no.6, and the infilling of this space would have produced a cramped appearance in the street scene. The current proposal now provides for a 0.9m gap to this boundary at the front of the extension, widening to a 1.3m gap at the rear. The introduction of this gap provides for an improved and acceptable appearance in the street scene. In addition the provision of this gap reduces the effect of the extension on the amenity and outlook of the neighbour at no.6. The front of no.6 lies in a more recessed position than no. 7 and also lies at an angle to it. However, no.6 does lie on land that is 1m higher than no.7. Also the extension is now set in from the boundary between the two houses, and the first floor is accommodated in a sloping roof gable-ended profile. For these reasons, the impact on the outlook and amenity of no.7 has been reduced to an acceptable level. It should also be noted that there has been no objection letters received from neighbours on this, or the previous proposal.

The rear elevation of the proposal has been amended in that a new second floor dormer window has been omitted from the current proposal, and the rear elevation now has an acceptable appearance.

In addition to their concern about the overbearing impact on the neighbour at no.7, which has been addressed above, the Parish Council feel that the extension would affect the symmetry of the existing house. However, the front ground floor of the proposed side extension will be recessed 0.45m behind the front wall of the house, and the roof over the first floor will slope steeply backwards away from the ground floor front. It therefore will be subordinate to the main house - although it is acknowledged that the extension does have a large mass of roof, which in part is necessary to enlarge the relatively small existing first floor accommodation which is constrained within sloping roofs. The proposed extension does have some effect on the symmetry of the house, but for the foregoing reasons it will not result in an unacceptable change in the appearance of the property in the street scene.

Conclusions:

The proposal, as revised, now accords with relevant policies and it is recommended that conditional planning permission be granted.

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: David Baker
Direct Line Telephone Number: 01992 564514

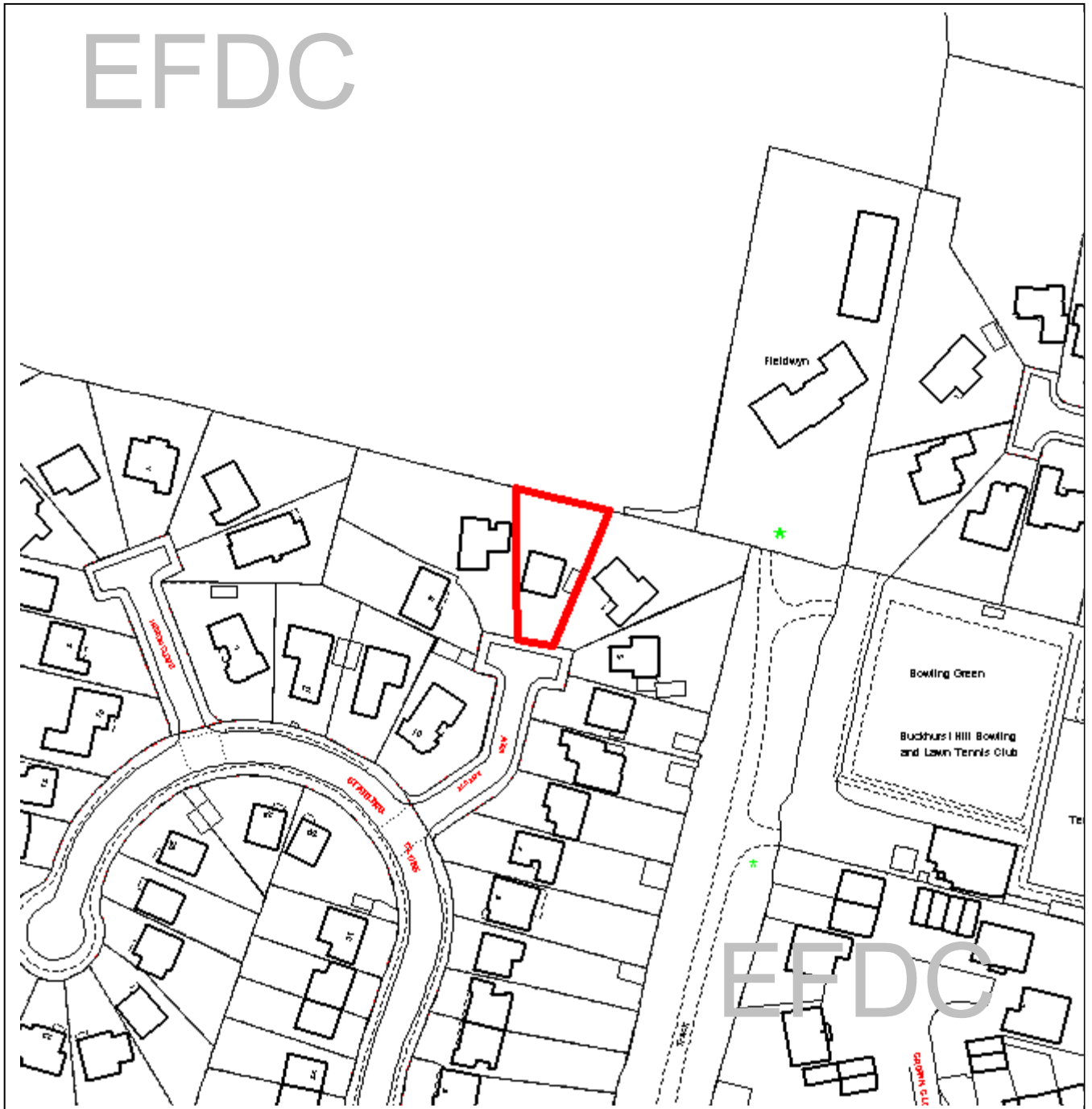
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee South

EFDC



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Agenda Item Number:	4
Application Number:	EPF/0555/13
Site Name:	7 Albany View, Buckhurst Hill IG9 5TW
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/0740/13
SITE ADDRESS:	146 High Road Loughton Essex IG10 4BH
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Mr Kapadia
DESCRIPTION OF PROPOSAL:	Two storey rear extension to provide 3 no. self contained flats (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=548111

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: 3010/01 Rev A, 3010/02 Rev A, 3010/03 Rev B, 3010/04 Rev A, 3010/05 Rev A and 3010/06 Rev A
- 3 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 in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed first floor window opening in the rear elevation shall be entirely fitted with obscured glass (as shown on plan 3010/05 Rev A) and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 Prior to commencement of development details of the proposed refuse enclosure shall be submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with such approved details.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

Description of Site:

The application site is a roughly rectangular site with a single shop unit with single storey store to the rear and a one bedroom flat above. The shop is located on the west side of Loughton High Road within the key frontage of the town centre. There is an access to the rear of the site from Smarts Lane. The neighbouring property (146) has relatively recently been converted/extended to flats in a similar way to that proposed. The site is not within a Conservation Area or the Metropolitan Green Belt.

Description of Proposal:

This application seeks planning permission for a two storey rear extension to provide 3 no. self contained flats. The proposal is for a pitched roof two storey 15.5m deep extension to the rear filling the width of the plot.

Relevant History:

EPF/2401/12 – Three storey rear extension to provide 4 no. self contained flats – Refused

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 - Quality of Rural and Built Environment

CP3 - New Development

CP7 - Urban Form and Quality

H2A - Previously Developed Land

DBE1 - Design of new Buildings

DBE2 - Effect on Neighbouring Properties

DBE3 - Design in Urban Areas

DBE6 - Car Parking in New Development

DBE8 - Private Amenity Space

DBE9 - Loss of Amenity

ST4 - Highway Safety

ST6 - Vehicle Parking

Summary of Representations:

LOUGHTON TOWN COUNCIL: The Committee OBJECTED to this revised application as it provided no appreciable improvement on the previous proposal for this site.

The Town Council's previous comments to the earlier scheme were:

The Committee considered the plans provided appeared to be misleading, and expressed concern for the amenities of the neighbours nearby and at No. 148 High Road.

NEIGHBOURS

14 neighbours were consulted:

LOUGHTON RESIDENT'S ASSOCIATION – Object to application – No parking on site and would result in a cramped form of overdevelopment that fails to provide onsite refuse storage.

148 HIGH ROAD – Objections with regards to building on the party wall, issues of future maintenance, removal of chimney may impact on tenants, no store room or refuse area for shop unit

17 SMARTS LANE – Concern with quality of plans, obscure view of Lopping Hall, reduce light to property, overlooking, extra noise and pollution.

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Principle of development
- Amenity
- Design

Principle of development

A flatted development at the rear of 148 High Road was granted planning permission in 2001 and this has been built directly next to the application site. It is considered that the principle of flats within this location is acceptable. Although the proposal offers no parking or amenity space provision, this is a town centre location with good access to transport, shops, services and recreation spaces and therefore this lack of provision is not considered a significant issue in this case.

Essex County Council Highways have not raised an objection to the proposal as it is not considered that the proposal will cause any detriment to highway safety in the locality, as Loughton Town Centre is well secured with parking restrictions throughout the surrounding area and there are numerous public car parks in the vicinity.

The proposal has been amended since the refused submission. The number of flats reduced, only a two storey extension rather than three storey and the extension has been reduced in depth so that refuse storage can now be accommodated within the site. These alterations to the proposal are considered an acceptable improvement to the previous scheme. The previous reason for refusal relating to overdevelopment (due to the lack of refuse provision within the site) has now been overcome with this current scheme.

Amenity

The proposal has only two new windows and in the main will be served by a light well located centrally within the development. Concern has been raised by a neighbour on Smarts Lane with regards to overlooking, however the first floor rear facing window has been marked as obscured glazed and this can be conditioned as such to avoid any overlooking to neighbouring properties.

With regards to the concern raised by No. 17 Smarts Lane regarding loss of light, the proposal extends to the same depth as No. 148 High Road and is not considered to result in any significant loss of light to this property given the existing built form of No. 148 and the distance (7.5m) and angle between the proposal and the rear garden of No. 17.

No. 17 has also raised concern with regards to noise and pollution. It is not considered that the proposed three flats will result in such an increase in noise or pollution to significantly harm the amenity of this property, above that which may already exist in this town centre location.

The proposal is therefore considered acceptable in terms of impact on amenity.

Design

The proposal results in a development which fills the whole site, whilst leaving sufficient room for refuse storage and is not considered in this case to result in overdevelopment of the site. The proposal has been reduced in size and design since the previous submission and the three storey mansard roof has been omitted. The current design mirrors that at No. 148 High Road and the pitched roof is considered a vast improvement to the previous design and one that is considered acceptable, complementing the existing property and wider streetscene.

A 'Juliet' balcony is proposed to the front elevation and this is considered acceptable, particularly because of the front parapet wall, it will be barely visible from the High Road streetscene.

Comments on Representations Received

Concerns raised with regards to parking, refuse storage, loss of light, overlooking and increased noise have been discussed above. Issues with regards to the party wall fall under separate legislation outside of planning control and therefore have not formed part of the above assessment. With regards to the loss of view, there is no right to a view and again this falls outside of a planning assessment.

Conclusion:

In light of the above appraisal, and aside from the parking provision issue as discussed above, the proposal is on balance considered an acceptable form of development and approval with conditions is recommended.

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:

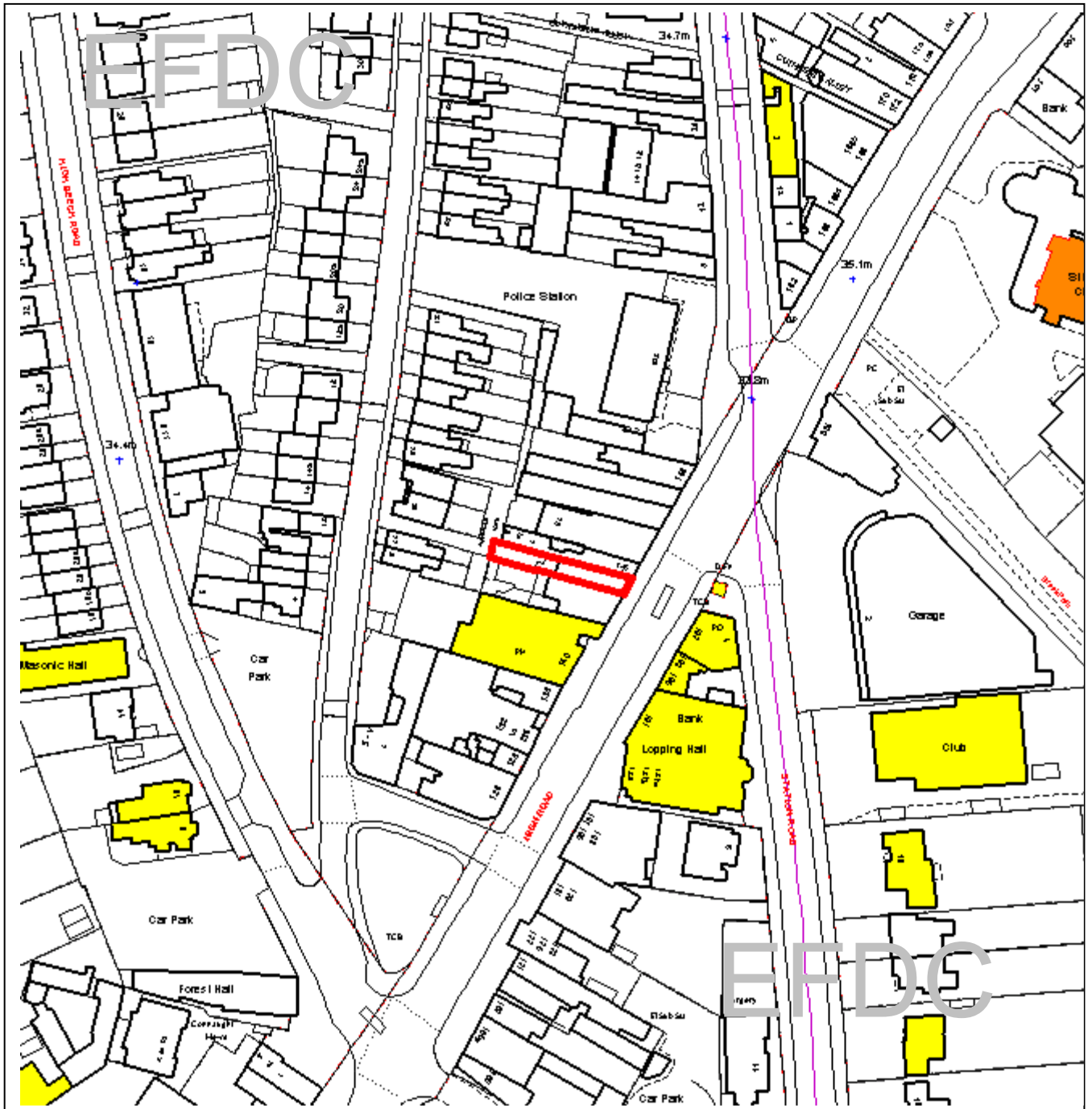
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	5
Application Number:	EPF/740/13
Site Name:	146 High Road, Loughton IG10 4BH
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/0761/13
SITE ADDRESS:	43 Traps Hill Loughton Essex IG10 1TB
PARISH:	Loughton
WARD:	Loughton St Marys
APPLICANT:	Mr Paolo Ingrao
DESCRIPTION OF PROPOSAL:	New front security fence with piers and wrought iron automatic gates.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=548232

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 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.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A. (g))

Description of Site:

Traps Hill is located within the built up area of Loughton. The existing dwelling is in the form of a semi detached property which is situated within a long plot. There is an existing post and rail fence to the front, with an opening for vehicular access. The local area is characterised by large detached properties situated within large and open fronted plots. The boundary treatments at the front of these properties are generally low walls. The front of 43 Traps Hill has some existing vegetation.

Description of Proposal:

The proposed development is for a new front boundary fence, with 2.4m high brick piers and a new wrought iron access gate. The fencing is to be 2.1m high, green plastic coated mesh. The gate is to have a maximum height of 2.5m and will be made of wrought iron. Planting of vegetation has been proposed on both sides of the fencing. This is a revised application following two refused permissions, EPF/1390/12 (2.4m high brick and render wall with gates) and EPF/2122/12 (2.5m high timber fence)

Relevant History:

EPF/1390/12 - New front boundary wall with a gated entry – Refused

EPF/2122/12 - New front boundary wall with a gated entry. (Revised application) - Refused

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment

ST4 – Highway Safety

DBE2 – Effect on Neighbouring Properties

DBE1- Design of New Buildings

Consultation carried out and Summary of Representations received:

LOUGHTON TOWN COUNCIL: Object as the piers appear to have increased in size and also that a boundary enclosure of 2.1m is too high, the plastic chain link fencing is inappropriate in the street scene, but are glad to see planting of vegetation.

Officers have reviewed the plans and the pillars have not increased in size from the previous application (EPF/2122/12)

4 NEIGHBOURS CONSULTED No comments received

Issues and Considerations

Application reference EPF/2122/12 was refused planning permission for the following reason by a planning committee. Members concluded that 'by reason of their height and design, the proposed gate and wall/fence would appear incongruous in the street scene to the detriment of the character and appearance of the locality.

When assessing this application, the main matter to consider is whether the current proposal overcomes the objections to the refused proposal. This report will also deal with the matters of the impact on neighbour amenity and on highway safety.

Design

The surrounding area is characterised by front boundary treatments of low walls and open frontages, which gives the area a rural appearance. This is an attractive feature of Traps Hill and it should be maintained. However there are several examples of similar gates and fences throughout Traps Hill, which reduces the potential impact that this proposal will have on the character and openness of the street scene. The proposal is for boundary treatment of a soft design as vegetation will be seen through the mesh style fencing, thus maintaining the character of the street scene. It is likely that some of the vegetation, which currently screens the existing property will be affected by this proposal. To mitigate this, the proposal offers planting on either side of the fencing which adequately deals with landscaping concerns; however it is necessary to impose a landscaping condition to any consent given to ensure that the character of the street scene is adequately maintained.

There are several examples of similar gates and fences throughout Traps Hill, which reduces the potential impact that this proposal will have on the character and openness of the street scene.

Previous reasons for refusal

Although the fence, gates and pillars are still over 2m, only the gates and brick piers will be visible once the planting is implemented. The proposed planting will be in front of and behind the mesh fence. This will obscure the development and soften the appearance of the proposal such that it will not disrupt the rural outlook of the street scene or the character of the surrounding area. Furthermore, the gates are to be made from visually permeable wrought iron as opposed to the previously refused scheme of solid timber. This will give the development less of an enclosed appearance and will safeguard the openness of the street scene, which is enough to offset the height of the proposed gates.

The applicant has made significant improvements to the previously refused schemes which sought a 2.4m high brick and rendered wall (EPF/1390/12) and a 2.5m high timber fence (EPF/2122/12), which were considered incongruous in the street scene, causing significant harm to the surrounding area. The height of the current proposed gates is offset by the visually permeable wrought iron design which officers consider overcomes the previous reasons for refusal.

Amenity

The proposal is not considered to result in any significant adverse impacts on neighbouring amenity, given that it is some distance from neighbouring properties

Highway safety

The proposed gates were originally 5m from the public carriageway. After negotiation, the applicant submitted revised drawings in which the gates were 6m back from the carriageway. This now complies with current highway standards and adequately deals with highway concerns.

Conclusion

The proposed revised scheme is considered to be acceptable subject to a hard and soft landscaping condition, which will ensure the character of the street scene is maintained. It is therefore recommended that this proposal be granted planning permission

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:

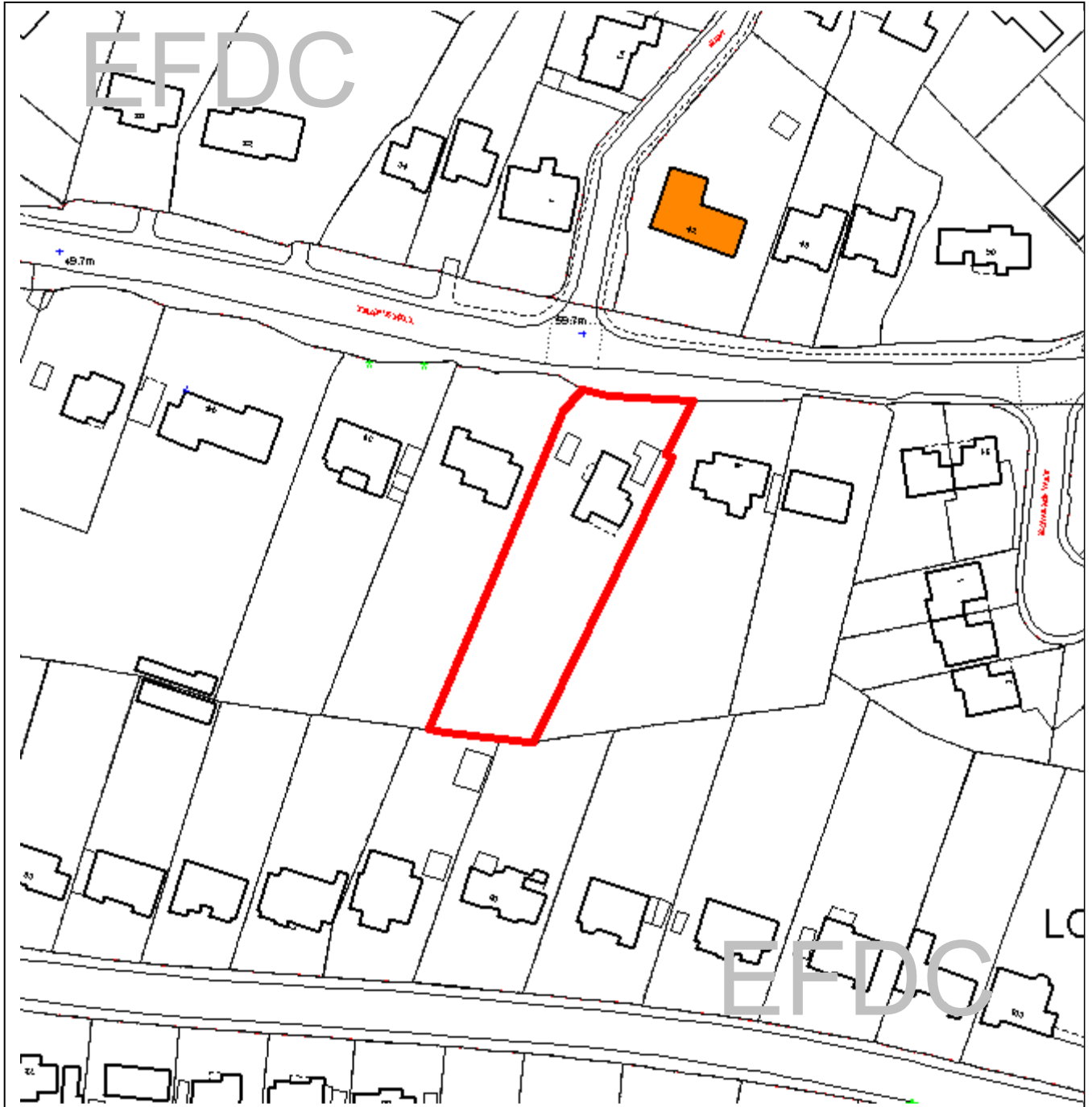
Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 103

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	6
Application Number:	EPF/0761/13
Site Name:	43 Traps Hill, Loughton IG10 1TB
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/0935/13
SITE ADDRESS:	Highways Land Oakwood Hill Loughton Essex IG10 3NB
PARISH:	Loughton
WARD:	Loughton Alderton
APPLICANT:	CTIL & Telefonica UK Ltd - Mr Peter McQuaid
DESCRIPTION OF PROPOSAL:	Telecommunications installation comprising the replacement of the existing 15m high Jupiter street column with a new 15m high Elara streetworks column supporting 3 no. antennas, 2 new additional ground level radio equipment cabinets and all associated ancillary development works.
RECOMMENDED DECISION:	Prior Approval Required and Granted

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=549091

CONDITIONS

N/A

This application is on this agenda because the consultation period on this particular form of development is still 'open' at the date of the deadline for reports for committee and the recommendation for approval may be contrary to a possible objection from the local Council, or 3 or more possible objections from neighbours - which may be received before the date of the Committee - (pursuant to the constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A (f) and (g)).

Please note that should such objections not be received by the date of the committee, the decision will be made by the Director Of Planning and Environmental Services under delegated powers and this item will be withdrawn from this agenda.

Description of Proposal:

Prior approval application for a telecommunications installation comprising the replacement of the existing 15m high Jupiter street column with a new 15m high Elara streetworks column supporting 3 no. antennas, 2 new additional ground level equipment cabinets, and associated ancillary development works.

Description of Site:

A verge on the back edge of pavement located in a widened part of Oakland Hill which provides for a bus stop. There are blocks of flats to the south of the road with the Oakwood Hill industrial estate to the east. The site to the immediate rear between the road and the tube line is Council

owned - and it is proposed to relocate a Council nursery in Pyrles Lane to this site, along with Council owned MOT workshops currently located in Langston Road.

Relevant History:

A 15m high pole with antennae shroud, and ground level cabinet, was approved on this same site 2 years ago under EPF/660/11.

Policies Applied:

DBE9 – Loss of amenity.
U5 – Masts and aerials under 15m.

Summary of Representations:

LOUGHTON TOWN COUNCIL – Comments awaited.

NEIGHBOURS – 19 properties consulted and replies awaited.

ESSEX CC HIGHWAYS – No objections.

Background:

Telecommunication poles/masts up to 15m in height are a form of 'permitted development' but they cannot be erected until a prior approval application has been lodged with a local planning authority. The planning authority can refuse applications on grounds of siting and visual amenity but must do so within 56 days.

This application was lodged recently on the 9th May 2013 and the 3 week consultation period expires on 10/6/13. Given that the 56 day period expires on the 4th July it is necessary to report this application to the Committee on 12th June - since the date of the next Committee available, the 10th July, lies beyond the 56 day period. Any representations received on this application will be reported verbally at Committee.

Issues and Considerations:

This application is relatively straightforward in that it replaces an existing 15m column (erected some 18 months ago) with a column of the same height in the same position. The main change to the installation will be the provision of 2 additional ground level cabinets. These will be positioned to the immediate west of the column, and they will not impede on the proposed access to the adjoining council owned site, which is to be constructed to the east of the column.

As illustrated by the 2011 approval this is a relatively good location for a telecommunications installation in that there are trees that act as a backcloth to the column, the column is located some 35 m away from the nearest flats that look over the site, and the pavement here carries very little pedestrian footfall. The previous application did not draw any objections from Loughton Town Council or neighbours, although an objection was received from the Campaign to Protect Rural Essex.

In respect of trees softening the impact of the installation it is the case that the adjoining Council owned site has been recently cleared of a lot of vegetation. However there are 4 mature trees that still lie close to the rear of the installation, and these will still provide an appropriate backcloth, which will be complemented by replacement planting to be undertaken when the new nursery and MOT testing stations are erected.

The current column on the site is of a grey colour but its replacement would have less impact if painted dark green. The applicants have indicated their agreement to erecting a green painted column, and this will be confirmed in writing before the date of the Committee.

Conclusions:

The proposal replacement column, providing the new 4G system, is very much a like for like replacement of the existing column, but painting it green rather than grey will further reduce its impact. The two new additional ground level cabinets will have a minimal effect on visual amenity. It is therefore recommended that prior approval is granted for this telecommunications installation.

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:

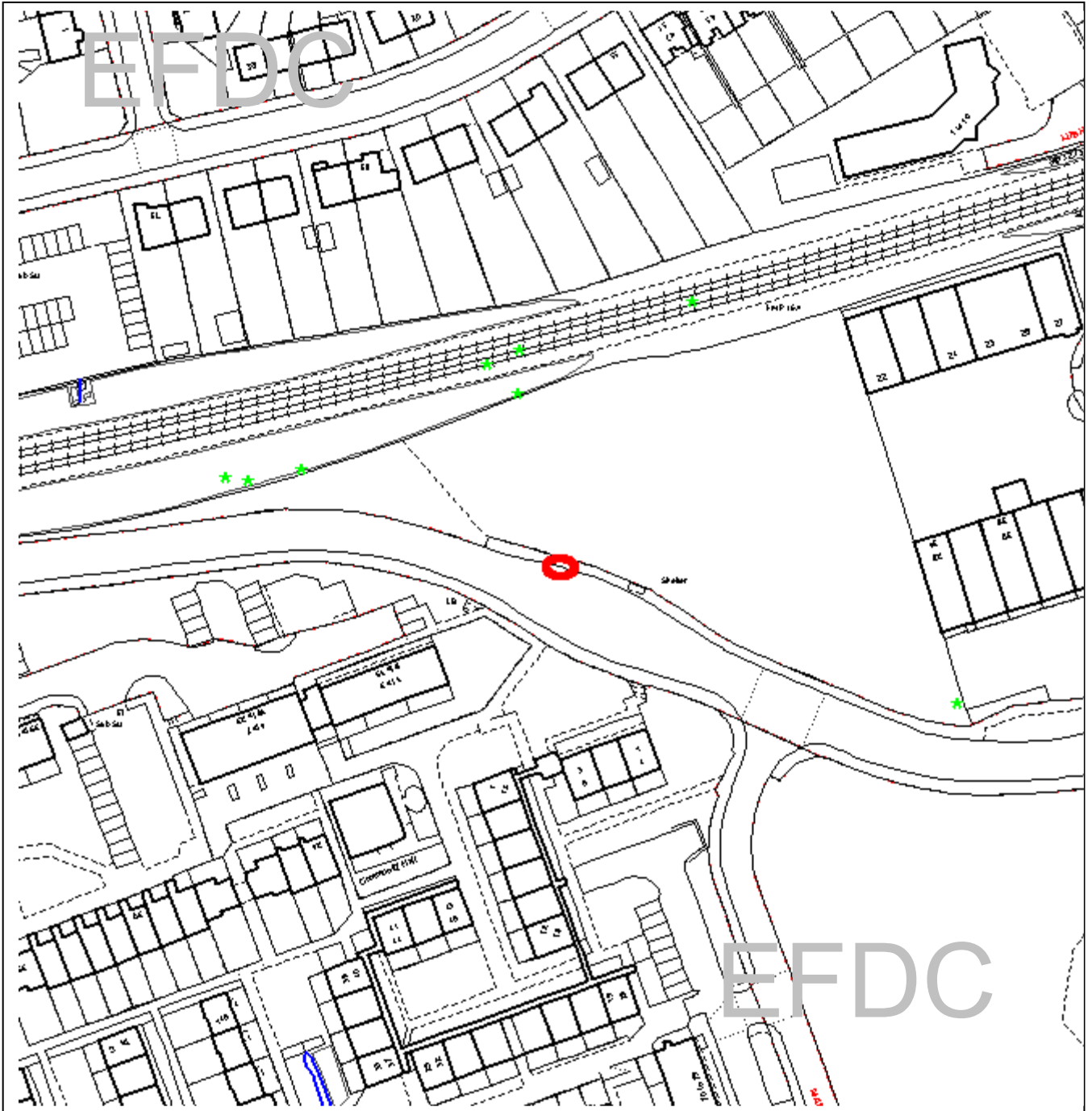
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	7
Application Number:	EPF/0935/13
Site Name:	Highways Land, Oakwood Hill Loughton, IG10 3NB
Scale of Plot:	1/1250