

Committee Agenda



**Webcast
Meeting**



**Epping Forest
District Council**

AREA PLANNING SUBCOMMITTEE SOUTH Wednesday, 24th February, 2010

Place: Roding Valley High School, Brook Road, Loughton, Essex

Room: Dining Hall

Time: 7.30 pm

Democratic Services Officer: M Jenkins - Office of the Chief Executive
Email: mjenkins@eppingforestdc.gov.uk Tel: 01992 564607

Members:

Councillors J Hart (Chairman), Mrs L Wagland (Vice-Chairman), K Angold-Stephens, R Barrett, K Chana, Mrs S Clapp, Miss R Cohen, M Cohen, D Dodeja, Mrs A Haigh, J Knapman, R Law, A Lion, J Markham, G Mohindra, Mrs C Pond, Mrs P Richardson, B Sandler, P Spencer, Mrs J Sutcliffe, P Turpin, H Ulkun and D Wixley

A PLAN SHOWING THE LOCATION OF RODING VALLEY HIGH SCHOOL IS ATTACHED TO THIS AGENDA. A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP SPOKESPERSONS OF THE SUB-COMMITTEE, AT 6.30 P.M. PRIOR TO THE MEETING

WEBCASTING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy and copies made available to those that request it.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast;
2. Members are reminded of the need to activate their microphones before speaking; and
3. the Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be filmed live for subsequent uploading to the Internet and will be capable of repeated viewing.

If you are seated in the public seating area it is possible that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast although Officers will try and avoid this.

This may infringe your human and data protection rights and if you have any concerns about this you should speak to the Webcasting Officer.”

2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached together with a plan showing the location of the meeting.

3. MINUTES (Pages 9 - 16)

To confirm the minutes of the last meeting of the Sub-Committee.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

7. DEVELOPMENT CONTROL (Pages 17 - 52)

(Director of Planning and Economic Development) To consider planning applications as set out in the attached schedule

Background Papers: (i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule. (ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

8. DELEGATED DECISIONS

(Director of Planning and Economic Development) Schedules of planning applications determined by the Head of Planning and Economic Development under delegated powers since the last meeting of a Plans Subcommittee may be inspected in the Members Room or at the Planning and Economic Development Information Desk at the Civic Offices, Epping.

9. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting.** Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

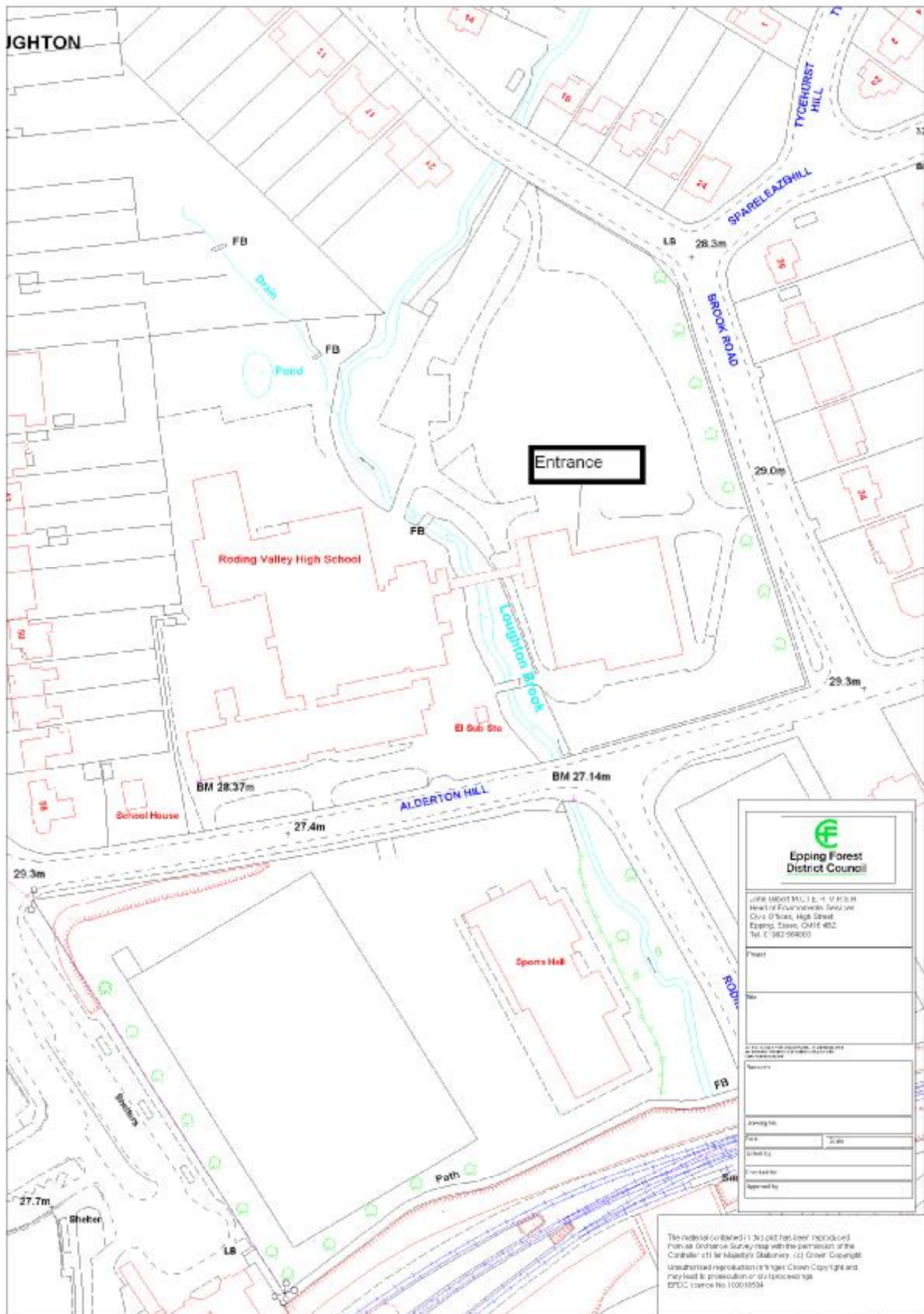
The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

Further Information?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

Area Plans Subcommittee South – Location Plan



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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee South **Date:** Wednesday, 3 February 2010

Place: Roding Valley High School, Brook Road, Loughton, Essex **Time:** 7.30 - 8.30 pm

Members Present: J Hart (Chairman), K Angold-Stephens, K Chana, M Cohen, D Dodeja, R Law, J Markham, P Spencer, Mrs J Sutcliffe, H Ulkun and D Wixley

Other Councillors:

Apologies: Mrs L Wagland, R Barrett, Mrs S Clapp, Miss R Cohen, Mrs A Haigh, J Knapman, A Lion, G Mohindra, Mrs C Pond, Mrs P Richardson, B Sandler and P Turpin

Officers Present: S Solon (Principal Planning Officer), A Hendry (Democratic Services Officer), S G Hill (Senior Democratic Services Officer) and R Martin (Website Assistant)

86. Webcasting Introduction

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

87. Appointment of Vice Chairman

In the absence of the Vice Chairman, the Chairman invited nominations from the Sub-committee for the appointment of a Vice Chairman for the duration of the meeting.

RESOLVED:

That Councillor M Cohen be appointed as Vice Chairman for the duration of the meeting.

88. Minutes

RESOLVED:

That the minutes of the meeting held on 13 January 2010 be taken as read and signed by the Chairman as a correct record.

89. Declarations of Interest

(a) Pursuant to the Council's Code of Member Conduct, Councillors R Law declared a personal interest in the following items of the agenda by virtue of being a member of Loughton Town Council. The Councillor had determined that his interest

was not prejudicial and he would stay in the meeting for the consideration of the application and voting thereon:

- EPF/1806/09 246b High Road, Loughton
- EPF/2300/09 238 High Road, Loughton
- EPF/2296/09 37 Valley Hill, Loughton

(b) Pursuant to the Council's Code of Member Conduct, Councillor J Markham declared a personal interest in the following items of the agenda by virtue of being a member of the Loughton Residents Association. The Councillor had determined that his interest was not prejudicial and he would stay in the meeting for the consideration of the application and voting thereon:

- EPF/1806/09 246b High Road, Loughton
- EPF/2300/09 238 High Road, Loughton

(c) Pursuant to the Council's Code of Member Conduct, Councillors D Wixley and K Angold-Stephens declared a personal interest in the following item of the agenda by virtue of being members of Loughton Town Council and the Loughton Residents Association. The Councillors had determined that their interest was not prejudicial and they would stay in the meeting for the consideration of the application and voting thereon:

- EPF/1806/09 246b High Road, Loughton
- EPF/2300/09 238 High Road, Loughton
- EPF/2296/09 37 Valley Hill, Loughton

(c) Pursuant to the Council's Code of Member Conduct, Councillor M Cohen declared a personal interest in the following item of the agenda by virtue of being an acquaintance of the accountant of the business in item two. The Councillor had determined that his interest was not prejudicial and he would stay in the meeting for the consideration of the application and voting thereon:

- EPF/2300/09 238 High Road, Loughton

90. Any Other Business

It was noted that there was no other urgent business for consideration by the Subcommittee.

91. Development Control

The Sub-Committee considered a schedule of applications for planning permission.

RESOLVED:

That the planning applications numbered 1 – 3 be determined as set out in the attached schedule to these minutes.

92. Delegated Decisions

The Sub-Committee noted that schedules of planning applications determined by the Director of Planning and Economic Development under delegated authority since the last meeting had been circulated and could be inspected at the Civic Offices.

CHAIRMAN

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Report Item No: 1

APPLICATION No:	EPF/1806/09
SITE ADDRESS:	246B High Road Loughton Essex IG10 1RB
PARISH:	Loughton
WARD:	Loughton St Marys
DESCRIPTION OF PROPOSAL:	Change of use from purposes within Use Class A1 to a mixed use for purposes within Use Classes A1 and A3.
DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The proposal would result in the loss of a shop use (Use Class A1) from the key retail frontage of the Loughton High Road principal shopping centre, as defined in the Epping Forest District Local Plan and Alterations. It would increase the proportion of non-retail frontage within the key retail frontage, exacerbating the impact of an already excessively high proportion of non-retail frontage on the vitality and viability of the shopping centre. The use would threaten the long term vitality and viability of the shopping centre by undermining its retail function and therefore contribute to a threat to its position in the hierarchy of town centres within the District. Accordingly, the proposal is contrary to policies TC1, TC3 and TC4 of the Epping Forest District Local Plan and Alterations.

Report Item No: 2

APPLICATION No:	EPF/2300/09
SITE ADDRESS:	238 High Road Loughton Essex IG10 1RB
PARISH:	Loughton
WARD:	Loughton St Marys
DESCRIPTION OF PROPOSAL:	Change of use of ground floor from purposes within Use Class A1 to a mixed use for purposes within Use Classes A1 and A3.
DECISION:	Grant Permission (with conditions)

The Members decided to grant this application because the use was assessed as likely to contribute to the vitality and viability of the Loughton High Road town centre by attracting additional footfall to the town centre during the day.

CONDITIONS

- 1 The area of the shop identified as "retail 27sq.m." on drawing no. 238/01 shall only be used for retail purposes as defined by Use Class A1 of the Town & Country Planning (Use Classes) Order 1987.
- 2 The footway adjacent to the shopfront shall not be used for stationing tables, chairs, outdoor heaters, planters or other furniture.
- 3 No primary cooking of food shall be carried out on the premises.

Report Item No: 3

APPLICATION No:	EPF/2296/09
SITE ADDRESS:	37 Valley Hill Loughton Essex IG10 3AQ
PARISH:	Loughton
WARD:	Loughton Roding
DESCRIPTION OF PROPOSAL:	First floor side and rear extension.
DECISION:	Grant Permission (With Conditions)

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 front facing wall of the first floor side extension hereby approved shall be located 0.3m behind the alignment of the front wall on the main house.
- 3 Materials to be used for the external finishes of the proposed extensions, shall match those of the existing building.
- 4 Prior to first occupation of the extension hereby approved the proposed first floor side window in centre of the side elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

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AREA PLANS SUB-COMMITTEE SOUTH

Date 24 February 2010

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/2433/09	5 Gainsborough Place, Chigwell IG7 6LA	Grant Permission (With Conditions)	19
2.	EPF/1748/09	Adjacent 148 Buckhurst Way, Buckhurst Hill IG9 6HY	Grant Permission (With Conditions)	23
3.	EPF/2320/09	Davenant Foundation School, Chester Road, Loughton IG10 2LD	Grant Permission (With Conditions)	29
4.	EPF/2509/09	26 Queens Road, Loughton IG10 1RR	Grant Permission (With Conditions)	33
5.	EPF/2513/09	Rear of 186 Forest Road, Loughton IG10 1EG	Grant Permission (With Conditions)	37
6.	EPF/0013/10	2 The Cedars, Buckhurst Hill IG9 5TS	Grant Permission (With Conditions)	45

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Report Item No: 1

APPLICATION No:	EPF/2433/09
SITE ADDRESS:	5 Gainsborough Place Chigwell Essex IG7 6LA
PARISH:	Chigwell
WARD:	Chigwell Row
APPLICANT:	Sheila Cahill
DESCRIPTION OF PROPOSAL:	EPF/13/85/A1 T1 - Ash - Fell
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree 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 committee since all applications to fell preserved trees are outside the scope of delegated powers.

Description of Proposal:

T1 Ash - Fell.

Description of Site:

The tree stands approximately 13 metres tall, within a linear group of large broadleaf and evergreen trees including a sycamore and Leyland cypress, which screen views of neighbouring buildings beyond the rear garden of number 5. Two mature yew trees partially obscure views of the subject tree from the house and the garden is generally characterised by hedging plants and large shrubs.

Gainsborough Place is a modern eight dwelling gated residential development located between Chapel Lane and Grove Lane off Lambourne Road. Each house is a detached residential dwelling. The locality is characterised by residential development along this main road Evergreen and mixed broadleaf trees populate the generally spacious frontages along Lambourne Road.

Relevant History:

Since the Area Order TPO/EPF/15/85/A1 was served records show activities relating to dead or dying trees being allowed on exemption only.

Policies Applied:

Epping Forest District Local Plan and Alterations:

LL9 Felling of preserved trees

SUMMARY OF REPRESENTATIONS:

2 neighbours were notified and the following response was received.

4 GAINSBOROUGH PLACE - Fully support, understand a replacement tree being planted.

CHIGWELL PARISH COUNCIL – willing to waive objection should arboricultural officer deem the application acceptable.

Issues and Considerations:

Applicant issues

The main reasons put forward to fell the ash tree are the following:

- The tree is a poor specimen with massive limb loss and associated main stem dieback. High pollard pruning has grossly truncated the tree's form and a sizeable cavity is visible at the base of the tree.
- Fears of tree collapse onto neighbouring property have been voiced by the owner

It is clear to see that this old ash is in poor condition and has had a major leader stem removed. The large hole at the base gives justified cause for concern in relation to stability.

Planning considerations

The main planning considerations are:

Visual amenity

This ash has negligible public amenity due to its location within the back garden of the large house and within an enclosed development. Before entering the private close, a gate must be passed under control. The tree cannot be seen from Lambourne Road and views of it from within Gainsborough Place and Chapel Lane are largely obscured by other large trees, buildings and hedging screens.

Tree condition and life expectancy

The tree is in a poor condition with dysfunctional exposed sapwood on the main stem. Its branch structure is compromised by the amputated major branch and the basal cavity may threaten the tree's stability. It is foreseeable that the life expectancy for T1 will not exceed 10 years.

Suitability of tree in current position

The tree is close to the rear boundary and overhangs a single storey outbuilding, which has been suffering falling debris onto it. Its function as a contributor to a screen has now largely been lost and a more suitable evergreen replacement would fulfil that purpose more effectively.

Conclusion:

The tree has little public value due to its concealed position, tucked away in the back garden. Its declining condition prompts action to avert possible collapse and subsequent damage to the outbuilding directly beneath it. Planning policy demands that tree removal is not simply justifiable but necessary. There is justification to remove this tree on grounds of increasing risk of its collapse.

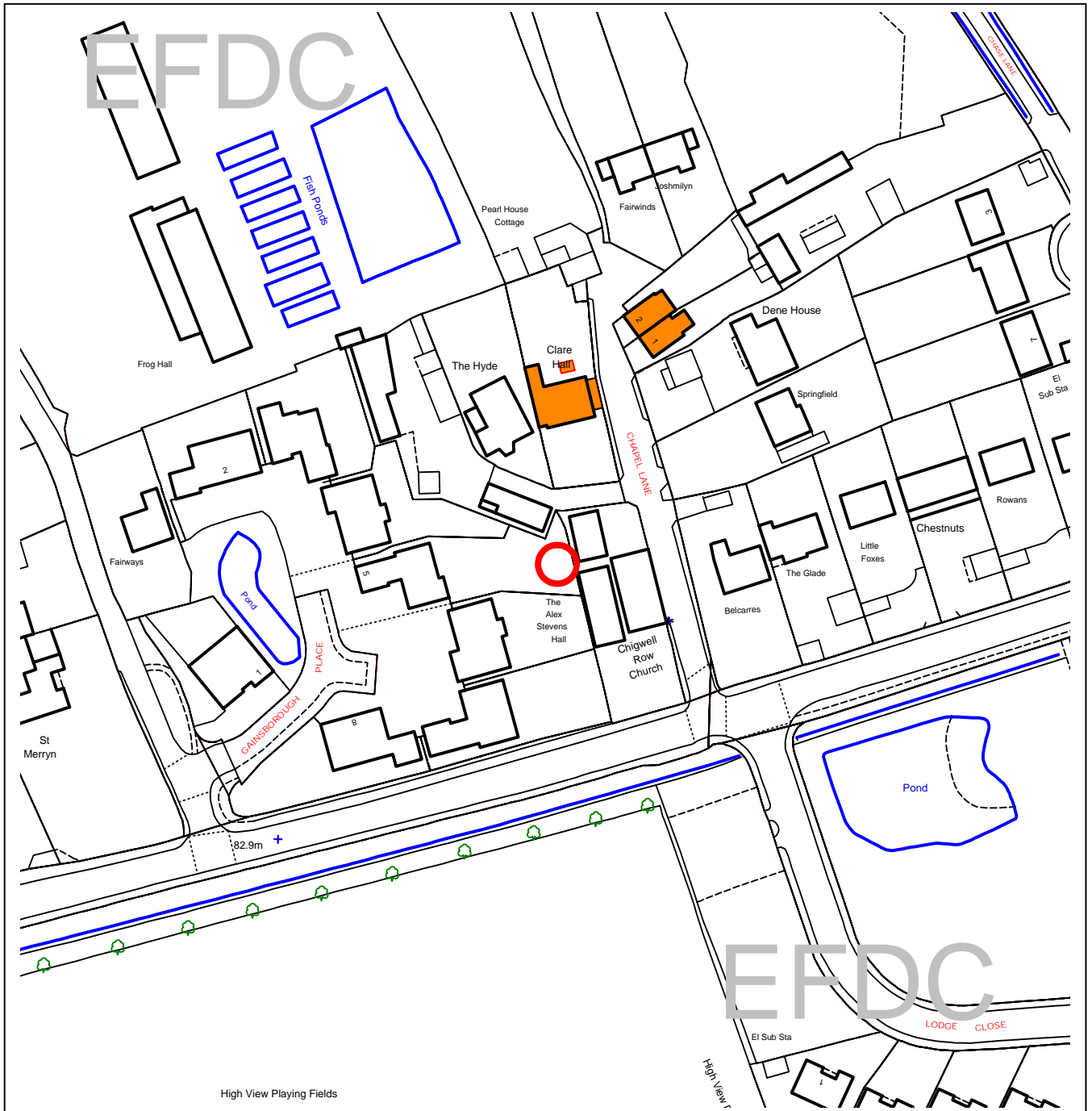
It is recommended to grant permission to this application on the grounds that the reason given justifies the need to remove the tree. The proposal therefore accords with Local Plan Landscape Policy LL9.

In the event of members agreeing to allow the felling it is recommended that a condition requiring the replacement of this tree and a condition requiring prior notice of the works to remove it must be attached to the decision notice.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	1
Application Number:	EPF/2433/09
Site Name:	5 Gainsborough Place, Chigwell IG7 6LA
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1748/09
SITE ADDRESS:	Adjacent 148 Buckhurst Way Buckhurst Hill Essex IG9 6HY
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill East
APPLICANT:	Mr John Simon
DESCRIPTION OF PROPOSAL:	Erection of a pair of semi detached houses.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 4 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

This application is before this Committee since it is an application for commercial development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions) and since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

This application seeks planning permission for the erection of a pair of three bedroom semi-detached dwellings. The design of the houses would be in keeping with surrounding development, with them having hipped pitched roofs and two projecting front gables. No vehicular access to the site is proposed therefore any motor vehicles kept by the future occupants of the houses would be kept off-site e.g. on-street.

Description of Site:

The site is the side garden of 148 Buckhurst Way, which is an end of terrace two-storey house. The house is of traditional design with a hipped roof and rendered external walls. The street is characterised by similar 1930's style dwellings, with a mix of terraced and semi detached dwellings, with a detached bungalow to the north of the site (separated by a pedestrian alleyway) being an exception to the established pattern of development. The site is enclosed by a timber panel fence on the site boundary with Buckhurst Way. There are mature conifers rear of the fence.

Vehicle access to no. 148 is via a private access road leading from Chestnut Avenue. The access road is approximately 3.2 metres wide and provides access to 146-162 Buckhurst Way, many of which have garages fronting the access.

Relevant History:

EPF/0152/05. Erection of a pair of semi-detached houses with 3 no. garages and parking to rear. Refused 22/04/2005 for the following reason:

1. *The intensified use of the existing unsatisfactory access to the access way to the rear parking area, which has inadequate sight lines, would be detrimental to conditions of highway safety in the area, contrary to T17 of the adopted Local Plan and policy T8 of the Essex and Southend on Sea Replacement Structure Plan.*

An appeal against the above refusal was dismissed in August 2005.

EPF/2056/05. Certificate of lawfulness for the erection of three garages to replace existing.
Refused 16/12/2005.

Policies Applied:

East of England Plan

ENV7 – Quality in the Built Environment

Adopted Local Plan and Alterations

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP4 – Energy conservation
CP5 – Sustainable building
H2A – Previously developed land
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
ST4 – Road Safety
ST6 - Vehicle Parking

Summary of Representations:

Notification of this application was sent to 12 neighbouring residents and to Buckhurst Hill Parish Council.

The following representations have been received:

BUCKHURST HILL PARISH COUNCIL. Objection. Overdevelopment of site and concerns regarding access onto main road.

103 CHESTNUT AVENUE. Objection. Concerned regarding potential loss of light, in particular for three hours in evening in Spring and summer. Land was common land, owned by the Charles French Trust until enclosed by the owners of 148 Buckhurst Way. Drainage runs across the site.

107 CHESTNUT AVENUE. Objection. Will be overlooked by the development and it will block out light and reduce privacy. Would spoil enjoyment of our garden, which is very tranquil at present.

142 BUCKHURST WAY. Objection. Angered that the site was public land that has been taken from the community 8 years ago. The existing fence and conifers are a road safety hazard.

152 Buckhurst Way. Objection. Parking and access not adequate.

Issues and Considerations:

There are no significant changes between this application and that which was refused planning permission in 2005 except for the deletion of the proposed vehicular access to the site. Accordingly, the impact of the development on neighbouring properties and the appearance of the proposed development within the street scene, remain acceptable.

The main issues for consideration when assessing the merits of this proposal are therefore the impact of the development on the surrounding highway network and the amenities of the locality as a consequence of the absence of off-street parking provision.

Parking and Highways

Following the refusal of the previous application for dwellings on this site and the subsequent appeal, this application proposes no vehicular access and, therefore, no vehicle parking.

Following consideration of this amendment, Essex County Council as Highway Authority raises no objection to the proposed development. Furthermore, the Highway Engineer states '*although it is noted that all car parking has been omitted from the proposed development the highway authority has no concerns with on street parking within the vicinity of the site as the restrictions and layout of Buckhurst Way would ensure that no unsafe parking takes place. There is also plenty of parking available on the roads behind the development, Chestnut Avenue & Hornbeam Road, which would not be detrimental to highway safety.*'

At the end of last year, Essex County Council adopted a revised set of vehicle parking standards. These suggest minimum parking standards for residential developments, with the recommended standards for dwellings with two or more bedrooms being 2 spaces. Accordingly, the parking standards suggest a requirement for a minimum of four off-street parking spaces for the proposal.

However, the parking standards do state that reduced parking levels can be applied to residential developments within urban areas. Urban areas are defined as '*those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment*'.

The application site is located along bus route number 549, which runs between Loughton, Buckhurst Hill, Roding Valley, Woodford and South Woodford. The route includes Loughton, Buckhurst Hill, Woodford and South Woodford underground stations. The bus service from Buckhurst Way runs hourly between 7am and 8pm.

The application site is located within 300m of Roding Valley Underground Station. It is also within 1200m of Buckhurst Hill Underground Station, Queens Road retail centre and Buckhurst Hill County Primary School.

The relationship detailed above shows that the application site is well served by public transport services and other local infrastructure. Accordingly, it is a very sustainable location for housing development and some relaxation of the normal parking standards would be in accordance with local plan policy. However, since this application does not propose any off-street parking provision at all, very careful consideration must be applied as to whether or not this development would be acceptable in terms of its impact on highway safety and amenity.

Having regard to advice provided by the Highway Authority and due to the scope for safe on-street parking in close proximity to the site it is clear that there would be no harm caused to the interests of highway safety caused by the proposed development.

As to the matter of impact on amenity, on street car parking can take place where it is permitted and any unauthorised or dangerous parking of motor vehicles is a matter for Parking Enforcement and/or the police. Accordingly, the only potential harm to amenity is if the increase in demand for on-street parking caused existing neighbours that rely on its availability to have to park their vehicles unreasonably far from their houses. Given the availability of on-street parking in the locality identified by the Highway Authority this is unlikely to be caused by the normal use of the proposed houses as dwellinghouses. The increase in demand for on-street parking would therefore not be harmful to amenity.

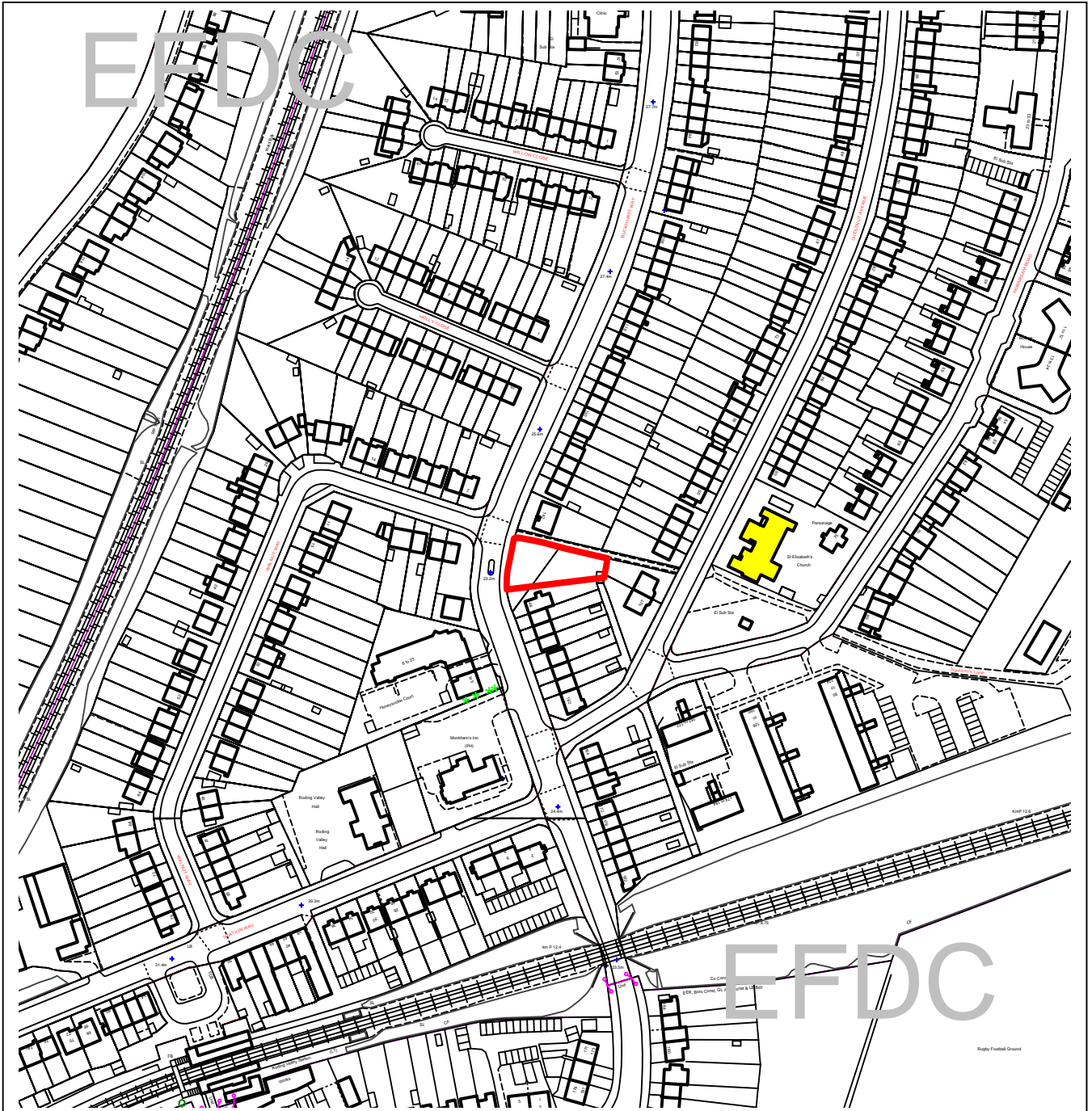
Conclusion:

Since, with the exception of off-street parking provision, there has been no change in material circumstances since the previous application and appeal were determined, it is concluded that there would be no material harm to either the character and appearance of the area, or to the amenities of the occupiers of neighbouring properties. The only issue which was outstanding from the previous application was harm that would be caused to the interests of highway safety by the intensification in the use of the proposed vehicular access. It is considered that this matter has been satisfactorily addressed by the removal of any off-street parking that could be reached via the vehicular access. Furthermore, the resulting absence of off-street parking in this sustainable location is acceptable in policy terms and would not of itself result in any harm caused to the interests of highway safety or the amenities of the locality. In the circumstances, it is recommended that planning permission be granted.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	2
Application Number:	EPF/1748/09
Site Name:	Adjacent 148 Buckhurst Way, Buckhurst Hill, IG9 6HY
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/2320/09
SITE ADDRESS:	Davenant Foundation School Chester Road Loughton Essex IG10 2LD
PARISH:	Loughton
WARD:	Loughton Broadway Loughton St Johns
APPLICANT:	Mr Chris Morris
DESCRIPTION OF PROPOSAL:	New freestanding two-classroom relocatable building.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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 two classrooms hereby approved shall not be used for classes or activities outside of normal school hours i.e. 9am to 4pm Mondays to Fridays.

This application is before this Committee since it is an application for commercial development and the recommendation differs from more than one expression of objection pursuant to section P4, schedule A (f) of the Councils delegated functions).

Description of Proposal:

New freestanding two classroom relocatable building.

Description of Site:

The site is located in the west part of this extensive school grounds close to the boundary with the rears of houses at 153 to 161, Grosvenor Drive. The proposed relocatable classroom building is to be sited on land currently laid out as 7 car spaces and part of a grassed area.

Relevant History:

There is an extensive history of approvals for new buildings, extensions, relocatable classrooms, and parking layout changes, on this large school site.

Policies Applied:

CF5 – Educational buildings outside the Green Belt
DBE1 – Design of new buildings
DBE9 – Loss of amenity.

Summary of Representations:

LOUGHTON TOWN COUNCIL – no objections.

11 neighbours consulted and 3 replies have been received:-

163, GROSVENOR DRIVE – object because the building will take away 6 or 7 car spaces, and I have people parking over the edge of my drive making it hazardous to pull out into the road. Parking is horrendous in Grosvenor Drive due to pupils and teachers parking outside our houses.

157, GROSVENOR DRIVE –object - building will increase noise already sustained from school; more building will cause problems for neighbours in a residential area, and in particular the loss of 7 car spaces will aggravate appalling parking problems which are dangerous outside the school and my house. The school should focus more on providing parking spaces for 6th form students.

151, GROSVENOR DRIVE – object because the location previously had temporary buildings which have been removed, and new buildings in the school appear to flaunt planning restrictions; the building is too close to houses, the proposal will lead to more parking pressures on local streets for school parking; the existing space should be retained for car spaces; the school site is subject to flooding when storm drain overflows; any consent given should prohibit music and out of school hours use, and windows and doors should not face residential properties.

Issues and Considerations:

Concern has been raised by objectors that the proposal will cause a loss of amenity. The proposed building will accommodate 2 classrooms with a total ground area of 8m. by 15m. for use by the school's psychology department This relocatable building will have a modest height of 3.5m. and will be over 3m. from the boundary of gardens to houses fronting the north side of Grosvenor Drive. This boundary comprises of a mixture of high fences (e.g. 1.8m and above), or garages and outbuildings. Trees also screen views of the school. The building would be sited alongside a similar relocatable building, coloured grey/green. Bearing in mind these physical characteristics the proposed classrooms will not have any appreciable affect on the amenity and outlook of nearby residents. However, given the classroom's position quite close to the boundary it is appropriate that the classrooms are not used outside of normal school hours in order to prevent any noise nuisance at weekends or in the evenings.

Perhaps a greater concern raised by the 3 objectors relates to car parking problems they experience in front of their homes. It is acknowledged that such issues are raised with regard to many schools, and householders who live next to a school/school entrance can experience parking problems. This application involves the loss of 7 parking spaces, admittedly in an 'overspill' car park. The school's architects have responded to these concerns by pointing out the school will still have 99 car spaces within its grounds whereas the Essex County Council standards, adopted by this Council, require a provision of 97 spaces. This figure of 99 spaces includes 20 spaces for students. The car parking provision will still therefore meet the appropriate standards. On the case officer's site visit when the school was in use there was some kerb side parking still available in front of the objectors' houses in Grosvenor Drive, but it is readily conceded that this may not be the norm. In conclusion the loss of 7 car spaces is acceptable in that car parking provision within the school will remain above the required standard.

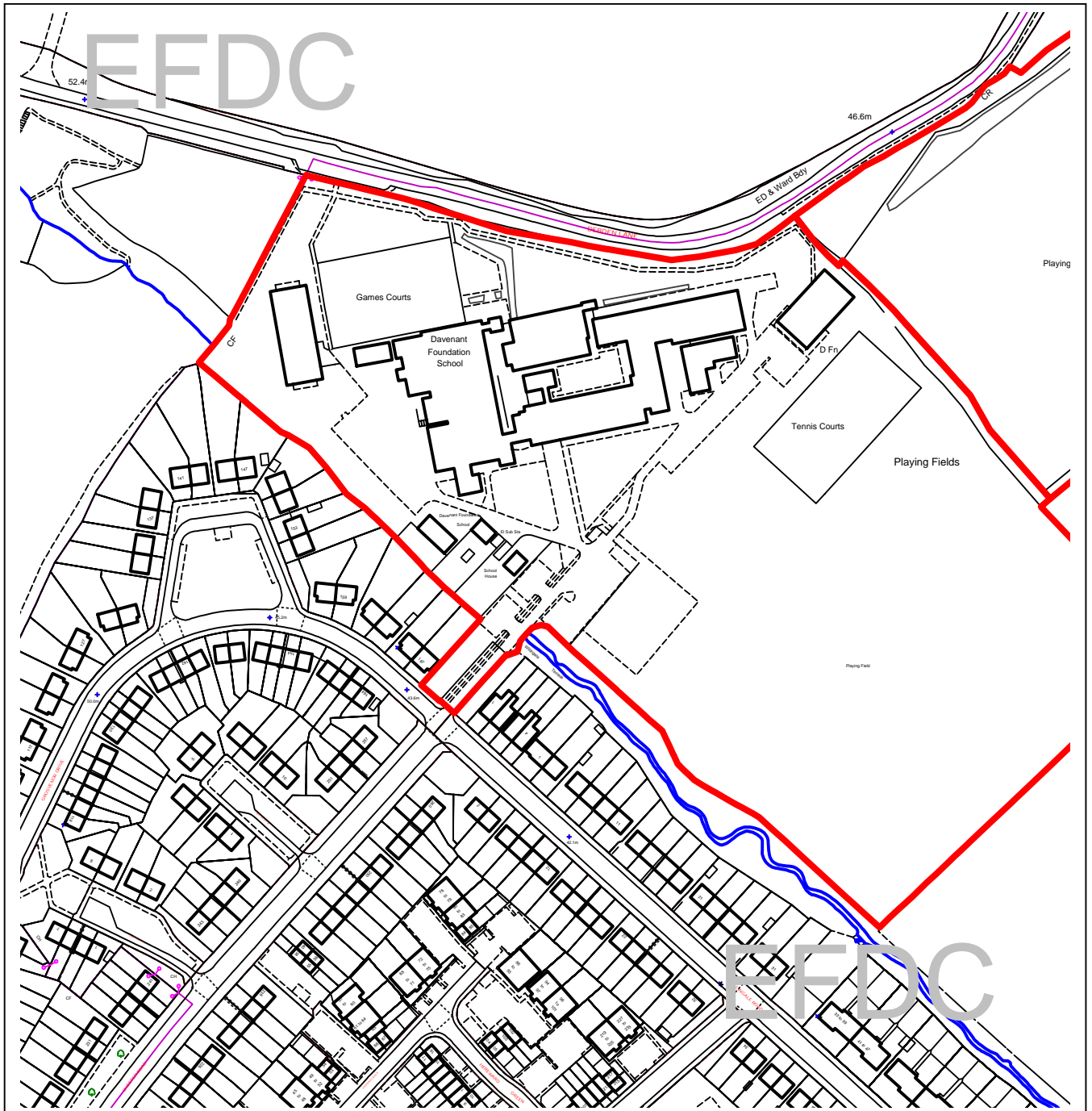
Conclusion:

This is a large school seeking to provide better facilities for a total of some 1150 students. It is likely that residents will suffer from occasional nuisance from noise and car parking. However, the proposed building will not unduly impact upon neighbours' amenity, and although 7 car spaces are unfortunately lost there will still be adequate car spaces available within the school grounds. Conditional planning permission is therefore recommended.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	3
Application Number:	EPF/2320/09
Site Name:	Davenant Foundation School Chester Road, Loughton, IG10 2LD
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/2509/09
SITE ADDRESS:	26 Queen's Road Loughton Essex IG10 1RR
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Mr John Goddard
DESCRIPTION OF PROPOSAL:	First floor rear extension. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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 extension, shall match those of the existing building.
- 3 No enclosure or balcony shall be formed at any time on any part of the remaining area of the existing ground floor roof, and it shall not be used as a sitting out area without the prior written approval of the Local Planning Authority.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

The proposal is to extend the dwelling at first floor level to a depth of 3.5m from the existing rear wall of the house and measuring 4.3m in width. The extension would be above a ground floor extension with doors opening out on to the flat roof of this. The structure would have a hipped roof that would tie into the existing roof of the dwelling.

Description of Site:

The application property is a detached dwelling on Queens Road, bordered on either side by Victorian style "L" shaped semi's. The house is on the boundary with the south west neighbour (No24). It is separated from the north east neighbour (No28) by a 1.4m alleyway for access to the rear. The properties in the area all have very long narrow gardens. The application site is divided from the neighbours by a high fence topped wall at No28 and a wall at No 24. The border of the York Hill Conservation Area runs along the rear boundary of the site.

Relevant History:

EPF/1382/98 - First floor rear extension. Refuse Permission - 08/12/1998.
EPF/0293/09 - First floor rear extension. Refuse Permission - 17/04/2009.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment
DBE9 – Loss of Amenity
DBE10 – Design of Residential Extension
HC6 – Character, Appearance and Setting of a Conservation Area

SUMMARY OF REPRESENTATIONS:

LOUGHTON TOWN COUNCIL: Objection. The proposed extension by reason of its height, depth and position close to the site boundary would have an adverse impact on the amenity and light afforded to No28.

4 properties were consulted and the following responses were received:

20 QUEEN'S ROAD: Objection. Loss of light and privacy to No28 and could set a precedent. Impact on conservation area.

22 QUEEN'S ROAD: Objection. Extension will overlook objectors' property. It will curtail light and privacy. House will be twice the size it was a few years ago.

28 QUEEN'S ROAD: Objection. Loss of light to bedroom and dining room. Patio will become a well causing a loss of light. Loss of privacy as balcony area could be created. Impact on the character of the conservation area.

32 QUEEN'S ROAD: Objection. Extension would have a negative impact on the house and as such the immediate area. The history and architectural make up of Queen's Road is worth preserving.

THE HILLS AMENITY SOCIETY: Objection. Proposed extension overshadows and overlooks next door neighbour property.

Issues and Considerations:

The main issues to consider are any potential loss of amenity, and the design of the extension in relation to the existing building and its setting. There is also the issue of impact on the adjacent conservation area.

Conservation Area

Policy HC6 protects conservation areas from development which would be detrimental to their character. The proposal site is adjacent to the conservation area around York Hill. However this proposal is in a well screened rear garden and not visible from the roadways. It would not in any case appear visually prominent. It would have no discernable impact on its character and appearance.

Impact on Appearance of Area

Policy DBE10 states that a residential extension should “complement, and where appropriate enhance” the streetscene and existing building in relation to such things as scale, form and separation from neighbouring buildings.

A previous application was refused owing to a flat roof and irregular shaped wall in its design. This application has corrected this. A number of objectors have made the point that the proposal would have an adverse impact on the appearance of the area, which is relatively attractive in character. However the extension has been designed to complement the existing structure and would not be clearly seen from the roadway. A number of neighbouring properties, including the adjacent dwelling No24, have existing two storey rear projections. Therefore the first floor addition would not appear dominant in its surroundings. The proposed extension is acceptable from a design perspective.

Impact on Neighbours Amenity

Policy DBE9 requires that residential extensions do not lead to loss of neighbour amenity in relation to such things as visual impact, overlooking or loss of daylight/sunlight.

A rear single storey extension at the dwelling exists and has been completed under old permitted development regulations. The roof of this extension has seemingly been used as a terrace area. This application would in fact reduce overlooking by reducing the floor area of the terrace. This can be further controlled by a condition restricting the use of the remaining terrace area as a “sitting out” area. This is considered reasonable in this instance and overcomes concerns relating to overlooking. At 3.5m the extension is not particularly deep. However there would be some loss of light to a first floor window at No24. This would not be highly detrimental to the living conditions of the occupants. A reasonable distance is retained to the boundary and as the rear elevations are north-west facing there would be no loss of sunlight. Ground floor windows would be unaffected.

The north east neighbour (No28) is separated from the proposal site by a fence topped wall and the rear extended sections wall is located 1.4m from this. The proposed depth of the extension would result in no significant loss of daylight or sunlight to rear facing windows. The first floor addition would not be overly dominant when viewed from this property. There would be some loss of light to a patio area in the later part of the day. However both neighbouring properties enjoy the benefit of long rear gardens and this would further reduce impact. On balance the impact on neighbouring dwellings is to an acceptable level.

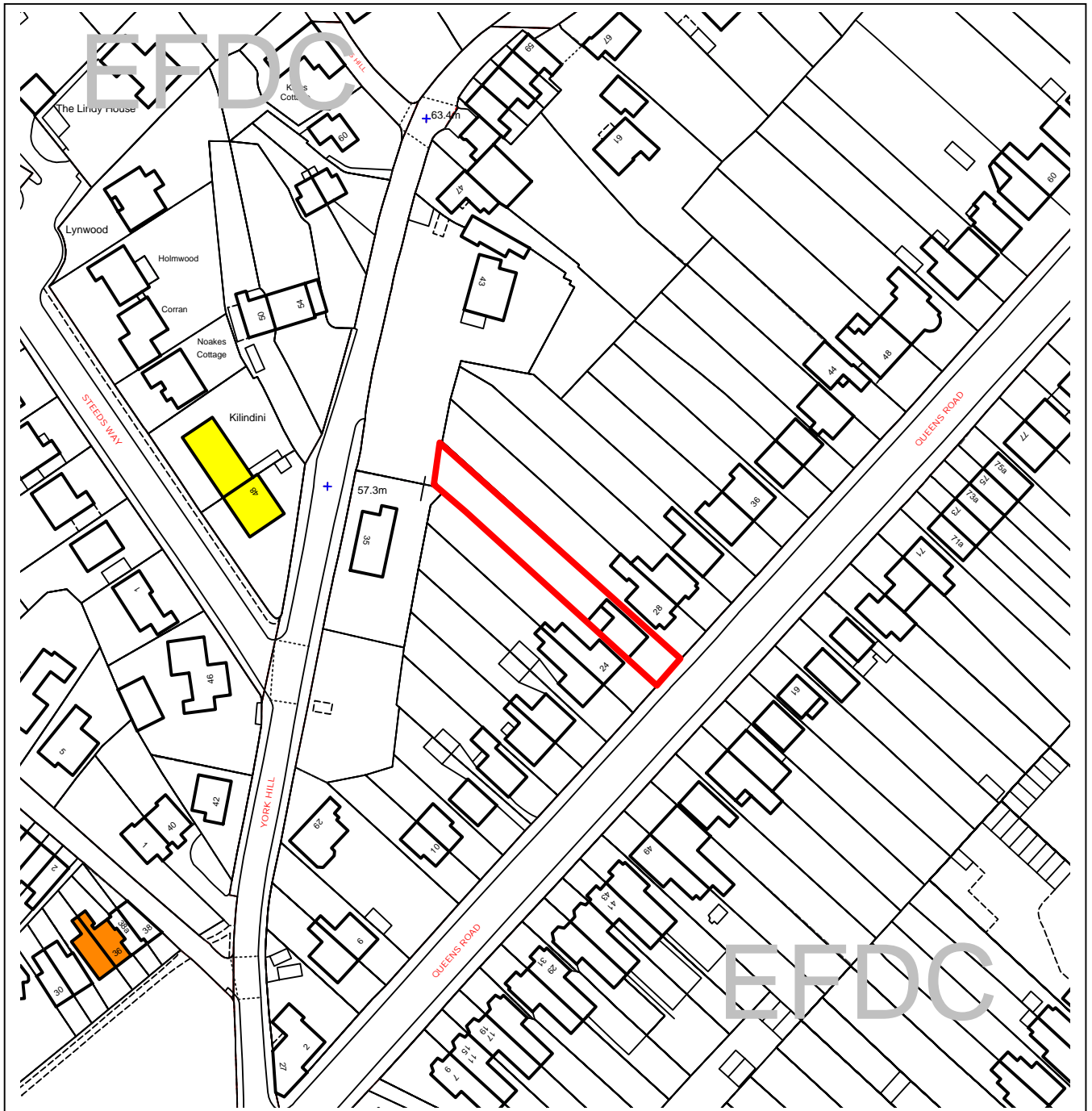
Conclusion:

Queen’s Road is an attractive residential area with a high number of period buildings worth preserving. It is also close to the boundary of the York Hill Conservation Area. However this proposal would have no significant impact on either. The rear extension would not impact severely on the amenity of neighbouring occupants. It is therefore considered the application be approved with conditions.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	4
Application Number:	EPF/2509
Site Name:	26 Queen's Road, Loughton IG10 1RR
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/2513/09
SITE ADDRESS:	Rear of 186 Forest Road Loughton Essex IG10 1EG
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Mr M Smith
DESCRIPTION OF PROPOSAL:	Demolition of existing buildings and construction of single dwelling.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of the dwelling hereby approved and maintained in the agreed positions.
- 4 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 development generally permitted by virtue of Schedule 2, Part 1, Classes A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles entering and departing the site) 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.
- 6 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the first occupation of the building hereby

approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.

- 7 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) have been submitted to an approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These 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 vehicle artefacts and structures, including signs and lighting and functional services above and below ground. 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.
- 8 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

This application is before this Committee since it is an application for commercial development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions) and since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

This application seeks planning permission for the change of use of the land to residential and for the erection of a detached five bedroom dwelling with attached double garage. The proposed dwelling would be single storey with first floor accommodation being provided within the roof space. It is proposed to retain the side and rear walls of the existing building along the site boundaries with 170, 172 and 174 Forest Road and 13 Belle Vue Cottages up to a height of 3.1 metres. Access would be via the existing driveway alongside 186a & b Forest Road.

The dwelling would be located in the western end of the site, with a garden area of approximately 15m x 17m positioned at the eastern end of the site. The proposed dwelling would be 'L' shaped

with a pitched roof with a height to eaves of approximately 2.5 metres and a height to ridge of approximately 6.7 metres. The dwelling would have three dormer windows, two in the side elevation facing towards the Forest and one in the side elevation facing towards the rear part of the garden of 170 Forest Road. The roof would also contain several roof lights.

Description of Site:

The application site contains several single storey flat roofed buildings which are presently vacant, although last used as a base of operations for a window installation company. The applicant states in the application forms that the site was last used as a contractors yard comprising an office, storage facilities and a workshop. Ordnance Survey maps identify the site as a builders yard. It therefore appears that the lawful use of the site is as a depot (a sui-generis use).

The site has vehicular access via a narrow driveway which runs alongside 186a & b Forest Road, a residential property. With the exception of the access point, the site is surrounded by residential dwellings and their gardens.

Relevant History:

none

Policies Applied:

H1 – Regional Housing Provision 2001-2021
T14 - Parking
ENV7 – Quality in the Built Environment

Adopted Local Plan and Alterations

H2A – Previously Developed Land
CP2 – Protecting the Quality of the Rural and Built Environment
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2/9 – Impact of New Buildings
DBE8 – Amenity Space Provision
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Highways Considerations
ST6 – Car Parking Standards
LL11 – Landscaping Schemes
E4A – Protection of Employment Sites
E4B – Alternative Uses for Employment Sites
NC1 – Development affecting SPA's, SAC's and SSSI's
GB7A – Development Conspicuous from the Green Belt

Summary of Representations:

Notification of this application was sent to Loughton Town Council and to 25 neighbouring properties.

The following representations have been received:

LOUGHTON TOWN COUNCIL: Objection. The Committee OBJECTED to this application owing to its harmful effect on the amenities to neighbouring properties in Forest Road both through loss of privacy and overlooking which was contrary to Policies DBE9(i) & (ii) of Epping Forest District

Council's adopted Local Plan and Alterations. It is also considered this development to be over-large for this restricted back land site.

1 LOWER BELLE VUE COTTAGES, SMARTS LANE: Objection. Limited privacy in cottages at present. Construction of new dwelling would further reduce privacy levels, inside the house and in the garden. The demolition of the garages (which are needed) would cause noise and air pollution. Poor privacy levels for occupants of new dwelling too. Existing parking difficulties would be exacerbated. There would be a loss of light to both houses and garden – this is already limited. Loss of view of woodland. Potential devaluation of property. Destruction of woodland and harm to wildlife – birds, bats. Possible structural harm to cottages.

2 LOWER BELLE VUE COTTAGES, SMARTS LANE: Objection. The house will be approximately 12 feet from our property and we believe it will be bulky. Concerned about reduction in daylight to our main living room which is a small room already affected by existing buildings. Further applications may be submitted to increase the size of the dwelling. We have never been bothered by previous uses on the site. The site has been advertised during a severe recession. There are restricted covenants on the site.

3 LOWER BELLE VUE COTTAGES, SMARTS LANE: Objection. Existing building forms part of our boundary wall. The alleyway which accesses our property regularly floods, this could be affected by the proposed development causing the soil to heave. Due to our cottage sitting on 1 foot foundations the development could cause subsidence. My property would be hemmed in by this and 215 Smarts Lane. Vehicle access will be throughout the day and could pose a threat to pedestrians (including children on school runs). Loss of privacy. Loss of sunlight. Believe this is only outline and size of dwelling would end up larger. Have never had any reason to complain about noise from the commercial activities – it has been a successful commercial premises for 65 years and has only been marketed in the biggest recession since 1944. Large vehicles have previously accessed the site without difficulty. Policy suggests a priority for community uses – the community desperately needs extra parking, use as garages/parking would be favoured by residents and would fulfil other community needs. $\frac{3}{4}$ of my garden will have the house running alongside it.

176 FOREST LANE. Objection. Will make a difference to my enjoyment of living in Forest Road. I have a very small garden and a dwelling at the bottom would at some times block sunlight to my garden and be overbearing. Over my life I have seen a village turned into an ugly town – please don't let this happen to one of the few remaining picturesque parts of old Loughton.

207 SMARTS LANE. Objection. Object to the scale of the proposed building rather than the use. The proposed dwelling would be too big and high and will invade our long established view of the Forest.

Issues and Considerations:

The main issues to be considered are:

- *the acceptability of the proposed use;*
- *the impacts of the proposed development on the amenities of the occupiers of neighbouring dwellings;*
- the impacts on the character and appearance of the area;
- the impacts on the nearby Forest;
- parking and highway issues
- Impact on the Metropolitan Green Belt; and
- Flood risk.

Acceptability of the proposed use

Policy E4A of the Local Plan seeks the protection of employment sites within the District. It states that redevelopment for residential uses will only be permitted where it has been shown that either:

- (i) The site is poorly located in relation to housing or access by sustainable means;
- (ii) There are material conflicts with adjoining land uses (e.g. due to noise, disturbance, traffic, environmental and amenity issues);
- (iii) Existing premises are unsuitable in relation to the operational requirements of modern business; or
- (iv) There is a demonstrable lack of market demand for employment use over a long period that is likely to persist during the development plan period;

And there are very significant development or infrastructure constraints making the site unsuitable or uneconomic to redevelop for employment purposes.

The applicant has submitted information to demonstrate that the site was unsuccessfully marketed between June 2008 and September 2009, in compliance with criterion iv of the above policy. Comments made by local residents who observe that the period of time during which the site has been marketed has been during the economic downturn are noted. It is accepted that the economic climate may well have been a factor in the site failing to attract a replacement commercial occupier. Notwithstanding this, the site has been marketed for a period exceeding a year and it is considered that this policy requirement has been satisfactorily addressed. The applicant has also provided information to suggest that the site also complies with criterion ii, due to the proximity of residential property. Local residents who have made representations have generally disagreed with this view, stating that they have not been disturbed by previous occupiers of the site. However, as the policy requires compliance with only one of the criteria it is considered that it has been satisfactorily addressed.

The policy also requires that there are significant constraints that make the site unviable/ uneconomic for redevelopment for employment purposes. The applicant considers that this is complied with and states infrastructure constraints as being the reason why the site is not suitable for redevelopment, in particular the very narrow access. It is agreed this amounts to a significant constraint. It is also considered that the lack of market demand for the existing facilities on the site are an indication that it may not be economically viable to redevelop the site for employment purposes.

Following acceptance under E4A that the site is not suitable for protection as an employment site, policy E4B requires that uses which meet community needs will be considered favourably prior to consideration of open market housing. The applicant has approached Loughton Town Council (November 2009) to enquire whether they are aware of any outstanding community need which may be facilitated on the site and they have advised that they have no present plans for a community facility in the area. It has been suggested by a local resident that the site could be used to provide additional car parking/garaging, for which there is a community need. Such a development is not normally treated as meeting a community need but even if it was, it is unlikely to be a viable use of the land and the Highway Authority is unlikely to consider the site access suitable for the amount of vehicle movements it would generate. Whilst the supporting text to the policy advises that the provision of affordable housing can address this policy, it is not considered relevant in this instance due to the scale of the development proposed (one dwelling) and its location.

The site is previously developed land and accordingly residential development would be in compliance with policy H2A, which requires at least 70% of new housing to be located on previously developed sites.

In light of the above, it is considered that the principle of residential development of the site is acceptable, subject to all other material considerations being satisfactorily addressed.

Impact on neighbouring dwellings

The application site is surrounded by residential property on three sides. Due to the location of the proposed dwelling to the north of Lower Belle Vue Cottages and 215 Smarts Lane there would not be a material loss of sunlight. Part of the wall of the existing building alongside part of the garden of 3 Lower Belle Vue Cottages would be retained, therefore resulting in no significant change. The dwelling itself would be located mainly beyond the end of their garden and would be located approximately 3 metres from the site boundary. Due to the position of the dwelling, there would be a material loss of outlook due to a reduction in views of the Forest from this property, but this would not justify the refusal of planning permission. The roof lights on the side roof slope of the proposed dwelling would be positioned such that there would not be a material reduction in privacy. There would be no view from the dormer window into this property due to its position and it being screened by the roof of the ground floor rear projection.

With regard to 215 Smarts Lane, the dwelling would extend along the full length of their garden. However, it would be positioned further away from the site boundary than the existing buildings and accordingly whilst the dwelling would be higher than the existing garages, it is not considered that there would be a material loss of outlook. There would be no windows facing towards this property.

The windows in the side (eastern) elevation would face toward the rear section of the garden of 170 Forest Road. The garden of the application property would be 15 metres deep and due to this separation there would be no material loss of amenity.

A distance of 15.8 metres would be retained between 180/182 Forest Road and the 'front' elevation of the dwelling. This is sufficient distance to avoid a material loss of outlook, despite these dwellings being set at a slightly lower ground level to the application site. The roof light in the link section of this elevation would serve a void and would not, therefore, give rise to a material loss of amenity.

186 Forest Road is separated into 2 flats and the rearmost part of the garden is used for parking. These properties and no. 184 would retain an adequate level of outlook. There would be some reduction in sunlight due to the location of the proposed dwelling to the south, but due to the height of the building this would not be material. The occupiers of the flats in 186 Forest Road may experience some disturbance from the use of the vehicle access, but as the use of this is likely to be less intensive than for the existing commercial use of the site this is not considered harmful.

As part of the assessment of the impact of the development on the amenities of neighbouring properties it is also necessary to compare the impact of the proposed use of the site as a dwellinghouse to that of its lawful use as a depot. The lawful use is one that pre-dates the current planning system and does not benefit from an express planning permission. No planning conditions therefore exist which limit the intensity of the use. The only limitation is that set by the requirement for planning permission to make a material change in the use of the land. Activity generated by the use of the site as a depot could take place at any time without triggering a need for planning permission and there is no evidence of the intensity of the previous depot. There is no limitation on the height at which material can be stored nor on the activities carried out in connection with the use as a depot other than that they are related to the use. In the circumstances, while the last occupant of the site may have carried out their operation in a manner that respected the residential character of the locality, a future occupier may not and that would not necessarily trigger a need for planning permission even if the activities carried out caused harm to amenity. The normal activities generated by the proposed use as a dwellinghouse would be consistent with the residential character of the locality and no more likely to cause noise or

disturbance than activities at adjacent dwellinghouses. It is therefore concluded that the proposal would be less likely to cause harm to the amenities of the locality than the lawful use of the site and that it would serve to safeguard those amenities in the longer term.

Impact on Character and Appearance of the Area

The dwelling would be constructed in yellow stock bricks with a slate roof.

Due to the back land nature of the site, the dwelling would not be visible from a public vantage point. Notwithstanding this, the design of the dwelling is considered to be acceptable and appropriate within this sylvan and semi-rural setting.

Impact on the Forest

The site is bounded to the west by Epping Forest. The Forest is designated as a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). Subject to the protection of trees during construction, it is not considered that there would be any harm to the Forest. Furthermore, site landscaping can ensure that the site blends in with the Forest. Both of these matters can be controlled by the use of planning conditions.

Highways and Parking

Access to the site would be via the existing vehicular access onto Forest Road. As the proposed use is likely to generate fewer car movements than the present employment use, it is not considered that there would be any harm to highway safety. The garage would be of sufficient size to accommodate 2 vehicles and there is space for additional parking at the front of the dwelling. This is considered acceptable.

Flood Risk

The Council's Land Drainage team have advised that a flood risk assessment will be required in order to ensure that surface run-off from the site is improved.

Impact on the Metropolitan Green Belt

The Green Belt boundary runs along the western boundary of the site. Due to the site being surrounded by development, it is not considered that it would appear overly conspicuous when viewed from the Green Belt.

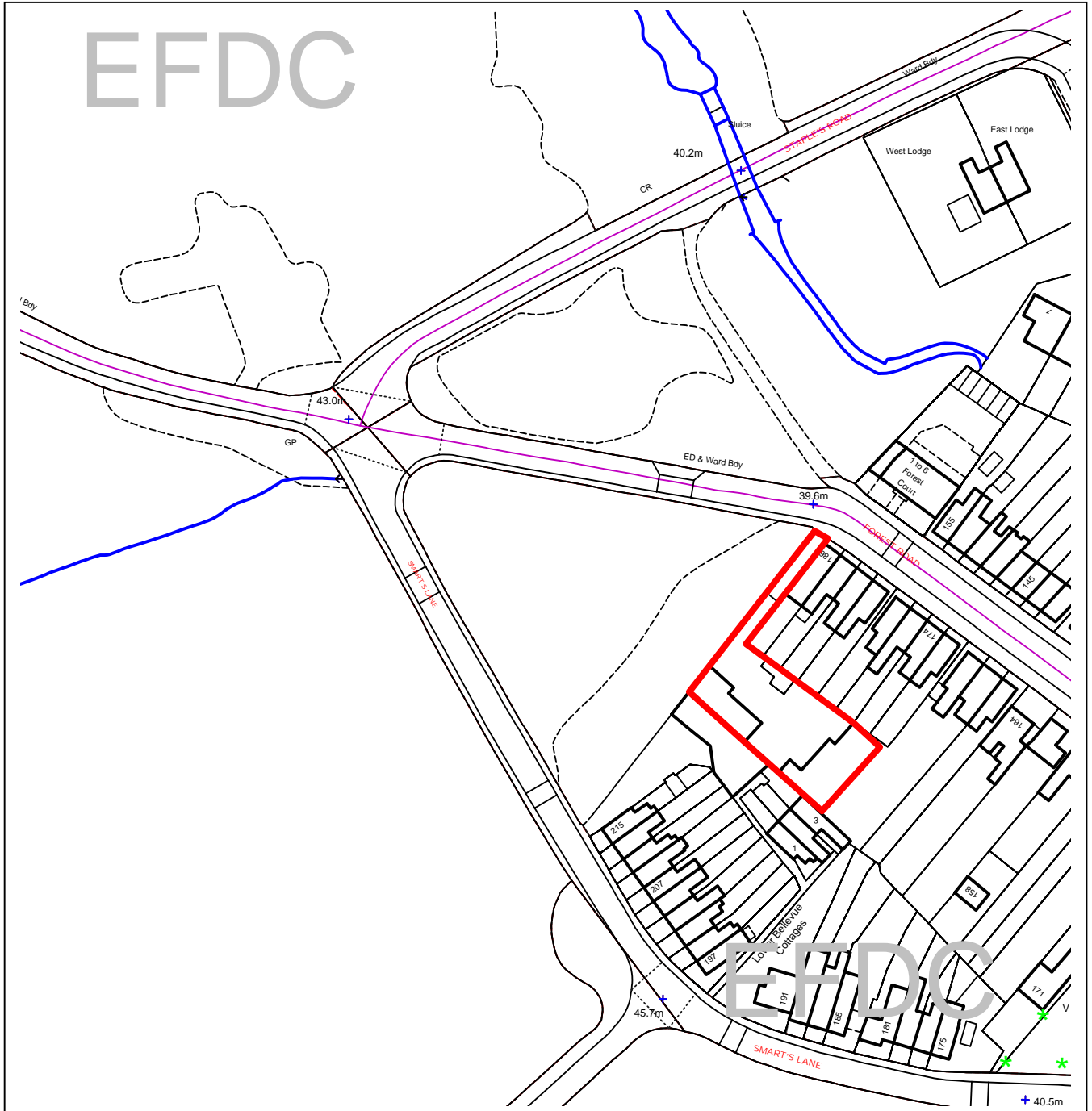
Conclusion:

In light of the above appraisal, it is considered that the use of the site for open market housing is in accordance with the relevant policies contained within the Local Plan. Furthermore, the design of the proposed dwelling is considered to be acceptable in terms of its impact on the amenities of neighbouring residents and the character and appearance of the surrounding area. Accordingly it is recommended that planning permission be granted.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	5
Application Number:	EPF/2513/09
Site Name:	Rear of 186 Forest Road, Loughton IG10 1EG
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/0013/10
SITE ADDRESS:	2 The Cedars Buckhurst Hill Essex IG9 5TS
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Darren Hunt
DESCRIPTION OF PROPOSAL:	Erection of new attached dwelling with associated car parking.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Prior to the first occupation of the dwelling hereby approved the 1.7 metre high parapet wall/privacy screen (shown on the approved plan BRD/09/053/3 rev. A) shall be erected and permanently retained thereafter.
- 4 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 development generally permitted by virtue of Schedule 2, Article 2, Part 1, Classes A and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall include a tree protection plan to show the areas designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Trees in Relation to Construction-Recommendations (BS.5837:2005) and no access will be permitted for any development operation.

The Arboricultural Method Statement shall include all other relevant details, such as changes of level, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas and of foundations, walls and fences. It shall also include the control of potentially harmful operations, such as burning, the storage, handling and mixing of materials, and the movement of people or machinery across the site, where these are within 10m of any designated Protection Zone.

- 6 The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site.

The Arboricultural Method Statement shall indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS.3998: 1989).

The Arboricultural Method Statement shall include a scheme for the inspection and supervision of the tree protection measures. The scheme shall be appropriate to the scale and duration of the works and may include details of personnel induction and awareness of arboricultural matters; identification of individual responsibilities and key personnel; a statement of delegated powers; frequency, dates and times of inspections and reporting, and procedures for dealing with variations and incidents. The scheme of inspection and supervision shall be administered by a suitable person, approved by the Local Planning Authority but instructed by the applicant.

- 7 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

This application is before this Committee since it is an application for commercial development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions) and since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

This application seeks planning permission for the construction of a new dwelling to the side of 2 The Cedars. The dwelling would form an extension to the existing terrace and would be of a similar style to existing dwellings within the cul-de-sac having three storeys and a flat roof, replicating the window design and use of cladding, which is present on existing dwellings. The proposed dwelling would be slightly wider than no.2 and also deeper, as it would be stepped forward from no.2 following the building line of the existing terrace, whilst retaining its rear elevation in the same position as no. 2. The dwelling would have a triangular shaped rear garden with an area of approximately 72m², a small front garden and two tandem parking bays to the side. The area of land to the side of the parking bays, under the horse chestnut tree, would not be enclosed. The dwelling would have up to four bedrooms (depending whether the rear room at first floor level is used as a bedroom or as a reception room as in the existing houses).

Following an amendment to the originally submitted scheme, the balcony that was previously proposed above the ground floor rear projection has been removed.

Description of Site:

The application site includes the end terraced dwelling 2 The Cedars and its front, side and rear gardens. The site is located close to the junction of The Cedars with Brook Road. There is a horse chestnut tree located in the south western corner of the site which is prominent within the street scene. This tree has recently been protected by a tree preservation order (TPO). The Cedars comprises flat roofed three storey town houses closest to Brook Road and flats at the top of the cul-de-sac. The flats are two storeys high with pitched roofs. Some have balconies to the front elevation.

Relevant History:

EPF/1323/86. Erection of 2m high fence. Approved 21/11/86.

Policies Applied:

East of England Plan

ENV7 – Quality in the Built Environment

Adopted Local Plan and Alterations

CP1 - Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 - New Development
CP4 - Energy Conservation
CP5 - Sustainable Building
CP7 - Urban Form and Quality
ST1 - Location of Development
ST2 - Accessibility of Development
ST4 - Road Safety

ST6 - Vehicle Parking
DBE1 – Design of New Buildings
DBE2/9 - Impact of New Development
DBE8 – Private Amenity Space
LL10 - Retention of Landscaping
LL11 - Provision of Landscaping

Summary of Representations:

Notification of this application was sent to Buckhurst Hill Parish Council and to 10 neighbouring properties. The following representations have been received :

BUCKHURST HILL PARISH COUNCIL. Objection. Overdevelopment of the site. Balcony not in keeping with the surrounding street scene and would cause neighbours to be overlooked.

BUCKHURST HILL RESIDENTS SOCIETY. Objection. The Society objects to this development for the following reasons; Design - The design is not consistent with the adjacent buildings. The balcony is completely inconsistent. The rear of the building is not staggered. The height is not below number 2. These are all design variances compared with the other buildings in this road. Overdominant - The flank wall on the Brook Road side of this development is too dominant a feature. This and the excessive height illustrate that this is overdevelopment of a very small garden plot. Garden grabbing - This a perfect example of the type of development that central government has recently raised as objectionable .It has argued that local planning authorities have all the powers to prevent such developments. This is a clear test case and we would expect this to be highlighted in the report to the planning committee with an explanation of the powers available to them to refuse such developments.

Letters of objection have been received from the occupiers of 1, 3, 4, 5, 9, 10, 15, 16, 17, 25, 28 The Cedars. Their content is summarised below:

Impact on Neighbours

- Loss of view from no.5 (opposite)
- Balcony would be intrusive to surrounding properties.
- Would be dominant and obtrusive to the occupiers of adjoining and facing residential properties.

Design and Appearance

- Out of keeping with existing houses due to balcony.
- Projects beyond the front and rear building lines.
- Would detract from the appearance of the street scene due to its size, design and position.

Parking and Access

- Existing parking difficulties will be increased.
- As a four bed dwelling the proposed parking is insufficient.
- Tandem parking rarely works.
- Impaired sightlines due to proximity to the end of The Cedars.
- Cars may encroach onto the footpath if they are unable to park in The Cedars, threatening pedestrians. If they park on Brook Road this will cause problems for through traffic and pedestrians.
- Residents will be forced to park on the grass over the tree roots.

Trees and Landscape

- Potential harm to horse chestnut tree.

Other Matters

- Lack of local infrastructure to support more homes, in particular school places.
- Concerns regarding land ownership (is part of site Epping Forest Land?)
- Appears to be a case of 'garden grabbing'.
- Likely to worsen existing flooding problems.

Issues and Considerations:

The main issues to be considered in this application are:

1. The principle of residential development on this site;
2. The impacts of the proposed development on the amenities of the occupiers of neighbouring dwellings;
3. The level of amenity for future occupiers of the proposed dwelling;
4. The impact of the proposal on the character and appearance of the area;
5. highways and parking issues; and
6. trees and landscaping.

Acceptability of Use

As the site forms part of a residential garden it is designated as previously developed land. The proposed development would therefore be in accordance with policy H2A of the Local Plan, which seeks the provision of at least 70% of new dwellings on previously developed sites.

Whilst the proposed development is, therefore, acceptable in principle, careful consideration will be given to all other material considerations, as listed above.

Impact on neighbouring dwellings

The dwelling which would be most affected by the proposed development would be 2 The Cedars, which is presently within the applicant's ownership. The ground floor projection would be alongside the existing lean-to structure to the rear of no.2 and would not, therefore, result in any material loss of amenity.

Concerns raised by neighbouring residents regarding loss of amenity to other nearby properties and those on the other side of the road are acknowledged. With regard to properties within this terrace, following the removal of the balcony from the proposal, there would not be any material overlooking. With regard to the dwellings on the opposite side of The Cedars, the proposed dwelling would be separated from no. 7 by a distance of approximately 24 metres, which would be comparable with other relationships within the existing street. This would not cause a detrimental loss of light, outlook or privacy.

Level of amenity for Future Occupiers

All habitable rooms within the dwelling would achieve adequate levels of natural light, outlook and privacy.

The proposed garden area would be slightly smaller than others within The Cedars (existing houses have garden sizes of approximately 19 x 4.5 metres) but it is considered that it would provide suitable space for enjoyment by a family occupying the proposed dwelling. The amount of garden retained by no.2 would be comparable with existing gardens.

Notwithstanding the above, it is considered that careful consideration would need to be given to future proposals for development within the curtilage of the new dwelling to ensure that the garden

area is not eroded to an unacceptable level. For this reason, it is recommended that if planning permission is granted, it is subject to a condition removing permitted development rights for extensions and outbuildings.

Impact on Character and Appearance of the Area

The proposed dwelling would complement the character and appearance of the existing street scene. Whilst it would be slightly deeper (approximately 1.2 metres) than existing dwellings, this is not considered to be harmful to the appearance of the area. The dwelling would follow the existing staggered building line of the terrace by extending forwards of no.2. Whilst this stagger would not be repeated at the rear of the property, this does not cause any visual harm. It is considered that the proposed dwelling would be comfortably accommodated within both the application site and the wider street scene.

Parking and Access

This application proposed two parking bays, which would each be 5.5 x 2.9 metres. This accords with the Council's parking standards.

Essex Highways do not raise any concern with regard to highway safety.

Trees and Landscaping

The mature horse chestnut tree on the corner of the site is an important feature within the street scene and has been protected by a TPO. This planning application is accompanied by a Tree Survey, which does show that the development will have an impact on the root protection area of this tree. However, the Council's arboriculturalist is satisfied that this impact would only be limited and subject to careful planning and use of tree protection methods the tree would not be lost. Satisfactory tree protection methods may be secured by the use of a planning condition.

The application drawing indicates the provision of site landscaping along the boundary of the site with Brook Road and between the parking spaces and the protected tree. Full details of site landscaping may also be controlled by the use of a planning condition.

Other Matters

Local residents have expressed concern with regard to the capabilities of local infrastructure to support additional dwellings - in particular, as some local residents have been unable to enrol children into some local schools. This concern is noted and it is understood that Essex County Council are presently looking into the issue of school places within Buckhurst Hill. However, as an application for only one dwelling, it is not considered that this issue would justify the withholding of planning permission.

With regard to the issue of land ownership, following receipt of letters from local residents questioning whether the land is owned by the applicant or by City of London, Officers have raised this matter with the applicant's agent. They have checked the extent of the ownership and have confirmed that the site area is fully within the applicant's ownership and the correct ownership certificate has been submitted with the planning application.

Local residents have also questioned whether this proposal is an example of 'garden grabbing', an issue which has recently received attention from both the Government and national media. Following a Government review, advice contained within PPS3 was altered last month to make it clear that development within existing gardens is not acceptable in every circumstance and the decision lies with the local authority to determine which developments are suitable. In this

instance, it is considered that the proposal has been designed in a way that it would be in keeping with surrounding development and would not harm the character and appearance of the locality.

The site is not located within a designated flood risk area.

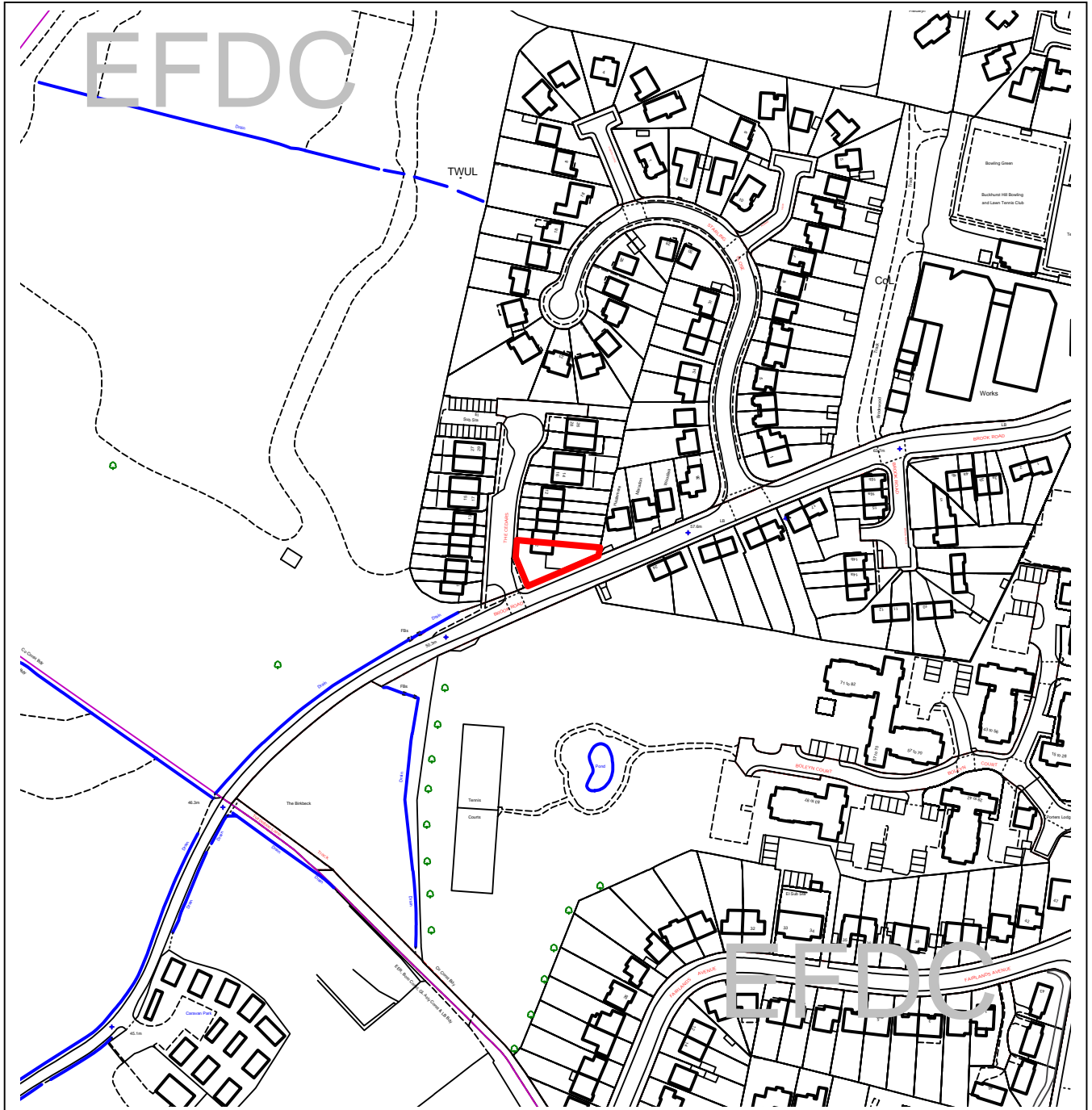
Conclusion:

In light of the above appraisal, it is considered that the proposed dwelling would be in keeping with the character and appearance of the street scene. There would not be any material harm to the amenities presently enjoyed by the occupiers of neighbouring dwellings. The proposed level of parking would be acceptable and subject to the use of planning conditions there would be no harm to the protected tree within the site. Accordingly, it is recommended that planning permission be granted.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	6
Application Number:	EPF/0013/10
Site Name:	2 The Cedars, Buckhurst Hill IG9 5TS
Scale of Plot:	1/2500