

# ***Supplementary Committee Agenda***



**Epping Forest  
District Council**

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## ***Area Planning Subcommittee South Wednesday, 15th June, 2011***

**Place:** Roding Valley High School, Brook Road, Loughton, Essex  
IG10 3JA

**Time:** 7.30 pm

**Democratic Services:** Gary Woodhall (The Office of the Chief Executive)  
Tel: 01992 564470 Email:  
gwoodhall@eppingforestdc.gov.uk

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### **11. PLANNING OBLIGATION REQUIREMENTS IN RESPECT OF PROPOSED FLATS IN CHIGWELL (Pages 3 - 16)**

Appendix to report on agenda.

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## Report Item No: 1

<b>APPLICATION No:</b>	EPF/0409/11
<b>SITE ADDRESS:</b>	Bald Hind Hainault Road Chigwell Essex IG7 5DW
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	Central Investment Properties (Chigwell) Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing public house and construction of a fourteen unit residential development of 2 and 3 bedroom flats (Revised application with access off Hainault Road)
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

### 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=525960](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=525960)

### 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 have taken place until details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, details of external finishes may be indicated in writing with supporting colour photographs. Any material samples should only be produced on site.
- 3 The development hereby approved shall be implemented in accordance with the approved plans (which are listed as an informative to this decision), unless otherwise agreed in writing by the Local Planning Authority.
- 4 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]

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

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

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

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

- 7 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 8 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.

- 9 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.
- 10 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 12 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.
- 13 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 14 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 15 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.

- 16 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 17 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 18 Prior to the commencement of the development hereby approved, details of boundary treatment(s) shall be submitted to the Local Planning Authority for Approval in writing. The agreed boundary treatment(s) shall be erected prior to the first occupation of the development hereby approved and shall be retained in that form thereafter.
- 19 The 1.7m high obscure glazing to the north end of the balconies of flat nos. 6 and 10 and the north and west end of the terrace of flat 10, as indicated on drawing nos. ESG-203 rev. E and ESG-204 rev. E, shall be erected prior to the occupation of the relevant flats. The obscure glazing shall be permanently retained in accordance with the details given on the drawings.
- 20 Other than the areas of terrace or balcony shown on drawing nos. ESG-203 rev. E, ESG-204 rev E, ESG-205 rev. D and ESG-206 rev. B,. no part of the roof area of the building hereby approved shall be used as a terrace or balcony and no furniture, including tables and chairs, shall be placed on it.
- 21 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 22 The vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall be hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

**Subject to the completion of an agreement under S.106 of the Town and Country Planning Act 1990 within 9 months requiring financial contributions of £20,671 for the provision of education and £100,000 for the provision of affordable housing, and requiring the developer to provide raised kerbs at 2 bus stops in Hainault Road and a Travel Information and Marketing Scheme for sustainable transport approved by Essex County Council.**

*This application is before this Committee since it is an application for development of a significant scale and/or wider concern and is recommended for approval (Pursuant to Section CL56, Schedule A (c) of the Council's Delegated Functions).*

**Description of Proposal:**

It is proposed to demolish a public house and erect a part two, three and four storey building to provide 14 flats.

The building would have an L shaped footprint fronting Hainault Road and Linkside. The 2-storey element would align with the house at 9 Linkside and be set 2m from the boundary with that property. It would rise to 3 storeys some 22m from that boundary and step up to 4 storeys a further 3m from that boundary. The 4 storey part of the building would be set some 6.5m from the site boundary with Linkside. The building would step down to 2-storeys again some 4.5m from the site boundary with an adjacent Shell filling station leaving the 4-storey element to act as a focal point at the junction of Hainault Road and Linkside as well as being the predominant height adjacent to the Hainault Road frontage. The building would include a 29 space basement car park accessed off Hainault Road. A further two parking spaces would be provided at lower ground floor level therefore total off-street parking provision would be 31 spaces.

The site would be excavated to not only provide a basement, but also to set the building at a lower level. Lower ground floor flats would have direct access to private sunken garden areas adjacent to Hainault Road and Linkside. A further communal amenity area would be provided to the rear of the building. Upper ground floor and first floor flats would have balconies fronting Hainault Road and Linkside, while two flats would have a balcony or terrace looking into the site. The second (top) floor would comprise two flats with roof terraces and balcony. Views from specific balconies and terraces towards Linkside would be screened by 1.7m high obscure glazing.

Both pedestrian and vehicular access to the site would be solely off Hainault Road adjacent to the southern site boundary with the Shell filling station. This is in the same position as the existing access to the site. The site would have no access to Linkside.

Refuse storage would be at basement and ground level with a refuse collection point adjacent to the proposed vehicular access off Hainault Road. A store for bicycles would be included within the building.

The building would be of modern design with flat roofs. Varying positions of external walls and mix of materials would be used to add interest. The predominant materials would be stone cladding, facing brick and aluminium panels to the walls, glass for the balconies and zinc for the roofs. The 2-storey element of the building would have a green roof and include photovoltaic panels set behind a low parapet.

The maximum height of the building above existing ground level would be 6m for the 2-storey element, 9m for the 3-storey element and just under 12m for the 4-storey element. In relation to neighbouring buildings, the 2 storey element would match the eaves height of 9 Linkside and the 3-storey element would be 1.5m higher than the ridge of 1 Linkside.

### **Description of Site:**

The site is situated off the west Side of Hainault Road and south side of Linkside, a short, narrow cul-de-sac. It has an area of just over 0.2 hectares. The locality is residential in character, predominantly comprising of 2-storey detached houses. Immediately to the south is a Shell filling station while to the south-west is Montpellier House, a substantial 4-storey block of 20 flats. A substantial residential care home is situated on the south side of Manor Road at its junction with Hainault Road.

The lawful use of the site is as a public house and it is dominated by an imposing 3-storey building adjacent to Hainault Road. The ground level of the site is elevated above the adjacent roads and the existing building is 12m high on land approximately 1m above the level of Hainault Road and Linkside. The site is almost entirely hard surfaced with the exception of a group of trees on the boundary with Linkside adjacent to no. 9 and further vegetation on the western site boundary. An electricity sub-station is located in the south-west corner. Vehicular and pedestrian access is only off Hainault Road adjacent to the filling station.

Outside of the site land falls to the north, east and south. Clear views of it are available from the junction of Hainault Road and Manor Road, a green east of the filling station and on Hainault Road. Bus stops are situated nearby on Hainault Road.

### **Relevant History:**

EPF/2414/10 Demolition of existing public house and construction of a fourteen unit residential development of 2 and 3 bedroom flats. Refused on the basis of harm to the amenities of the occupants of Linkside as a consequence of siting the proposed vehicular access and refuse collection point adjacent to 9 Linkside and on the basis of making an inadequate provision of private amenity space, which is indicative of an overdevelopment of the site.

An appeal against that decision has been submitted. It is proceeding under the written representations procedure and is at an advanced stage. Statements have been submitted by all parties but a date for an Inspector's site visit has not yet been arranged.

### **Policies Applied:**

#### **East of England Plan**

ENV7 Quality in the Built Environment

#### **Epping Forest District Local Plan and Alterations**

CP2 Quality of Rural and Built Environment  
CP3 – CP5 & ST1 Sustainability policies  
CP7 Urban Form and Quality



H2A	Previously Developed Land
H5A	Provision for Affordable Housing
H6A	Site Thresholds for Affordable Housing
CF12	Retention of Community Facilities
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL11	Landscaping Schemes
ST6	Vehicle Parking

### **SUMMARY OF REPRESENTATIONS:**

NEIGHBOURS: - 37 neighbours were consulted together with a planning agent who made representations for objectors to a previously refused scheme and a site notice was displayed. Objections were received from the occupants of all 9 properties in Linkside the occupant of 17 Dacre Gardens, Chigwell and the occupant of 35 Hazelbrouck Gardens, Hainault.

The grounds of objection raised are summarised as follows:

1. Loss of the pub to the community. This compounds the harm caused to the local community by the loss of both The Prince of Wales/Sloanes site in Manor Road and the Manor Hall. The Bald Hind is the last pub in this part of Chigwell. It has existed since 1908 and replaced a previous pub on the site.
2. By allowing the development, would that amount to a District Council policy of condoning drinking and driving?
3. Loss of an historic building to the area.
4. There is no need for more flats in this part of Chigwell
5. Lack of provision for visitor parking on site will lead to increased demand for on-street parking in the immediate locality. This will affect access to houses in Linkside
6. Overlooking of houses in Linkside would result in a loss of privacy.
7. The building would be excessively tall and bulky and therefore harmful to the character and appearance of the locality.
8. The flat roofed design does not complement the pitched roofs of houses in the surrounding area.
9. The building would be sited too close to 9 Linkside and therefore create the impression that 9 Linkside is a poorly designed extension of the flats that is out of character with neighbouring houses in the cul-de-sac.
10. The proposal would be an overdevelopment of the site.

CHIGWELL PARISH COUNCIL – “The Council has no objection to this application provided the appeal for planning application number EPF/2414/10 is withdrawn and not resubmitted. The Committee voted on this application with 7 in favour and 1 abstention. Members noted that 9 letters of objection to this application had been received and were displayed.”

HIGHWAY AUTHORITY – No objection raised to accessing the development off the existing access onto Hainault Road. Conditions and a planning obligation are requested in relation to matters of detail in the event of planning permission being granted.

### **Issues and Considerations:**

The main issues raised by the proposal are whether there is proper justification for the replacement of the pub, which amounts to a community facility, with an entirely private residential development, its consequences for the character and appearance of the locality, the appropriateness of the detailed design of the proposal in respect of access arrangements, parking and amenity space provision and refuse storage/collection and the consequence of the proposal for the amenities enjoyed by neighbours. Since this proposal is a redesign of a previously refused scheme with a view to addressing the objections raised by Members, particular attention will be given to whether the proposal overcomes those objections.

### **Principle of the Development:**

The loss of the pub amounts to the loss of a community facility. The applicant makes the case that the pub was not viable and that since alternative pubs and restaurants are situated within a reasonable distance of the site therefore it is not an essential community facility. However, it remains the case that the site could be redeveloped for an alternative community facility which would ensure the site continued to be used for a purpose that would be of benefit to the wider community. This approach is a requirement of Local Plan policy CF12 and the redevelopment of the site for open market flats as proposed would remove that opportunity.

The supporting text of policy CF12 states community facilities include a wide range of uses which not only meet local needs but can often involve some employment opportunities. The text goes on to state affordable housing may also be an appropriate alternative use of a site. Following consultation, no requirement for any specific alternative community facility has been identified. Nevertheless, there is significant identified need for affordable housing in the District. The Council's Strategic Housing Market Assessment (2010) finds that up to 2026, 70% of future housing in the District will need to be affordable and, having regard to the Council's 5 year land supply, there is virtually no need identified for open market housing within the next 5 years.

The applicant is clearly not proposing an affordable housing scheme and has agreed to make the same level of contribution to off-site affordable housing provision offered in connection with the refused scheme. That level was £100,000 and it is Officers assessment that this would satisfy the requirements of Policy CF12 in this case. On that basis, the principle of redeveloping the site for an entirely private residential development is acceptable.

### **Character and Appearance of the Locality:**

Although the locality is predominantly characterised by two-storey detached houses, the site, together with the adjacent filling station, does not accord with that pattern. Indeed, its lawful use together with the height and design of the existing building, the raised site level and extensive hard surfacing is in sharp contrast to the established local character. Furthermore, the locality does include large blocks of flats or residential care homes nearby on Manor Road therefore the redevelopment of the site for flats is not inconsistent with the character of the wider locality.

Having regard to the position of the site and the design and scale of the existing building it is appropriate that any development of it appears as a strong focal point in the street. In pre-application discussion the applicants were therefore advised to put forward a landmark building for the development and they have clearly risen to the

challenge with a bold modern design that nevertheless respects the scale and height of neighbouring buildings. This would be in part achieved by excavating the site so that the building would sit at lower level within it compared to the existing building.

The main change to the design of the building compared to the previous proposal is creating a more dominant frontage to Hainault Road by extending the 4 storey element towards the Shell filling station. This has allowed the higher parts of the building to be sited further from 9 Linkside such that a greater part of it will clearly be at significantly lower level than that house. Only the two-storey element would be sited adjacent to 9 Linkside and that part of the building would match the eaves height of the house.

A further change has been to the precise position of the building on the site. As before, the building now proposed would have a stepped elevation but it would be set some 2m further away from the site boundary with Linkside. This will also assist in lessening the visual impact of the building when seen from Linkside. Although it will clearly still be prominent, it will respect its setting to a greater degree than the previous proposal which was in any event not refused on the basis of its visual impact.

As with the previous scheme, the design includes considerable variety in terms of height, position of its façade and use of materials which adds interest but is not so busy that the building appears incoherent. The design is unified by the careful use of the palette of material selected and indicative robust landscaping on the site boundaries with Hainault Road and Linkside.

The revisions to the design and siting of the building have gone some way towards addressing the concerns of residents in Linkside. However, having regard to the objections raised, residents nevertheless remain opposed to its design and scale. Officer's assessment is that by careful attention to siting, scale and detailed design the revised proposal would respect its setting while achieving the objective of being a high quality landmark in the locality.

#### Detailed design:

##### *Vehicular access*

Considerable objection was raised to the siting and design of the vehicular access of the refused scheme, which proposed it off Linkside and that informed Members decision to oppose that proposal. In considering that scheme Members took the view that since there was no highways objection to accessing the site via the existing vehicular access point off Hainault Road any proposed redevelopment of the site should be accessed from that point.

The revised scheme has had clear regard to Members views and proposes access via the existing access point to the site. This has overcome the objections to the previous proposal that arose from the proposal to access it off Linkside.

##### *Parking provision:*

The site is situated in a sustainable location within an urban area. The mix of accommodation comprises 7 two-bedroom units and 7 three-bedroom units. The minimum off-street parking provision for those flats as prescribed in the 2009 Parking Standards is 28 spaces with an additional 4 spaces for visitors bringing the total to 32 spaces. The proposed level of provision is 31 spaces, 1 short of that required by the

parking standards. However, the parking standards do allow for a lower level of provision in urban areas that are well served by public transport. Given the proximity of the site to good bus services and that there are 2 underground stations within reasonable walking distance of it there is no doubt that it is appropriate to require a marginally lower level of provision in connection with this development. The proposed level of provision is therefore acceptable.

*Private amenity space provision:*

Private amenity space provision would be in the form of balconies and sunken gardens associated with each flat together with some 400m<sup>2</sup> of private communal amenity space rear of the building. The communal space has been achieved as a consequence of resiting the access to Hainault Road.

Objection was raised to the form and amount of private amenity space proposed in connection with the refused scheme since no communal area was proposed and the remaining areas dedicated to particular flats were not adequately private and often of inadequate size for the flat they would serve. Dedicated space for each unit continues to be proposed and is a valid way of contributing to amenity space provision. Indeed, it may well be of greater benefit to the occupants of the flats if in an appropriate form. The revision to the scheme to provide a good area of communal private amenity space that would not be observed from public areas deals with any perceived shortcoming of the dedicated space for each flat. That communal space exceeds the amount of space sought by Council policy by some 50m<sup>2</sup>. Together with the dedicated amenity space for each flat the revised proposal would provide a level of amenity space provision more than twice the area sought by Council policy.

*Refuse storage/collection:*

Refuse would be stored within the building and brought to a collection point at the site boundary with Hainault Road immediately north of the proposed access point when it is due to be collected. That arrangement is a modification of the original proposal following discussion with the Council's Waste Management Officer. It is not ideal because it relies on waste being moved from a storage area to a waste collection point but subject to the waste actually being placed in the collection area there would be no difficulty in collecting it. Given the disadvantages to the occupants of the flats of not having their waste transferred to the collection point the risk of waste not being collected from the development is small. On that basis and having regard to the views of the Waste Management Officer the arrangements proposed are acceptable.

*Amenity:*

The objection to the vehicular access point of the previous proposal was on the basis that its use would cause harm to the amenities of neighbours in Linkside and that it dictates the position of a refuse collection area that would cause further harm to amenity. These objections have been overcome by resiting the access point and associated refuse collection point to Hainault Road. Residents of Linkside maintain that, notwithstanding the repositioning of the access point, the proposal would cause harm to their amenities as a consequence of increased demand for on-street parking on Linkside.

Such on-street parking does presently take place and, given the short length of Linkside before its turning head, opportunity for this to increase would be limited.

The degree of harm to amenity that would be caused above the present situation is therefore likely to be slight and certainly not amounting to excessive harm to the amenities of residents. Indeed, it is likely that a more intensive use of the existing public house would have a greater impact on the amenities enjoyed by residents in terms of noise and disturbance than the proposed development. Such intense usage would be unlikely to require planning permission.

Overlooking is raised as an issue by neighbours and is an important matter to consider. The relationship of the building to neighbouring properties is such that no. 2 Linkside is the neighbour most likely to be overlooked. There are no main windows in 1 Linkside that look to the site, other houses in Linkside would not be directly overlooked and a balcony to flat 5 would be positioned so that there would be no direct overlooking of 9 Linkside. Other properties on Hainault Road and Manor Road are too far away to experience any material loss of privacy from the development.

A distance of some 17m would separate the front elevation of 2 Linkside from the proposed building. This is an increase of 3m compared to the refused scheme. Due to the level of the lower ground floor and proposed landscaping on the site boundary with Linkside, there would be no overlooking of 2 Linkside from any lower ground floor flat. A balcony off the living room of flat 6, an upper ground floor level flat, would face 2 Linkside as would a terrace and balcony of flat 10, a first floor flat. This arrangement has the potential to give rise to a material reduction in the level of privacy currently enjoyed by the occupants of 2 Linkside. However, the applicant proposes 1.7m high obscure glazed screens on their north sides to prevent excessive overlooking. This would safeguard the privacy of 2 Linkside and can be secured by appropriate conditions. Furthermore, conditions can be used to ensure no other flat roofed part of the building is used as a balcony or terrace.

The refuse collection point would be sited close to windows of the proposed flats. It has potential to cause harm to amenity, but since it would be an enclosed structure with a solid roof used for limited periods it is unlikely that any odours from it would cause excessive harm to the living conditions of the occupants of the proposed flats.

#### Other Matters:

##### *Contribution for education:*

The Education Authority advises that there is a shortfall of secondary school places in the locality. On the basis of the formula outlined in the Education Contribution Guidelines Supplement a contribution of £20,671 is requested. The applicant's agent has confirmed the applicant is willing to make the contribution to education provision requested by the Education Authority.

##### *Landscaping:*

Indicative landscaping is shown on the submitted plans and can be secured by a planning condition. The Council's Tree and Landscaping officer advises that none of the trees and bushes on site are worthy of retention.

##### *Other highways matters:*

It is appropriate to secure raised kerbs at adjacent bus stops and provide a Travel Information and Marketing Scheme for sustainable transport to be approved by Essex County Council by planning obligation. Written agreement to this has been given by the applicant's agent.

*Archaeology:*

This matter can be resolved by a suitable planning condition.

*Land contamination:*

This matter can be resolved by a suitable planning condition.

**Conclusion**

The loss of the site for a community use or development for affordable housing is remedied by the applicant's agreement to make a contribution of £100,000 to the provision of affordable housing elsewhere within the District. The development would generate a need for additional secondary school place provision, which can be secured by a financial contribution of £20,671, which the applicant's agent has also confirmed the applicant is agreeable to. These contributions can be sought by way of a S.106 agreement as can the provision of necessary minor off-site works and a Travel Information and Marketing Scheme.

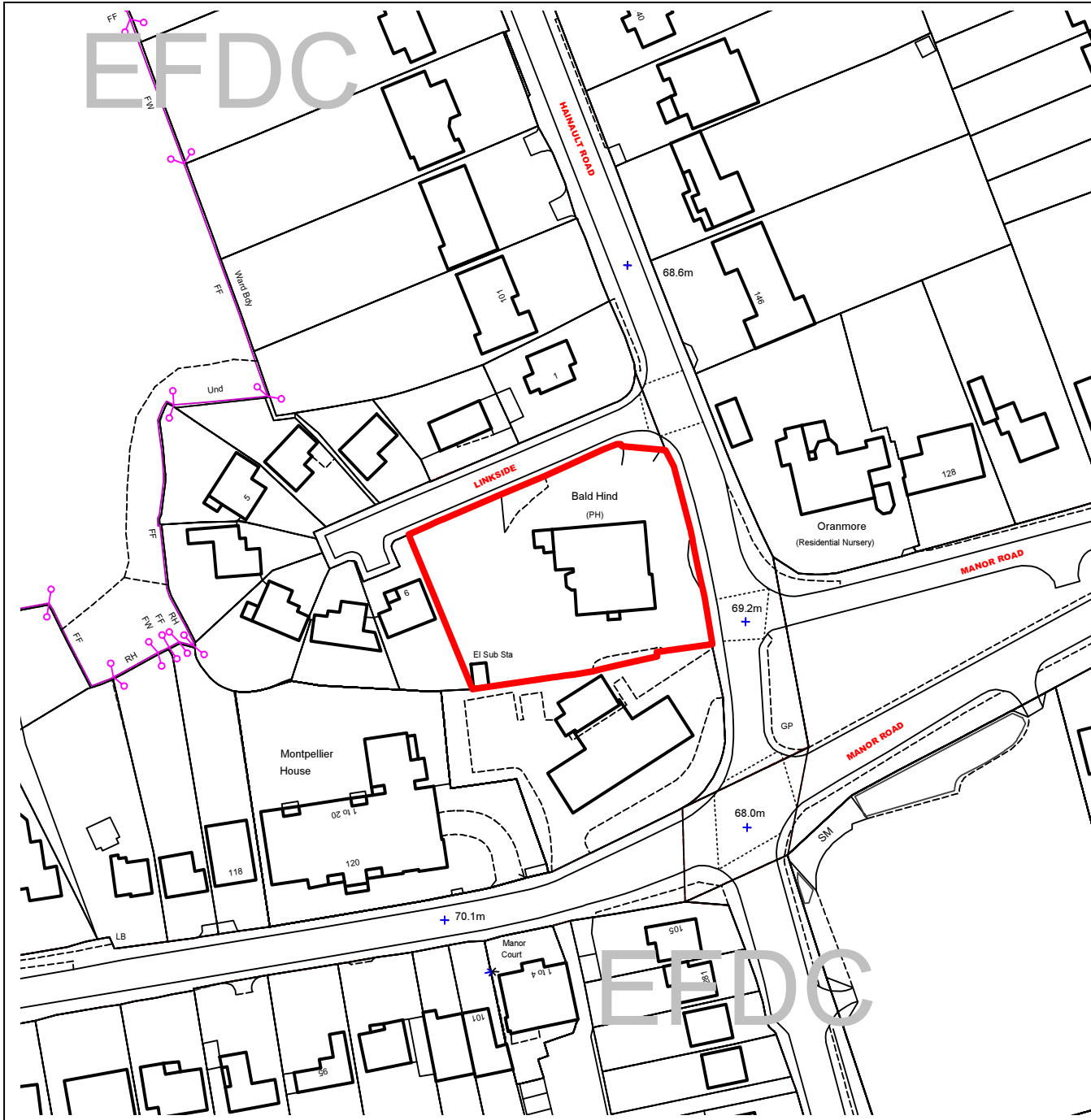
On the basis that a contribution towards off-site affordable housing would be received, the principle of the development of the site for an open market residential development is acceptable. In terms of the detail of the proposal, by careful attention to siting, scale and detailed design the proposed development would respect its setting while being a high quality landmark in the locality. The revision to access arrangements to the site, resiting of refuse collection area and provision of a good sized communal private amenity space rear of the building address in full the reasons for refusing application EPF/2414/10. The revised proposal would not cause harm to the amenities of neighbours sufficient to justify withholding consent.

Accordingly, the proposal complies with adopted planning policy and it is recommended that conditional planning permission be granted following the completion of an agreement under S.106 in respect of the matters referred to above.

***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: Stephan Solon  
Direct Line Telephone Number: 01992 564018***

***or if no direct contact can be made please email:  
[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



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<b>Agenda Item Number:</b>	<b>1</b>
Application Number:	EPF/0409/11
Site Name:	Bald Hind, Hainault Road Chigwell, IG7 5DW
Scale of Plot:	1/1250

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