

Committee Agenda



**Webcast
Meeting**



**Epping Forest
District Council**

AREA PLANNING SUBCOMMITTEE SOUTH Wednesday, 28th July, 2010

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

Room: Dining Hall

Time: 7.30 pm

Democratic Services Officer: Mark Jenkins (The Office of the Chief Executive)
Tel: 01992 564607 Email: mjenkins@eppingforestdc.gov.uk

Members:

Councillors J Hart (Chairman), K Chana (Vice-Chairman), K Angold-Stephens, R Barrett, Mrs T Cochrane, R Cohen, D Dodeja, C Finn, Ms J Hart, J Knapman, L Leonard, A Lion, J Markham, G Mohindra, Mrs C Pond, Mrs P Richardson, B Sandler, P Spencer, Mrs J Sutcliffe, H Ulkun, Mrs L Wagland, Ms S Watson 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 - 18)

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 19 - 92)

(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.

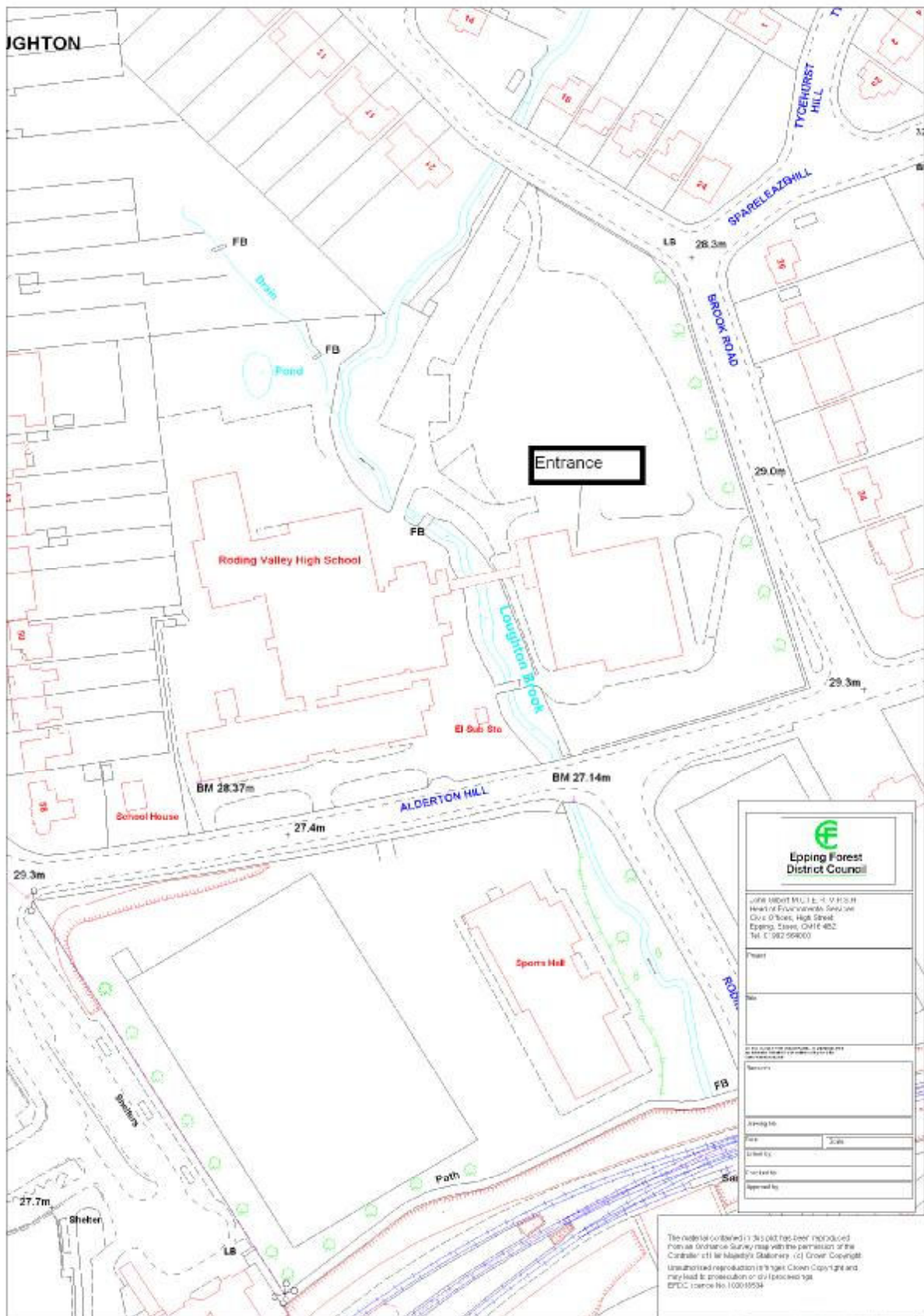
The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow 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 **Date:** 7 July 2010
South

Place: Roding Valley High School, Brook Road, Loughton, Essex **Time:** 7.30 - 9.10 pm

Members Present: J Hart (Chairman), K Chana (Vice-Chairman), K Angold-Stephens, R Barrett, Mrs T Cochrane, R Cohen, D Dodeja, C Finn, L Leonard, J Markham, Mrs C Pond, P Spencer, Mrs J Sutcliffe and D Wixley

Other Councillors:

Apologies: Ms J Hart, J Knapman, A Lion, G Mohindra, Mrs P Richardson, B Sandler, Mrs L Wagland and Ms S Watson

Officers Present: S Solon (Principal Planning Officer), A Hendry (Democratic Services Officer), S G Hill (Senior Democratic Services Officer) and S Mitchell (PR Website Editor)

18. 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.

19. MINUTES

RESOLVED:

That the minutes of the meeting held on 16 June 2010 be taken as read and signed by the Chairman as a correct record subject to noting that Councillor D Wixley had declared a non-prejudicial interest in agenda item 3, EPF/0533/10, Loughton Sports Centre, Rectory Lane, Loughton, by virtue of being a former member of the Debden Community Association.

20. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor D Dodeja, Mrs J Sutcliffe and P Spencer declared a personal interest in the following items of the agenda by virtue that they were acquainted with two of the objectors for the items. 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/0446/10, BPI Poly Site, Brook Road, Buckhurst Hill
- EPF/1051/10, 14 Wimborne Close, Buckhurst Hill

(b) Pursuant to the Council's Code of Member Conduct, Councillor D Wixley declared a personal interest in the following item of the agenda by virtue of being members of Loughton Town Council, a Tree Warden and knowing someone in Wimborne Close. 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/0227/10, 24 Albion Hill, Loughton
- EPF/0796/10, 15 Tomswood Road, Chigwell
- EPF/1051/10, 14 Wimborne Close, Buckhurst Hill

(c) Pursuant to the Council's Code of Member Conduct, Councillor C Pond declared a personal interest in the following items of the agenda by virtue of being members of Loughton Town Council and knowing the speaker on item EPF/0446/10. The Councillor had determined that her interest was not prejudicial and she would stay in the meeting for the consideration of the application and voting thereon:

- EPF/0227/10, 24 Albion Hill, Loughton
- EPF/0446/10, BPI Poly Site, Brook Road, Buckhurst Hill

(d) Pursuant to the Council's Code of Member Conduct, Councillors K Chana declared a personal interest in the following item of the agenda by virtue of being members of Chigwell Parish 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/0796/10, 15 Tomswood Road, Chigwell

(e) Pursuant to the Council's Code of Member Conduct, Councillors Angold-Stephens declared a personal interest in the following item 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/0227/10, 24 Albion Hill, Loughton

21. ANY OTHER BUSINESS

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

22. DEVELOPMENT CONTROL

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

RESOLVED:

That the planning applications numbered 1 – 4 be determined as set out in the attached schedule to these minutes.

23. 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/0227/10
SITE ADDRESS:	24 Albion Hill Loughton Essex IG10 4RD
PARISH:	Loughton
WARD:	Loughton Forest
DESCRIPTION OF PROPOSAL:	6 x 4m high lighting columns around tennis court.
DECISION:	Deferred

Members were concerned about the impact of the proposed lighting on the character of the locality and amenities of neighbours. In order to establish, with a greater degree of certainty, the likely impact, Members requested the submission of a lighting contour plan demonstrating the extent of light spillage around and above the tennis court. Members resolved to defer making a decision on the application until that information was available for consideration.

Report Item No: 2

APPLICATION No:	EPF/0446/10
SITE ADDRESS:	BPI Poly Site Brook Road Buckhurst Hill Essex IG9
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
DESCRIPTION OF PROPOSAL:	14 dwellings with associated car parking, access road and landscaping.
DECISION:	Deferred

Members were concerned that the level of contribution towards the provision of education in the locality requested by the Local Education Authority was not clearly justified. Members therefore requested further information explaining how the proposed education contribution had been calculated and deferred making a decision on the application until that information was made available for consideration.

Report Item No: 3

APPLICATION No:	EPF/0796/10
SITE ADDRESS:	15 Tomswood Road Chigwell Essex IG7 5QP
PARISH:	Chigwell
WARD:	Grange Hill
DESCRIPTION OF PROPOSAL:	Two storey rear extension, loft conversion with three rear dormer windows, internal alterations, front porch and balcony above. (Revised application)
DECISION:	Grant Permission (With Conditions)

In giving planning permission, Members requested that Officers give consideration to making a replacement tree the subject of a Tree Preservation Order once it is planted.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Prior to first occupation of the extension hereby approved the proposed window openings in the first floor flank wall facing number 17, Tomswood Road, shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed, and shall be permanently retained in that condition.
- 3 Materials to be used for the external finishes of the proposed extension and dormer windows shall match those of the existing building.
- 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.

5 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.

6 The site shall only be accessed from Tomswood Road for the purposes of carrying out the development hereby approved and for the purposes of the delivery of materials and removal of material and debris in connection with carrying out the development.

Report Item No: 4

APPLICATION No:	EPF/1051/10
SITE ADDRESS:	14 Wimborne Close Buckhurst Hill Essex IG9 5DN
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
DESCRIPTION OF PROPOSAL:	Extension of time limit to EPF/0573/07. (Loft conversion with dormer window to rear.)
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 The development shall be carried out in accordance with the amended plans received with the original application on 25/05/07 and the amended rear elevation received on 01/05/07 unless otherwise agreed in writing with the Local Planning Authority.
- 4 The existing roof of the building shall not be raised and ridge tiles shall be retained across the length of its ridge. The dormer window hereby approved shall not be any higher than the bottom of the ridge tiles.

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AREA PLANS SUB-COMMITTEE SOUTH

Date 28 July 2010

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

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Report Item No: 1

APPLICATION No:	EPF/1076/10
SITE ADDRESS:	4 Stradbroke Park Chigwell Essex IG7 5QL
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mr S. Burney
DESCRIPTION OF PROPOSAL:	TPO/EPF/54/08 and EPF/0680/10 - (T1) Conifer - Fell and grind out stump (T2) Hornbeam - Crown lift and reduce by 30% (T3) Hornbeam - Fell and grind out stump (T4) Oak - Crown lift and reduce by 30% (T5) Hornbeam - Fell and grind out stump (T6 and T7) 2 x Hornbeam - Remove overhang
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
- 2 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.
- 3 The crown lifting to T4 Oak authorised by this consent shall extend only to the whole or partial removal of branches necessary to give 6 metres clearance above ground level.
- 4 The crown reduction to T4. Oak authorised by this consent shall be by no more than 30%.
- 5 The crown reduction to T6 & T7 Hornbeams authorised by this consent shall consist of pruning lateral branches to boundary line.
- 6 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent.

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

Description of Proposal:

T1. Conifer. Fell and replace.
T2. Hornbeam. Reduce crown by 30%.
T3. Hornbeam. Fell and replace
T4. Oak . Crown lift and crown reduce by 30%.
T5. Hornbeam. Fell and replace.
T6 and T7. Hornbeam. Remove overhang.

Description of Site:

The site forms part of a residential gated enclave of large detached dwellings, set amongst a mature wooded landscape. A remnant of ancient forest, this area has been increasingly placed under pressure of development in recent decades. The original character of this locality is of dense forest, with dwellings piercing a natural closed landscape of canopy forest trees.

Relevant History:

No pruning records exist for trees on this site under the new order TPO/EPF/50/08 and 54/08 but a planning condition requires the retention of certain trees on site under permission EPF/0680/10, which includes T3.

Permission is not required for works to T1. Conifer, T2 and T5 Hornbeam because they have not been protected under the new Order.

Policies Applied:

Epping Forest District Local Plan and Alterations:

LL09 Felling of preserved trees.
LL08 Pruning of preserved trees

SUMMARY OF REPRESENTATIONS:

4 immediate neighbours were notified but no representations were received.

CHIGWELL PARISH COUNCIL were willing to waive their objection provided the tree officer deems the application acceptable.

Issues and Considerations:

Applicant issues

The reasons put forward to fell the hornbeam (T3) are the following:

- Property encroachment
- Light access
- Maintenance.

Planning considerations

The main planning considerations in respect of the felling of the tree are:

i) Tree condition and life expectancy

No mention is made of the tree's condition but it has been visually assessed from ground level and the observations are described below.

The tree is a lapsed pollard and has clear signs of dieback throughout the crown. Large sections of the upper crown are dead and what foliage is attached to the main limbs is sparse and undersized, when compared to a healthy tree.

Leaves forming on the main stem and large branches of the tree are recognised as a sign of stress, indicating problems normally associated with root disorders.

Large areas of the stem are dysfunctional where full length pieces of bark have peeled off the stem and dysfunctional heartwood is visible across at least half the circumference of the trunk. Its condition is poor with low vigour. It is estimated that the tree has a foreseeable life expectancy of less than 5 years into the future.

ii) Visual amenity

T3 Hornbeam has modest public amenity. It is clearly visible from the access drive to the applicant's and immediate neighbour's houses but this is at least 200 metres from the main public road and beyond a tall set of automated metal security gates. T3 has a narrow stunted crown form, typical of a closely grown forest pollard tree and does not provide a significant screening function due to its thin crown density.

The tree is a part of a group of trees including larger specimens in the near vicinity but is subordinate to the more prominent Oak, T4, which is a striking and important tree in form and size. T2 Hornbeam softens the built mass of the new house and has a prominent position in a circular planting pit on the drive. T3 contributes marginally to the landscape character of the forest which envelopes this and neighbouring properties.

iii) Suitability of tree in current position

The tree was originally part of a forest group and must therefore be considered as highly suitable. Health issues supersede suitability in this instance. A metalled drive access road runs very close by and high sided trailers come very close to it and risk impacting the tree's main bole.

iv) Replacement tree

.A suitably sized and well formed native replacement will better fill the small front lawn.

Conclusion:

The tree has limited amenity value due to its location at the end of a private drive. In light of its poor health, it is considered that the loss of this tree would not constitute a serious harm to the powerful tree presence maintained by the dominant Oak; T4 and other nearby trees.. A suitable replacement will enhance the landscape character of this front garden. The proposal therefore accords with Local Plan Landscape Policy LL09. It is therefore recommended to grant permission to fell T3 Hornbeam on the grounds that its declining condition renders it unsustainable.

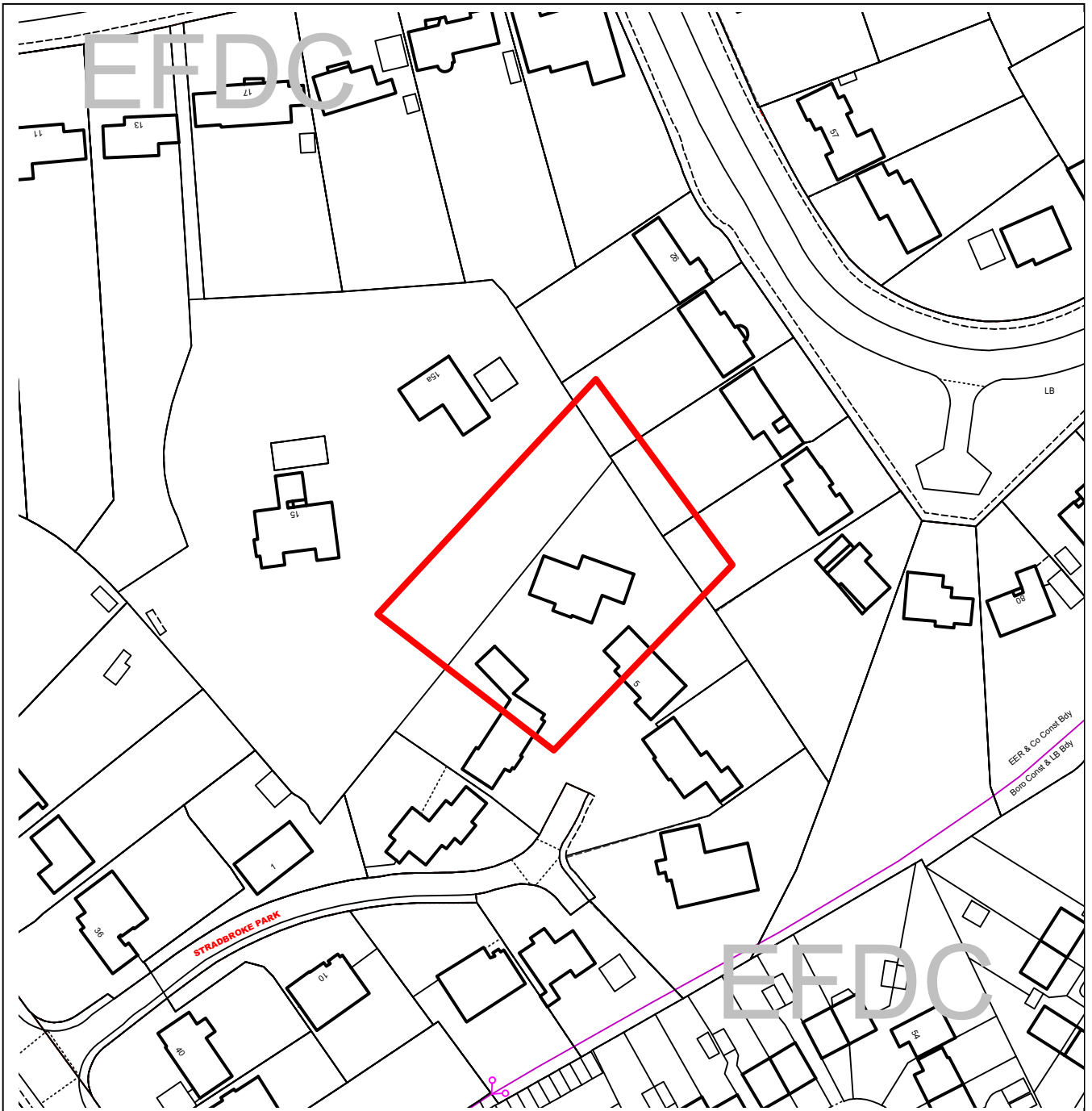
In the event of members agreeing to allow the felling, it is recommended that a condition requiring the replacement of this tree and a condition requiring prior notice of the works to remove it must be attached to the decision notice.

It should be noted that the pruning consideration for T4 Oak, T6 and T7 Hornbeam is included in the report for members' information only. Pruning applications are dealt with under officer delegated powers.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	1
Application Number:	EPF/1076/10
Site Name:	4 Stradbroke Park, Chigwell IG7 5QL
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0227/10
SITE ADDRESS:	24 Albion Hill Loughton Essex IG10 4RD
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Tim Breyer
DESCRIPTION OF PROPOSAL:	6 x 4m high lighting columns around tennis court.
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 lighting columns hereby permitted shall only be illuminated between the hours of 0800 and 2130. Their lights shall be kept off outside of those times.
- 3 Prior to the first illumination of the lighting columns hereby approved, they shall be fitted with hoods and spill shields that have previously been approved in writing by the Local Planning Authority. The approved hoods and spill shields shall be permanently retained and the lighting columns shall not be illuminated without the approved hoods and spill shields fitted, which shall remain thereafter.
- 4 The lights of the lighting columns hereby approved shall only be aimed at the tennis court. They shall not be aimed in any other direction.
- 5 The development shall be carried out in accordance with the details shown on drawing number 24AH-400/C and permanently retained in accordance with those details.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section P4, Schedule A (k) of the Council's Delegated Functions).

Introduction:

This application is reported back to the Committee, following deferral at the last meeting on 7th July 2010. Members present at that meeting requested the submission of light contour plans to demonstrate that the extent of light spillage from the proposed floodlights around and above the tennis court. The applicant has submitted light contour plans which demonstrate the extent of light spillage around the tennis court. These have been forwarded to the Council's Environment and

Street Scene Directorate for assessment and it is anticipated that the conclusion of that assessment will be verbally reported to the Committee at the meeting.

With regard to plans detailing light spillage above the tennis court, the applicant advises that, due to the site levels, the submitted lighting plots actually demonstrate the worst case scenario as it indicates the maximum lx levels at the tennis court surface level and its greatest light spillage area. Accordingly they question the need for additional plans detailing the light spillage above the court, contending that a plot taken at 4.5m above the court surface (0.5m above the 4m lights and still 1.5m below the western boundary wall) would only demonstrate that the lx levels from the reflected light would be considerably lower than the initial plot taken at court surface level.

On this basis the applicant has requested that the item is reported back to the Committee, for determination on the basis of the information submitted.

Description of Proposal:

This application seeks planning permission for the erection of 6 lighting columns around an existing tennis court, located in the rear part of the garden of 24 Albion Hill. The columns would be 4 metres in height and mounted with 250 watt floodlights. The application drawings have been corrected to accurately show the position of the tennis court, which is located approximately 12.3 metres from the existing retaining wall which separates the application site from the site at 1/1a Warren Hill to the south.

This proposal differs from a similar development approved in 2000, due to the reduced height of the lighting columns and also due to the position of the court, which at that time was located closer to the rear boundary of the site by approximately 11 metres. An application for a further similar development which was refused planning permission last year also showed the tennis court in its previous location.

Description of Site:

The application site comprises a 2 storey detached house with a detached double garage on a large double 'L' shaped site on the southern side of Albion Hill. The area has a mixture of types and styles of dwellings. The land drops down steeply to the south. The dwelling has a three storey aspect when viewed from the rear elevation due to the fall of the land. The wall to the front of the property is Grade II listed for a distance of 6m either side of the prominent wooden gates. No changes are proposed for this structure. Whilst land within the site has been remodelled (with the benefit of consent granted last year) there is also a general fall in levels from the west to the east. The tennis court has been constructed on the lowest part of the site and is enclosed by wire fencing. Following the Officer's site visit, the plans have been revised to accurately show the position of the court in relation to neighbouring properties.

A concrete retaining wall encloses the northern and western boundaries of the tennis court. An older brick retaining wall encloses a 5m wide strip of land on the site to the west of the tennis court. The southern site boundary is approximately 12m from the tennis court and is enclosed by a substantial wall and a line of mature trees, beyond which is the site of 1 and 1A Warren Hill.

An existing cottage to the east of the site (No 22), in the ownership of the applicant has been demolished and a replacement dwelling is substantially complete (permission granted in 2007). That house and its garden are at a significantly higher level to the north of the tennis court.

Part of the site area was previously included within the site for an approved development of five dwellings to the south (formerly occupied by 1 and 1a Warren Hill). Following the removal of this part of land from that site, the Warren Hill development has been re-drawn and a proposal for three dwellings on that land is currently under consideration.

Relevant History:

EPF/1122/00. Floodlighting on 6m high columns to existing tennis court. Approved 10/01/2001.

Subject to planning conditions including requirements to switch off the lights after 9.30pm and to fit the lights with hoods and spill shields.

EPF/1496/09. Erection of tennis court lighting. Refused 05/10/2009 for the following reason:

The proposed tennis court lighting would result in an adverse impact on the amenities of the area and neighbouring properties, particularly Great Cedar, Pollards Close and Elgar Place, Warren Hill by introducing excessive light pollution, contrary to policies DBE9 and RP5A of the Adopted Local Plan and Alterations.

EPF/1498/09. Levelling of rear garden. Approved 07/10/09.

Policies Applied:

Local Plan

DBE 9 Neighbour Amenity
RP5A Adverse Environmental Impacts

Summary of Representations:

Notification of this application was sent to Loughton Town Council and to 14 neighbouring properties.

The following representations have been received:

LOUGHTON TOWN COUNCIL. No objection. The Committee NOTED that its attention was drawn to the proposed lighting's effect on the amenities of the properties in Pollards Close bordering the tennis court and reiterated its previous comments made on planning application EPF/1496/09 which were: The Committee had NO OBJECTION to this application but was concerned that the proposal could potentially cause more light pollution and furthermore, in the interests of the environment, the use of low energy lighting would be preferred.

ELGAR PLACE, WARREN HEIGHTS. Objection. The lighting will cause light pollution and excessive noise at night in my back garden and north facing rooms of my property. The statement that there are no affected windows in habitable rooms in the north facing elevation of my property is untrue. North facing windows in my daughter's bedroom, kitchen, utility room and family living room will all be affected. The 'dense mature landscaped screen along the boundary' is deciduous and would provide no protection for six months of the year. Due to ground levels, my garden is terraced upwards from the house and light pollution will occur at the upper level. Also, my daughter's bedroom is located on the first floor of my property, well above the level of the boundary wall and, as the closest room to the tennis court, will definitely suffer loss of amenity from light pollution and noise. Only the ground floor is set down at the same level as the boundary wall.

Comment remains as above following notification of revised plan.

LEIGHTONS, WARREN HEIGHTS. Objection. Light pollution -the existing trees/shrubs do not provide any sort of barrier between Warren Heights and the proposed lights as they are of a deciduous nature. The result being effectively no barrier for at least 6 months of the year. Even if

the lights are facing downwards, the light level in the area would be dramatically increased (it should be noted that the lighting in Warren Heights had previously been chosen to be all low level lighting and kept to a minimum). For the Leightons property in Warren Heights, there are 3 bedrooms that face the direction of the tennis court and an additional master bedroom with a side window that would be affected. Secondly, I strongly object to the light installation on the grounds of noise pollution. Warren Heights is a notably quiet development, significantly far enough from the main road to barely even hear traffic noise. Noise from the tennis courts would be more than offensive, particularly at night when the lighting would be needed.

THURLESTONE, POLLARDS CLOSE. Objection. Considerable light pollution will be caused to residential dwellings near to the tennis court. My property and others stand closer to the tennis court than the applicant's own property which is also higher. Due to the level of the site, the light pollution may be worse for lower properties including mine, Great Cedar and Elgar Place, Warren Hill. Query whether the retrospectively approved 'ground levelling' will exacerbate the impact of the lighting by raising the level of the land. Difficult to see how this application differs from that which was recently rejected. Difference in height of the columns is a non-point the nature of light is that it will radiate outwards and upwards as well as downwards, illuminating the surrounding area. The lapsed planning permission for lighting columns was in respect of a different tennis court which was further away from my property at a time when further screening existed and prior to the 'land levelling'. I am pessimistic as to whether conditions would be adhered to if a conditional approval was granted, given the site history. Condition would be hard to police. Furthermore, if lighting was to be switched off by 9.30pm this would be some time after I would hope that my children (whose bedroom windows would be affected) would be asleep and would be some 5 hours after sunset during the short winter months.

16 ALBION HILL. Objection. Light pollution spilling onto my garden and beyond on summer evenings will spoil my enjoyment of views onto my garden land into the dark forest beyond. Would be a waste of resources at a time when everyone is being encouraged to turn off appliances as much as possible to save energy.

2 WARREN HILL. Objections. I will lose privacy in my garden.

Issues and Considerations:

The appearance of the lighting columns would be acceptable. Accordingly, the main issue for consideration is the impact the lighting (when in use) would have on the amenities of the occupiers of neighbouring dwellings and on the character and appearance of the area.

The proposed lighting columns would be located in closest proximity to the rear boundaries of Thurlestone and Great Cedars in Pollards Close. The applicant has advised the tennis court is located on land which has not been affected by recent re-modelling of part of the wider site. It is the Officers view, having visited the site, and examined photographs of it taken prior to the alteration of levels on the wider site, that this is correct. The tennis court has a retaining wall to the northern and western edges which supports land at a higher level (approximately 1 metre to the north and 2 metres to the west). Beyond the retaining wall on the western side there is a substantial boundary wall with planting above which forms the boundary with Thurlestone and Great Cedar.

The occupier of Thurlestone has objected to the planning application, raising concern that despite the height of the column, there would be spillage which would cause a significant level of light pollution to Thurlestone and neighbouring properties. Officers accept that the light could not be entirely contained within the site and there would be some additional light visible from surrounding sites. However, due to the height of the columns in relation to the boundary treatment and subject to the previously imposed condition requiring the lights to be fitted with spill shields this additional light would not cause material harm.

Properties in Warren Hill, although further away from the tennis court, would be less protected by boundary screening. At the time of the Officer's site visit (April this year) the dwelling at Elgar Place was easily visible from the application site. Notwithstanding this, the property is located approximately 25 metres from the tennis court and positioned to the side of the rear of the site. As a result of its position and this separation distance there would not be a reduction in amenity that would be so significant as to justify the refusal of planning permission, subject to the use of conditions requiring methods to limit light spillage. Other residents in Warren Hill who have raised concern are located further south of Elgar Place and similar considerations would apply. With regard to the concern raised by the occupiers of 2 Warren Hill the lighting would not lead to a reduction in amenity. 16 Albion Hill is located a sufficient distance from the tennis court that there would not be a material reduction in amenity.

Regard must also be given to the impact of the proposed lighting on the amenities of the future occupiers of the 1 and 1a Warren Hill site and this has been done with reference to the proposal for three houses on that site that is the subject of a current application. The plans for the current application show that the dwelling proposed closest to the site would have its flank elevation facing the tennis court. As this would only contain windows serving a utility room and ensuite bathroom, it is considered that an acceptable level of amenity would be achieved.

Concern has been raised by neighbouring residents regarding the suitability of the condition suggested by Loughton Town Council and imposed on the previous consent, which would require the lighting to be switched off at 9.30pm. The concerns relate to both whether the time is early enough to mitigate potential harm and secondly whether or not the condition would be enforceable if the lighting remained in use later into the evening.

Dealing with the two issues in turn, with regard to the time, it is considered that 9.30pm would be a reasonable time to limit the use of the lights without causing harm to neighbouring amenity. In summer months, this time would be not long after sunset. With regard to enforceability, such a condition is sufficiently precise to allow all parties to clearly understand what it requires and therefore to be able to assess whether those requirements are being complied with. It is the case that the District Council would require information from local residents to alert it of any breach of the condition in the first instance. Since there would be no difficulty in assessing whether the condition was being complied with and no difficulty in gaining evidence of a breach, the condition is capable of being enforced.

Concern has also been raised regarding the potential for noise nuisance. The tennis court is already *in situ*, having been erected as a permitted development. Accordingly, there is potential for noise arising from the tennis court at present, which is not the subject of any planning control. As acknowledged above, subject to the imposition of a time limit, the lighting would not enable the tennis court to be used much beyond sunset during the summer months. It is the summer months when it is anticipated that noise from the tennis courts would have the greatest impact on neighbouring properties, as residents would be more likely to be sat in their gardens in the evenings and to have windows open within the house. The tennis court is less likely to be used during winter months and neighbours less likely to have windows open and use their garden in the evening. However, even if that were not the case and the tennis court were used regularly to 9.30pm in the winter, it is not likely that any noise from its use would be harmful to the living conditions of neighbouring properties.

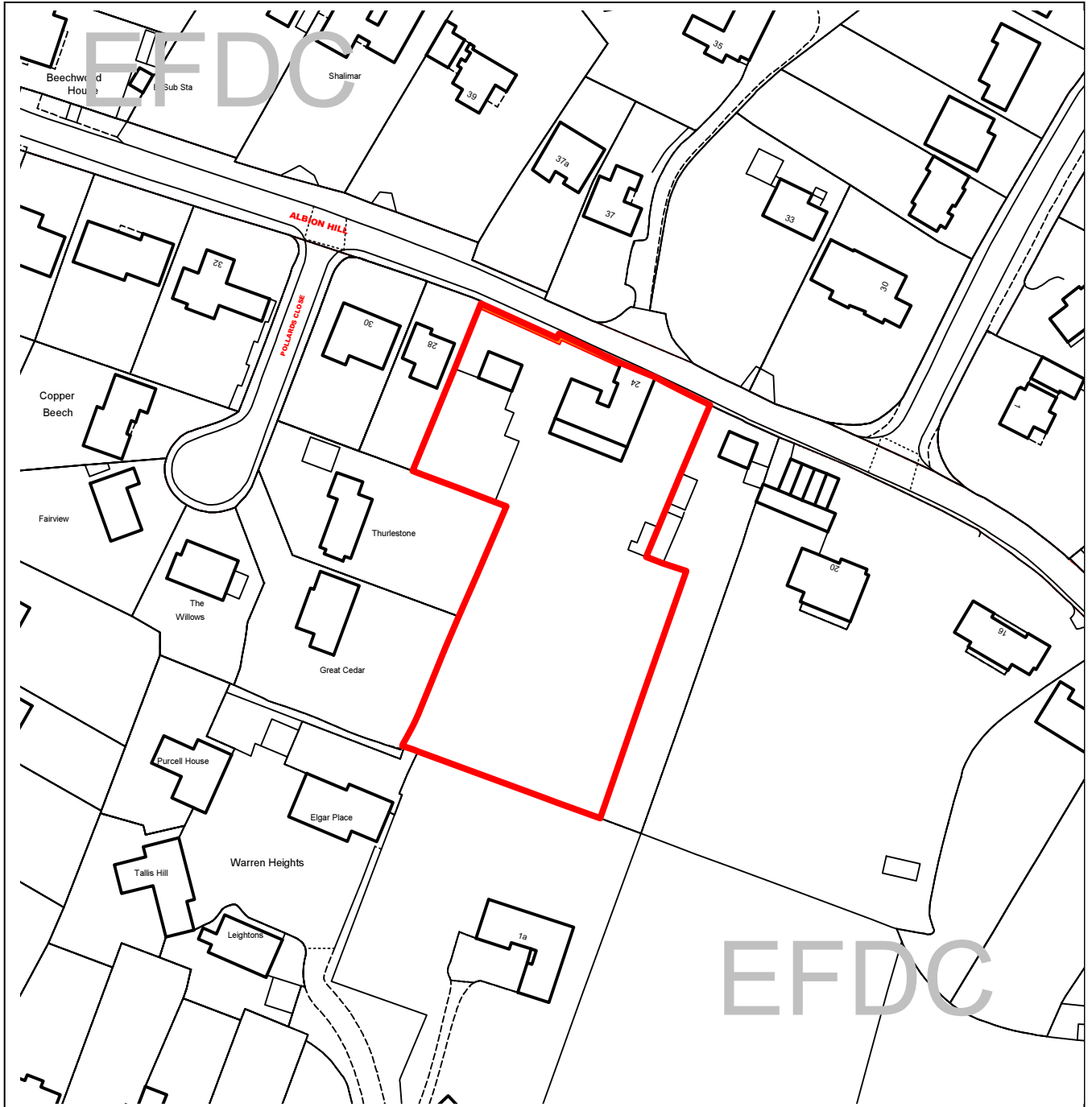
Conclusion:

When determining this planning application regard must be had to the planning history of this site, both the lapsed approval for 6m high columns and the more recently refused application for 6m high columns. The precedent set by the lapsed approval is limited by the revised position of the tennis court and other physical alterations which have taken place within and around the application site (most notably the removal of a considerable amount of vegetation that previously provided screening of the tennis courts) together with the context of the planning history of the 1 and 1a Warren Hill site. Based on the merits of the current proposal and in light of the appraisal as set out above, it is considered that there would not be a material loss of amenity to the occupiers of neighbouring properties which would justify the refusal of planning permission, subject to the use of planning conditions to safeguard amenity. 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:	2
Application Number:	EPF/0227/10
Site Name:	24 Albion Hill, Loughton, IG10 4RD
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0310/10
SITE ADDRESS:	118 High Road Chigwell Essex IG7 5AR
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr L Earl
DESCRIPTION OF PROPOSAL:	Demolition of an existing single dwelling house and the construction of 10 no. two bedroom apartments and 2 no. three bedroom penthouses, associated car parking provided underground and at a surface level. (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 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 Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority before any work commences and the development shall be implemented in accordance with such agreed details.
- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 5 A flood risk assessment 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 programme. The approved measures shall be undertaken 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.

- 6 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the 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.
- 7 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing 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.
- 8 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 9 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 any of the dwellings hereby approved and maintained in the agreed positions.
- 10 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.
- 11 Before the commencement of the development, or of any works on the site, and concurrently with the detailed design plans, a tree survey shall be submitted to the Local Planning Authority. The survey shall contain relevant details on all trees on or adjacent to the site, and with a stem diameter of 100mm or greater, to include the following:
 - (a) Reference number, species, location, girth or stem diameter, and accurately planned crown spread.
 - (b) An assessment of condition, and value.
 - (c) Existing ground levels, including contours where appropriate, adjacent to trees, where nearby changes in level, or excavations, are proposed.
 - (d) Trees to be removed in conjunction with the proposed development shall be clearly marked as such on a plan.
- 12 Before the commencement of the development or any works on site, details of the landscaping of the site, including retention of trees and other natural features, shall be submitted in writing for the approval of the Local Planning Authority, and shall be carried out as approved.
- 13 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.

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.

- 14 No tree, shrub, or hedge which are identified as being retained in the details approved pursuant to condition 12 of this permission, shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

If any tree to be retained in accordance with the approved details is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub, or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or 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.

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) 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.

16 No development shall take place, including site clearance or other preparatory work, until all details relevant to the implementation of hard and soft landscape works and tree planting, hereafter called the Landscape Method Statement, have been submitted to the LPA, and the development shall not commence until the Landscape Method Statement has been approved by the LPA in writing. All landscape works shall be undertaken in accordance with the approved details, unless the LPA has given its prior written consent to any variation.

The Landscape Method Statement shall include as appropriate, protection of the planting areas, where appropriate by fencing, during construction; preparation of the whole planting environment, particularly to provide adequate drainage; and the provision which is to be made for weed control, plant handling and protection, watering, mulching, and the staking, tying and protection of trees. The Landscape Method Statement shall also normally include provision for maintenance for the period of establishment, including weeding, watering and formative pruning, and the removal of stakes and ties. Provision shall be made for replacement of any plant, including replacements, that are removed, are uprooted, or which die or fail to thrive, for a period of five years from their planting, in the first available season and at the same place, with an equivalent plant, unless the LPA has given its prior written consent to any variation.

All hard and soft landscape works shall be completed prior to the occupation or use of any part of the development, unless the LPA has given its prior written consent to a programme of implementation. The hard and soft landscape works, including tree planting, shall be carried out strictly in accordance with any approved timetable.

The Landscape Method Statement shall state the provision which is to be made for supervision of the full programme of works, including site preparation, planting, subsequent management and replacement of failed plants.

17 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. Development shall be carried out in accordance with the approved schedule.

Subject to the completion, within 6 months, of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £16,242 towards the provision of education in the locality, to be paid within 6 months of the commencement of the development.

This application is before this Committee since it is an application for residential development of 5 or more units and is recommended for approval (Pursuant to Section P4, Schedule A (d) 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:

Demolition of an existing single dwelling house and the construction of 10 no. two bedroom apartments and 2 no. three bedroom penthouses, associated car parking provided underground and at a surface level. (Revised application)

The building form measures 28.9 metres wide by 24.7 metres deep and the roof accommodation 17.4 metres deep by 24.6 metres wide.

The basement will cover the footprint of the building and will be 3.1 metres below ground floor level. From the front, the highest point of the crown ridge measures 11.0 metres high and this drops to 9.7 metres. The eaves height measures 5.4 metres.

Basement

17 Parking Bays (6 Disabled parking bays)
Refuse bin store
14 cycle bays
Store room

Ground Floor

Flat 1 – Living, dining, kitchen, 2 bedroom and 3 WC/ bath
Flat 2 – Living, dining, kitchen, 2 bedroom and 3 WC/ bath
Flat 3 – Living, dining, kitchen, 2 bedroom and 2 WC/ bath (lounge terrace)
Flat 4 - Living, dining, kitchen, 2 bedroom and 2 WC/ bath (bedroom and lounge terrace)
Flat 5 – Living, dining, kitchen, 2 bedroom and 2 WC/ bath (lounge terrace)

First Floor

Flat 6 - Living, dining, kitchen, 2 bedroom and 3 WC/ bath (lounge terrace)
Flat 7 – Living, dining, kitchen, 2 bedroom and 3 WC/ bath
Flat 8 – Living, dining, kitchen, 2 bedroom and 2 WC/ bath (lounge terrace)
Flat 9 - Living, dining, kitchen, 2 bedroom and 2 WC/ bath (bedroom and lounge terrace)
Flat 10 – Living, dining, kitchen, 2 bedroom and 2 WC/ bath (lounge terrace)

Second Floor (Roof accommodation)

Flat 11 – Living, dining, kitchen, 3 bedroom and 3 WC/ bath (dinning and lounge terrace)
Flat 12 – Living, dining, kitchen, 3 bedroom and 3 WC/ bath (dinning and lounge terrace)

Description of Site:

The site area is 0.26 hectares and accommodates a large detached house on a roughly square plan shaped plot to the east side of the High Road, 40m south of Chigwell Underground Station. There are a large number of protected trees on the site. There is a Grade II listed building 70m to the south, and another immediately opposite (No 189 High Road). Chigwell Golf Club is to the immediate east, and the boundary between the rear garden and golf course is unmarked.

Relevant History:

EPF/1616/97 Outline application for demolition of existing dwelling and erection of 16 Flats. Refused. Appeal – Informal hearing dismissed

1. The proposals represent over-development of the site likely to be out of keeping with the surrounding area which is characterised by single dwellings in spacious plots.
2. Insufficient information is submitted with the application to satisfy the Council that the development can take place without a detrimental impact on landscaping and consequently the character of the area.

EPF/0424/05 Outline application for the demolition of a single dwelling and the construction of 10 no. apartments, including improved access and underground parking.

Refused for the following reasons:

1. The proposal represents overdevelopment of the site and would result in development out of keeping with the domestic character of this part of Chigwell, High Road and would therefore fail to respect its setting.
2. The proposal results in the loss of a willow tree which is the subject of a tree preservation order and amounts to a threat to the long-term survival of other protected trees which are on the site.
3. The proposal to incorporate windows to habitable rooms in the flank walls of the proposed flats would result in overlooking of the neighbouring property.
- 4.

Appeal/ Informal hearing - Allowed in 2006

EPF/0679/08 - Demolition of an existing dwelling and erection of 10 x 2 bedroom flats and 2 x 3 bedroom penthouses including associated car parking, access and landscaping. Refused.

Appeal/ Informal hearing - Dismissed

Reasons:

1. The proposed design, because of its top-heavy proportion of roof that results in a bulky appearance of the building, would be detrimental to the appearance of this development on the street scene
2. The proposed windows on the upper floors on the southern elevations would result in undue overlooking and loss of privacy, detrimental to the living conditions of the occupier of the adjacent residential property at 120 High Road, Chigwell,

The Planning Inspectors' decisions referred to above are appended to this report on page 81 since reference is made to them throughout.

Policies Applied:

CP1, 2, 3, 6 & 7 Core Policies re sustainable development
H1A, H2A, H3A, H4A Housing Provision
DBE 1 and 2 Design of new buildings

DBE3 Design in urban areas
DBE 6 Parking
DBE 8 Amenity Space
DBE 9 Amenity for neighbours
ST4 & 6 Highways & Parking
LL10 Landscaping

Summary of Representations

CHIGWELL PARISH COUNCIL – The Council continues to Object to this application on the grounds of the over-dominant expansion of roof height, with the inclusion of two additional penthouses which is highly disproportionate and overbearing, especially to the house opposite.

120 HIGH ROAD – Strongly Objects. Number of windows has increased (south elevation) from three on the first floor and two on the second floor (roof) to the now planned four on the first floor and three on the second floor.

OAK COTTAGE, 189 HIGH ROAD – Objects. This application for a further expansion of an already over-developed application is to squeeze such a large number of residents into this site will add up to 24 additional cars into an already dangerous traffic area beside the station which has parking issues. Should not be the parameters for planning decisions.

CHIGWELL RESIDENTS ASSOCIATION – Object, out of character with the existing street scene. The proposal will have an adverse effect upon character of the area and living conditions of neighbouring residents and on the surrounding street scene. The design is out of keeping in the street and will be overbearing and intrusive. Noise, disturbance and overlooking from the flats would harm amenities of nearby residents. Increase traffic generation.

Issues and Considerations:

History for this site

It should be noted that the original scheme was refused in 1997 for 16 flats.

Outline planning consent was approved under planning reference EPF/0424/05 for a development comprising of 10 flats on this site. This was allowed by an Inspector in 2006 following an initial refusal by the Local Authority. The outline permission dealt with only matters of the possible siting of the building. The principle of a detached block comprising of 10 flats on this site was established by the appeal decision. The time limit for submitting applications for approval of reserved matters following this outline approval has now expired.

The subsequent application, EPF/0679/08 dealt with details of the design of the scheme, and included two additional flats in the roof. It was refused and a subsequent appeal dismissed on design grounds only. The Planning Inspector raised particular objection to 2 proposed wings that projected from the front elevation.

The introduction of two additional flats in the roof was considered acceptable by the Planning Inspector. This has now raised the development potential of the site to a maximum of 12 flats (see paragraph 13 from the Inspector's report).

The inspector was also of the view that any Landscaping concerns could be addressed by condition (see paragraph 12 from the Inspector's report).

The impact on the amenity of the immediate neighbour (120 High Road) was assessed in detail by the inspector and the development was considered to be of '*...relatively limited impact because of*

the size and function of neighbour's window....such that privacy does not amount to an insurmountable obstacle to the progress of the scheme.' (See paragraph 11 from the Inspector's report)

Therefore the principle of a suitable flatted development of 12 flats (two provided in the roof) on this site, has been found to be an acceptable form of development at appeal. This revised application does not give the opportunity to go back over arguments that have already been decided at appeal.

The specific reason the appeal was dismissed was on elements of the design. Whilst the proposed design of the current proposal is similar to that dismissed by the Planning Inspector, it has been revised taking the Inspector's comments into consideration. In particular, the previously proposed wings off the front elevation have been removed and replaced by much reduced front projections.

Therefore, the main issues in this application are:

1. Context
2. Design and appearance within the street scene
3. Impact on the setting of Listed Buildings
4. Neighbours Amenity
5. Landscaping
6. Highways Matters

Building in Context

The appeal site is in a visually prominent and important position within the street scene as it marks the entrance from the commercial part of Chigwell Village into the residential area south of the shopping parade. The residential area south of the High Road is characterised by large, predominantly two-storey residential dwellings set in spacious, mature landscaped plots. On this, the eastern side of the High Road there are significant gaps between the detached properties with substantially mature trees edging the road.

The present dwelling house is somewhat distant from its nearest neighbour to the southern boundary, "Key West" 120 High Road, and this property in turn is the same spacious distance away from No. 122 High Road. In urban design terms this results in a somewhat spacious residential character for the area.

The proposed new building will therefore need to fit into this spacious character and should reflect the character of neighbouring detached dwellings. It should also be of a comparable scale and mass, particularly with respect to the height, width of frontage, number of storeys and form of the roof.

National Planning Policy Statement 1: Delivering Sustainable Development reinforces high quality design as a material consideration and Policy DBE1 requires new building to respect their settings.

Planning Policy Statement 3 supports the effective use of urban land in promoting higher densities in sustainable locations sited close to public transport routes, as this site is, on the proviso that there is no harm to the character and appearance of the area.

The plot is a maximum of 60m wide and about 54m deep. The existing property is a two storey detached house and spreads across most of the width of the plot. The replacement dwelling will be a maximum of 28.9 metres wide and 24.7metres deep. A minimum gap of 8m will be left to the southern boundary (with No 120 High Road) and 10m to the north.

The proposed building is an irregular rectangular plan shape, with two front projections, set forward from the front elevation by 1.4 metres. The maximum overall height is 11.0m with a hipped, crown style roof. The building provides several rear facing balconies at ground, first and second floor levels with views onto the golf course to the eastern boundary and a single first floor balcony looks onto the front aspect of the site. The overall appearance of the building in context is a large, single family dwelling house with habitable rooms in the roof space.

This assessment of appearance is in accordance with that of the Planning Inspector when making his decision to approve outline consent in 2006. Paragraph 20 of the decision sets out the Inspector's view that the proposal will only be acceptable '*...subject to an appropriate, high quality design taking into account the character of the locality...*' paragraph 14 refers to illustrative drawings and makes the point that: '*the illustrative front elevation shows a building of some consequence, reminiscent of a large individually designed house of a bygone era. Whilst such a design would be of a greater scale and massing than the existing, it would nonetheless, in my view, sit comfortably on the plot....I do not therefore consider that an appropriately designed development of flats would be out of character with the area which surrounds the appeal site*'

Having regard to the details of the proposal and the assessments of Planning Inspectors at 2 separate appeals, the revised scheme is assessed as being acceptable in its context.

Design and appearance within the street

The ground and first floor levels are acceptable in terms of their detailing. The roof form for the second floor would appear voluminous but nevertheless visually proportionate comprising of a large area of sloping tiles, broken by small dormers and additional roof features. To the flanks of the building there will be four dormers to the north elevation and three dormers to the south elevation. To the rear elevation, two large inverted dormers that will serve terrace balconies, while three flat roofed dormers would break up the front elevation. The addition of dormer windows breaks up the roof form, while adding more character to the overall design.

With this revised scheme, the projecting front gables have been omitted and the revised fenestration, dormer arrangement, chimney stacks, hipped roof profile and centralised gabled entrance to the front results in an attractive design adding discrete and discernable features that make the appearance of the building visually acceptable.

The approach from the street adopts the appearance of a large, single family dwelling house, set back from the street in generous grounds. This was the original intention for a development at this site and one accepted by the Planning Inspector giving outline permission.

The materials can be conditioned to be appropriate to the area.

The character and appearance of the street will not be harmed by the proposal. The scheme can be comfortably accommodated on this large plot and would not be out of keeping or too large a development. The addition of the two flats causes no harm to the overall appearance and character of the scheme, and they can be comfortably integrated into the building form.

Listed Buildings

The proposed development will have no adverse effect on the setting of the nearby listed building opposite the site; a point reinforced by the most recent appeal decision.

Amenity & Impact on Neighbours

The only immediate neighbour directly affected is to the immediate southern boundary of the site, a detached two-storey residential dwelling, 120 High Road also known as 'Key West'. This

neighbouring property's flank wall is positioned approximately 8 metres from the plot boundary with a first floor window that faces onto the site. A screen of high mature trees is on the boundary.

There is potential for overlooking from the side windows and roof dormer windows on the south flank of the proposed building towards no 120. However, the combination of the degree of separation from boundaries, dense natural tree screening and the style of angled windows proposed to the south elevation adequately mitigates this potential. Consequently there will be no adverse loss of privacy to this immediate neighbour.

The amount of amenity space provided for the proposed flats is some 700m², which is over the required 300m².

Landscaping

The Trees and Landscape Officer has commented that the scheme does not provide a full tree survey. It has previously been accepted the Willow tree can be removed to enable the proposal. All other matters concerning landscaping are acceptable subject to strict controls and this can be addressed with conditions.

Flooding

The site is not in an area liable to flooding.

Highways

An underground car park will be excavated and provide parking bays for 17 cars, 3 spaces will be provided within the curtilage for visitor parking. The intent is that spaces will be allocated on a 1 bay per 2 bed flat and a minimum 2 bays to the 3 bed flats, with additional visitor surface parking.

This is in accordance with the Council's minimum parking standards for new development. That level of provision, together with the location of the site within easy walking distance of sustainable public transport links (Chigwell Station is just north of the site) is such that it is unlikely that this scheme will contribute to further on-street parking in the area.

The Highway Authority has raised no objections to the scheme.

Other considerations

Consultation with Essex County Council as Local Education Authority reveals that the development falls in the priority admission area of West Hatch High Secondary School. On this basis the Local Education Authority seeks a developer contribution of £16,242 towards additional secondary school places prior to commencement. While this level of contribution is justifiable, there is no justification to secure payment prior to the commencement of the development. It would be more appropriate to secure it within a specific period following the commencement of the development.

Conclusion

This is a substantial scheme, but the proposed residential block of flats can be comfortably accommodated on this large plot without causing significant harm to either the street scene or the setting of the listed building opposite the site. The revision to the previously refused scheme addresses the reasons for rejecting it at appeal.

No harm is caused to highway safety and the parking provision is more than adequate.

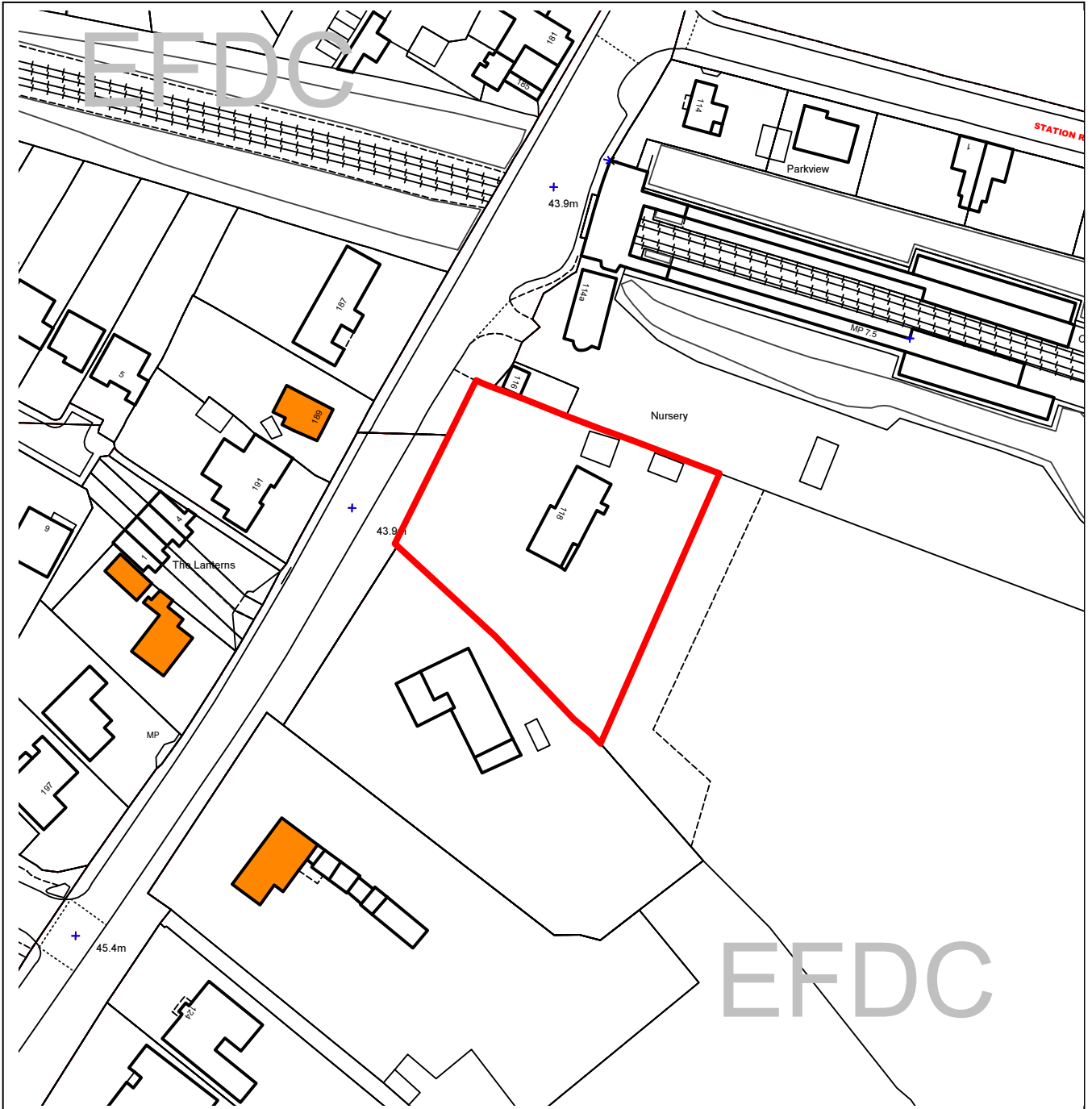
The impact of the development on the living conditions of neighbours has been closely considered, and there are no justified planning grounds to refuse on this basis.

The proposal is for a well-designed building, attractive in itself and having the appearance of a large detached house. The recommendation is therefore for approval.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	3
Application Number:	EPF/0310/10
Site Name:	118 High Road, Chigwell, IG7 5AR
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/0446/10
SITE ADDRESS:	BPI Poly Site Brook Road Buckhurst Hill Essex IG9
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	David Wilson Home & British Polythene Industries
DESCRIPTION OF PROPOSAL:	14 dwellings with associated car parking, access road and landscaping.
RECOMMENDED DECISION:	Grant Permission (With Conditions) Subject to Section 106 agreement

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 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.

- 4 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.
- 5 Prior to first occupation of the building hereby approved the proposed window openings in the first and second floor side elevations of plots 4, 8, 11, 14 and in the first floor side elevations of plots 5, 9 and 10 and in the first floor rear elevation of plot 6 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.
- 6 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 7 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 extensions or outbuildings generally permitted by virtue of Schedule 2 Part 1 Classes A and E shall be undertaken at plots 1, 2, 3, 4, 11, 12 and 13 without the prior written permission of the Local Planning Authority.
- 8 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 hardsurfaces generally permitted by virtue of Schedule 2 Part 1, Class F shall be undertaken without the prior written permission of the Local Planning Authority.
- 9 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority

upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

- 10 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the 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.
- 11 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing 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.
- 12 Prior to the commencement of the development hereby approved, details of a surface water drainage system shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.
- 13 A flood risk assessment 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 programme. The approved measures shall be undertaken 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.
- 14 Prior to the first occupation of the development hereby approved the access and footway arrangements as shown in principle on drawing no.3635 P101 E onto Brook Road shall be provided. Details of the design including 6m minimum radius kerbs and the provision of pedestrian dropped kerb crossings with appropriate tactile paving across the new bellmouth access shall be submitted to the Local Planning Authority for approval. The development shall proceed in accordance with the approved details.
- 15 Details of the reconstruction of the footway and kerb across the entire site frontage, including the reinstatement of any redundant crossovers and any holes left by the removal of existing bollards, shall be submitted to the Local Planning Authority for approval in writing. The works shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

- 16 Prior to the first occupation of the development hereby approved, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4metres by 70metres to the east and 2.4metres by 90metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 17 Prior to commencement of the development hereby approved, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.
- 18 The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months from the occupation of such dwellings.
- 19 Prior to the commencement of the development hereby approved, details of wheel washing facilities shall be submitted to the Local Planning Authority for approval in writing. The approved facilities shall be placed on site proper to the commencement of the development and shall remain onsite for the duration of the construction of the development.

Subject to, within 6 months of the resolution to grant planning permission, the completion of a Section 106 Agreement securing the following matters upon the substantial completion of 4 of the proposed houses:

- 1. A financial contribution of £95,924 towards making provision for additional school places within the locality, and**
- 2. A financial contribution of £100,000 towards the provision of affordable housing within the locality.**

This application is before this Committee for the following reasons:

since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section P4, Schedule A (d) of the Council's Delegated Functions);

since it is an application for development of a significant scale and/or wider concern and is recommended for approval (Pursuant to Section P4, Schedule A (c) of the Council's Delegated Functions);

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).

Introduction:

This application is reported back to the Committee, following deferral at the last meeting on 7th July 2010. Members present at that meeting requested that further information be sought with regard to the proposed education contribution. The main body of this report details the forecast deficit of school places within Buckhurst Hill over the next few years and also gives a breakdown of the financial contribution which has been sought by Essex County Council. In addition to that information, the County Council has subsequently confirmed the following:

- Head teachers of local schools are not consulted by Essex County Council with regard to individual applications where financial contributions are sought under Section 106. The County holds school capacity and admissions data and, along-side local births data, they use these forecasts to form an impartial view. The use of these sources of information ensures that requests made by the County are based on defensible evidence. Schools are consulted with on the Schools Organisation Plan, which includes the five year housing supply published by Epping Forest District. Once Section 106 contributions have been secured, the County also liaise with schools with regard to how the money can be spent to provide the additional places required.
- To calculate a contribution on cases where there is an identified deficit, the County applies a multiplier to the number of flats and houses to identify the numbers of school places generated by the development. This sum is then multiplied by the cost of providing school places. The multiplier used by Essex County Council to forecast the likely number of school places which will be required by a development is based on Census data (therefore the existing multiplier is based on data collected in 2001). The same multipliers (0.3 spaces per house for primary education and 0.2 spaces per house for secondary education) are applied across Essex. The County carry out benchmarking exercises of these figures against other counties within the region.
- The cost per school place (£11,361 for a primary place and £17,217 for a secondary place) is advised by Government (formerly the Department for Children, Schools and Families) and relates to the capital build cost per space in Essex. At present the cost within Essex is approximately 5% higher than the national average. The cost is calculated every three years and is index linked using the PUBSEC index to the April of the financial year pertaining to the publication of the figures.

Description of Proposal:

This application seeks planning permission for the erection of 14 dwellings. Along the Brook Road frontage would be four pairs of semi-detached dwellings, the two closest to the junction would be three storeys in height, the estate road would enter the site beyond these and then the two pairs of houses on the western part of the site would be two storeys with additional accommodation being provided within the roof space. The estate road would lead into a cul-de-sac containing six detached houses. Each dwelling would have a garage with a parking space to the front. The density of the proposed development would be approximately 31 dwellings per hectare.

Description of Site:

The application site comprises an area of 0.45 hectare located in Brook Road, close to its junction with Epping New Road. The site is occupied by several large single storey industrial buildings which previously contained the BPI packaging works. The remainder of the site is hardsurfaced. The site is located within a predominantly residential area, with the notable exception being a car

dealership located immediately to the east and also on the opposite side of Epping New Road. To the west of the site is a dense tree belt along the side of an access road. To the north is Buckhurst Hill Bowls and Tennis Club. To the south east of the site is Icen Court, a purpose built flat development which was granted planning permission in 2002. There is a significant change in levels, with the land level decreasing along Brook Road from the Epping New Road junction. To a lesser degree there is also a reduction in land level to the rear of the site.

Relevant History:

The site has a long planning history of planning applications relating to the commercial use of the site, none of which are relevant to this proposal.

Policies Applied:

The East of England Plan has been revoked and no longer part of the development plan for the locality. Accordingly policies of the plan referred to in the last report to Committee have been deleted.

Adopted Local Plan and Alterations

H2A – Previously Developed Land
H3A – Housing Density
H4A – Dwelling Mix
CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP4 – Energy Conservation
CP5 – Sustainable Building
CP9 – Sustainable Transport
DBE1 – Design of New Buildings
DBE2 – Impact of New Buildings
DBE8 – Amenity Space Provision
ST4 – Highways Considerations
ST6 – Car Parking Standards
LL11 – Landscaping Schemes
E4A – Protection of Employment Sites
E4B – Alternative uses for Employment Sites

Summary of Representations:

Notification of this application was sent to Buckhurst Hill Parish Council and to 61 neighbouring properties.

The following representations have been received:

BUCKHURST HILL PARISH COUNCIL. No objection. There are concerns however with regard to the impact on local infrastructure, i.e. schools and doctors. In addition due to sites close proximity to forest land we would like to see more information with regard to landscaping.

ST JOHN'S C OF E SCHOOL. Objection. Lack of infrastructure, particularly education, in Buckhurst Hill. There are two state schools in Buckhurst Hill, although one of these (Buckhurst Hill Primary School) is set to expand in 2011, there will still be a shortage of school places in this area from September 2010 onwards. St John's is also at capacity and currently has no room for expansion. The problem is further accentuated by the population growth in London which has a ripple effect on schools in West Essex. I understand from ECC that all local schools are likely to

be full from next year. Therefore to construct another 14 houses on the doorstep of this school is inconceivable and very ill-advised.

Representations of objection have been received from 10 neighbouring residents (127, 139 ARDMORE LANE; BROOKWOOD, BROOK ROAD; 169 PRINCES ROAD; 71 AUDLEY GARDENS (x2); 3 GLEBEWAY, WOODFORD GREEN; 52 RUSSELL ROAD; 21 DEVON CLOSE; 35 HORNBEAM ROAD; 2 ALBANY VIEW). Their concerns are summarised below:

- Lack of infrastructure, particularly education. A number of children who already live within the catchment are unable to secure a place at local state schools. Also more GP's will be needed, roads will be busier. 14 additional families will make this situation worse.
- Rather than residential development couldn't this site remain as a much needed commercial site? Or indeed be converted into an additional state school site?
- Wish to prevent an overdevelopment of the area.
- Recent developments/approvals north of Epping New Road, at Stag Lane and opposite Holly House hospital are located within 'Catchment A' for St. John's and children who live in 'Catchment B' are unable to get into either school.
- Specifically with regard to Brookwood, Brook Road – Restriction of existing right of access to car port, access arrangements to manhole cover within site, loss of daylight, potential for noise, disruption and vibrations during construction.

CITY OF LONDON (EPPING FOREST CONSERVATORS). No objection.

Issues and Considerations:

The main issues in this case are:

- The loss of employment use on the site;
- The principle of the residential development;
- The suitability of the proposed design;
- The impact of the development on neighbouring residents;
- Level of amenity for future occupiers of the site;
- Highways, access and parking issues; and
- Tree and landscape issues.

The Loss of Employment 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.

With regard to criterion ii, the applicant identifies that *'the existing B2 use is one which is normally discordant with adjacent residential use and a new more intensive B2 use is likely to generate noise, dust and traffic generation'*.

Turning to criterion iii, the marketing report states that the building on the site (constructed in the 1960's) *'is of poor quality, outdated and not suitable for modern business with B2 consent. The current premises do not lend themselves to B1, B2 or B8 uses for the following reasons and as a result would require some form of redevelopment/refurbishment prior to occupation.*

- *Low eaves/clear working height.*
- *Sloping site.*
- *Poor configuration of space.*
- *Ongoing maintenance liability'.*

With regard to criterion iv, the application is accompanied by details of the marketing activity relating to this site. This report explains that the site has been marketed by BNP Paribas Real Estate since July 2008. The site has been marketed by the display of 2 'For Sale' boards on the site, by the mailing of sales particulars, by online advertising and through an open day, in August 2008. The report notes that *'The commercial property market has suffered significantly over the past year due to the global economic recession. Businesses generally are suffering from a downturn in trade and few companies are expanding, many are contracting and looking to cut costs where possible. The lack of bank finance available has resulted in a number of buildings and sites still on the market that failed to sell in a stronger market and remain available even at discounted process and or with significant incentives. ... Buckhurst Hill is...considered a tertiary industrial location. We are not aware and have been unable to find any notable transactions within Buckhurst Hill that would indicate any demand for industrial accommodation'.*

The report confirms that during the marketing process, 75 enquiries have been made in relation to the site and as a result, 25 offers have been received. The site was advertised without a price in order not to deter prospective purchasers. Of these offers, only two related to business and industrial uses. These were not pursued as the report claims that they were well below the market value for employment purposes. Most of the offers (16) related to residential developers and 5 related to care home/healthcare facilities.

Having considered the information submitted, Officers are satisfied there is good justification for the loss of the site for employment purposes. Accordingly, the requirements of Policy E4A are met.

Policy E4B of the Local Plan states that where it can be proven that there is no further need for employment uses on a site, the Council will permit alternative uses which fulfil other community needs. Furthermore, the policy states that where there is an identified need for a particular facility, the Council will have to be satisfied that the site is unsuitable for that use prior to considering the site for open market housing.

In this instance, Buckhurst Hill Parish Council identified a local need for additional school facilities during pre-application discussions with the applicants. The applicants have explored whether the site would be suitable for the siting of additional school facilities, but have stated in the submitted planning statement that the site is too small for such a development, having stated that a suitable site would need to be a minimum of 2 hectares. Accordingly, the applicant does not accept that this site would be suitable for this purpose. Officers agree that a site such as this with an area of less than 0.5 hectares is insufficient to develop as a school.

The supporting text within the Local Plan makes it clear that affordable housing may be appropriate as a use which fulfils community need. As a result, the applicant is willing to make a financial contribution of £100,000 towards the provision of off-site affordably housing. The Director of Housing has suggested that the sum should be the maximum amount available from the development and that this should be demonstrated through the submission of a financial appraisal.

However, it is the view of the Planning Officer that, having regard to the scale of the proposed development, the lack of any other community need which would be capable of being provided on the site and bearing in mind the current economic climate and other proposed contributions, this sum would be acceptable.

The Principle of the Residential Development

Policy H2A of the local plan alterations states that the re-use of previously developed land will be encouraged when considering residential use. The proposed development, making use of an existing Brownfield site, would be in accordance with this policy.

Policy CP3 of the Local Plan states that when considering planning applications the Council will require that the development can be accommodated within the existing, committed or planned infrastructure capacity of the area (or that sufficient new infrastructure is provided by the new development/developer). The policy clarifies that the Council may use planning obligations to satisfy this criterion.

It is considered that there is sufficient highway infrastructure to accommodate the proposed development and the site is located in reasonably close proximity to local services including convenience shopping. There is however, significant local concern regarding the capacity of local schools. The latest Essex Schools Organisation Plan (SOP)(March 2010) demonstrates that there is no additional capacity at Roding Valley High School, which is the only secondary school within 3 miles, via a safe walking route, of the proposed development. With regard to Primary education, the SOP indicates that there would be sufficient space to accommodate the future residents of the site, having regard to a planned expansion of Buckhurst Hill Primary School. However, Essex County Council has advised that the figures within the School Organisation Plan have been superseded by figures related to increased birth rates within the area, beyond that which was predicted. As a result there will be a deficit in primary education places by 2014. On this basis, Essex County Council has sought financial contributions of £47,716 towards 4.2 primary places and £48,208 towards 2.8 secondary places. Having regard to the need for both primary and secondary education places within the local area, it is considered that such a contribution would meet the tests set out in Circular 05/05 and would be in accordance with Policy I1A of the Local Plan. It is considered that the contribution would be necessary to ensure that the proposal accords with Policy CP3(i).

Design

Development surrounding the application site is mixed in character, with properties in the vicinity of the site facing onto Brook Road and accessed from cul-de-sacs off Brook Road generally being modest sized two storey dwellings. To the east of the site is a single storey warehouse building (part of a car dealership) and on the other side of Brook Road is Icen Court, a purpose built residential development which rises to 4 stories in height.

This application proposes a fairly high density development to the site frontage, reducing to a much more open development at the rear of the site. Along the site frontage, the development would be 2 ½ storeys in the western part of the site and three storeys in the eastern part of the site. Having regard to the character of the surrounding area and in particular Icen Court, it is considered that the design of the development, including the inclusion of 2nd floor accommodation, would be acceptable. The dwellings would be of brick construction with tiled roofs, in keeping with surrounding development.

The layout of the development has had some regard to the principles of the Essex Design Guide, for example with regard to the siting of garages/car parking away from the main street frontage. Notwithstanding this, the garages would be quite prominent with the cul-de-sac. Furthermore, the dwellings on plots 6, 7 and 8 do not sit particularly comfortably in relation to the road. However,

the proposed layout is influenced by the shape of the site and it is not considered that these elements of the design would justify the refusal of planning permission.

It is considered that a high standard of on site landscaping will be required to soften both the street frontage of the development and the area around the turning head, particularly with regard to the garages.

Impact on Neighbouring Amenity

The neighbouring property which would be most affected would be Brookwood, located to the side of the proposed plot 14. As the proposed built development would be located to the side of this dwelling, there would be no material impact in terms of loss of light or outlook. There may be some additional overlooking of this property from the future occupants of plot 10, but the distance between the properties and the position of the dwelling at plot 10 is such that this would not result in a detrimental loss of amenity.

Amenity for Future Occupiers

The development would comprise a mix of property designs and plot sizes. Habitable rooms in all dwellings would benefit from an acceptable level of natural light and outlook. There would be a suitable relationship between dwellings to ensure that there would be an acceptable level of privacy, subject to the use of planning conditions requiring windows to be fixed closed and obscure glazed where necessary.

With regard to the provision of private amenity space, there would be considerable variation across the development, with garden sizes varying from approximately 42m² (plot 4) to 269m² (plot 10). Plots 4 and 11, located either side of the access road into the site, would have the smallest gardens. These would be 3/4 bed properties, with garden depths of approximately 8.4 and 7.6 metres. These gardens would be very small in relation to what would normally be expected and would fall significantly below the Council's normal standard for private amenity space, which is set out in Policy DBE8 of the Local Plan. These reduced garden sizes are partly due to the relocation of the car parking to the rear of the plot so that it is not overly prominent within the street, but it is clearly also due to the desire to create larger plot sizes in the rear part of the site. The rear gardens of these plots would have a fairly open aspect to the rear, broken only by the likely boundary treatments enclosing the garden area. The gardens, although small would provide a reasonably private area in which a family could sit out. Having regard to this, it is considered on balance that the small garden sizes would not justify the refusal of the planning application.

Highways, Access and Parking

The estate road leading into the site would be via a new access onto Brook Road. A rumble strip would be located on the road between plots 4 and 11. Beyond this point the road surface would be shared by pedestrians and vehicles. The final design of this access has resulted from discussions between the applicant and the officers at the Highways Authority. Subject to the imposition of some suggested planning conditions, the Highways Authority is satisfied that the proposed access and road layout would be acceptable.

With regard to parking, each dwelling would have a parking space with a garage to the front. This would be acceptable in accordance with the Council's parking standards. However, it will be necessary for a planning condition to be imposed requiring that the garages remain available for the purpose of vehicle parking.

A further condition should be imposed preventing the creation of hard surfaces for additional parking without the need for planning permission. This is to ensure that sufficient green and landscaped area remains within the site and along the street frontage.

Trees and Landscape

There are no trees within the site at present. There is a protected (by TPO) sycamore in the grounds of the car repair business to the east, and there are several trees along the access road (owned by City of London) to the west. There is only one tree within the vicinity of the site which will need tree protection, this is identified within the submitted Arboricultural report and is an oak just beyond the site boundary with a canopy that overhangs the boundary. Since this tree is located outside of the proposed construction area and subject to the use of a tree protection condition, the development should not be detrimental to this tree.

As with any new development, a robust landscaping scheme should be implemented. This should include an element of greening at the frontages of the houses that face onto Brook Road. This landscape scheme would be supported by the planning condition suggested previously, which would remove permitted development rights for hard surfaces.

Planning Obligations

Policy I1A of the Local Plan relates to planning obligations generally and refers to Government advice contained within Circular 05/05.

As discussed, there is an identified need for additional school places within the local area. The need for the secondary school places is demonstrated in the School Education Plan (March 2010) prepared by Essex County Council. The need for the primary places is not evident from the School Organisation Plan, but is supported by evidence of increased birth rates in the local area which supersedes this document. Policy CP3(i) states that the Council will require that new developments can be accommodated within existing, committed or planned infrastructure capacity. The policy confirms that planning obligations may be used to satisfy this. The applicant is willing to make a financial contribution of is £95,924 towards additional school places.

Policy E4B of the Local Plan requires that consideration must be given to uses which fulfil a community need prior to the use of sites for open market housing. The supporting text to the policy confirms that affordable housing may be appropriate. On this basis, a contribution of £100,000 is sought for this purpose.

Finally, the Highways Authority has sought the provision of a Travel Information and Marketing Scheme for sustainable transport, which would include vouchers for 12 months free bus travel within the local area. The provision of such a scheme for the future residents of the development would accord with Policy CP9 of the Local Plan.

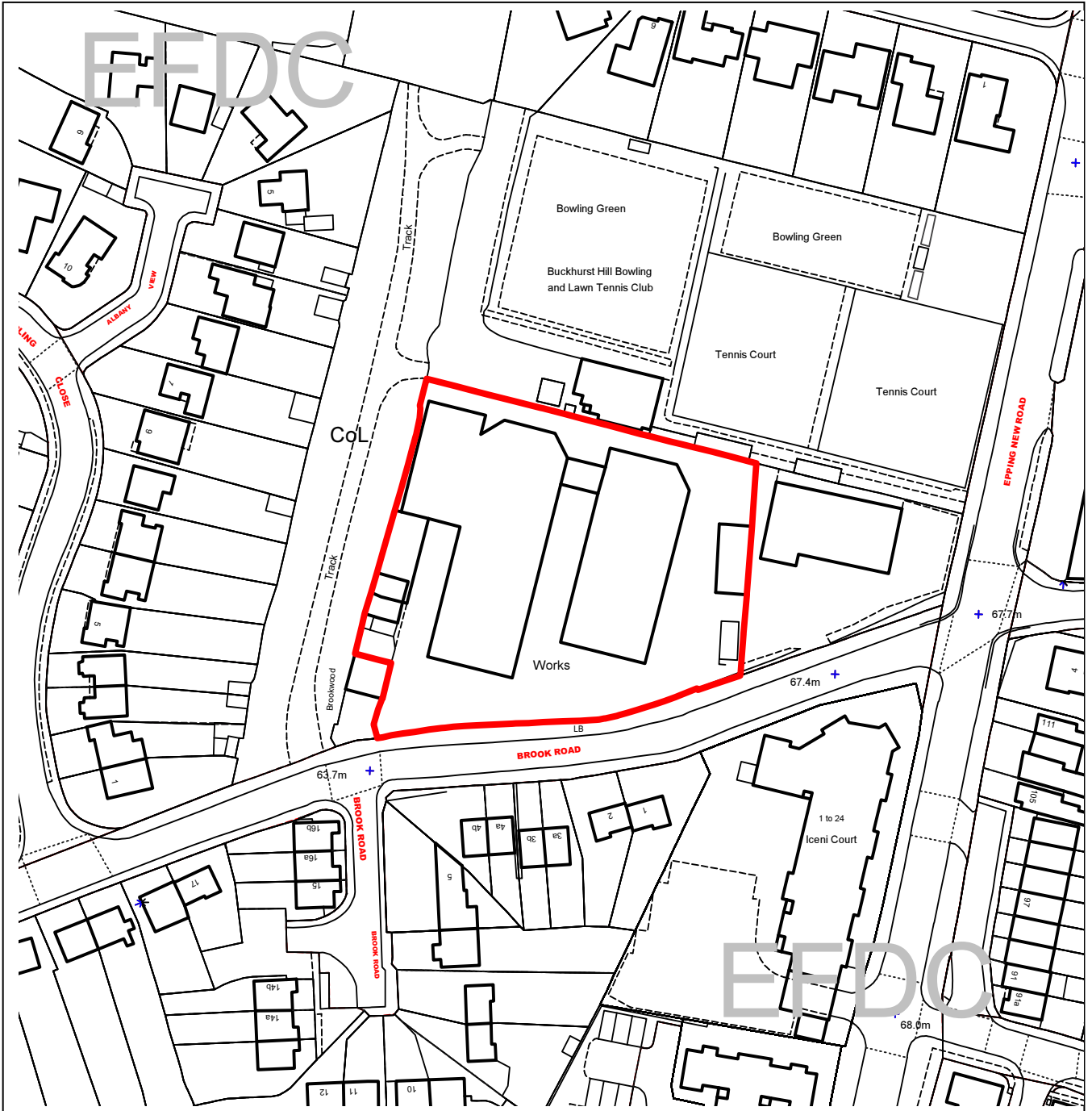
Conclusion:

In light of the above appraisal, it is considered that policies E4A and E4B of the Local Plan have been addressed. The site, due largely to its size, would not accommodate an additional school for which there is an identified community need. Whilst there is a forecast deficit of school places over the next few years, the applicant is willing to make a financial contribution towards the cost of providing additional school places. Accordingly the principle of the residential development of this Brownfield site is accepted. The development proposed is considered to be acceptable in terms of its design and impact on neighbouring properties. Overall, it is considered on balance that there would be a satisfactory level of amenity for the occupiers of the proposed dwellings. It is, therefore, recommended that it is resolved to grant a conditional planning permission, subject to the completion of a Section 106 legal agreement to secure the matters discussed in this report.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	4
Application Number:	EPF/0446/10
Site Name:	BPI Poly Site, Brook Road Buckhurst Hill, IG9
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/0900/10
SITE ADDRESS:	Zizzi 2 Church Hill Loughton Essex IG10 1LA
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Mr Gordon Lee Fisher
DESCRIPTION OF PROPOSAL:	Display of halo illuminated fascia sign, non-illuminated projecting sign, internally illuminated signage at first and ground floor and internally illuminated menu box.
RECOMMENDED DECISION:	Split Decision (see below)

Display of menu box, 'Zizzi Ristorante' lettering on the Kings Green elevation, blinds, projecting sign on the Church Hill elevation and the free standing car park sign: Grant Express Consent (subject to standard advertisement conditions)

Display of 'Zizzi Ristorante' individual lettering sign on the Church Hill elevation: Refuse Express Consent

REASON FOR REFUSAL

- 1 The proposed 'Zizzi Ristorante' sign located on the Church Hill elevation of the building would contribute towards a proliferation of signage on this part of this elevation of the building. Due to its position on the timber detailing of this part of the building this sign would be particularly harmful, detracting from this feature of the building. The sign would appear cramped between the ground and first floor windows. The harm caused by this sign would be exacerbated by the proposed internal illumination of the 'Zizzi' text. As a result this proposed sign would be detrimental to the character and appearance of the building and the wider Conservation Area, contrary to policies DBE13 and HC7 of the adopted Local Plan and Alterations.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

This application seeks advertisement consent for the display of thirteen signs on and around the building.

The details of the proposed signs are as follows:

1. Non-illuminated individual lettering sign. 'Zizzi' in metallic grey letters covering an area of 1.201 x 0.341 metres and 'Ristorante' in pink letters covering an area of 0.874 x 0.188 metres. Total area 0.56m².
2. Internally illuminated menu box sign. 0.739 x 0.29 metres. Total area 0.21m².
3. Part non-illuminated and part internally illuminated individual lettering sign. Internally illuminated 'Zizzi' in metallic grey letters covering an area of 2.403 x 0.688 metres and non-illuminated 'Ristorante' in pink letters covering an area of 1.748 x 0.3788 metres. Total area 2.31m².
4. Non-illuminated miscellaneous sign directing customers towards the car park. Covers an area of 0.15 x 1.6 metres. Total area 0.24 m².
5. Traditional blind located within blind box, width of 2.4 metres, projecting 1.2 metres from the elevation of the building. Height of 2.4 metres above ground level. Blind box to be finished in silver. Blind to be grey canvas white ink and grey detail.
6. Blind/blind box - same as no. 5 above.
7. Car park sign - same as no. 4 above.
8. Traditional blind located within blind box, width of 1.813 metres, projecting 1.2 metres from the elevation of the building. Height of 2.4 metres above ground level. Blind box to be finished in silver. Blind to be grey canvas white ink and grey detail.
9. Part non-illuminated and part internally illuminated individual lettering sign. Internally illuminated 'Zizzi' in metallic grey letters covering an area of 1.75 x 0.497 metres and non-illuminated 'Ristorante' in pink letters covering an area of 1.273 x 0.2.74 metres. Total area 1.2m².
10. Non-illuminated projecting sign (positioned on existing panel). Circular sign with a diameter of 0.9 metre. White background with logo and premises address displayed in grey-pink lettering.
11. Blind/blind box - same as no. 5/6 above.
12. Non-illuminated round sign attached to building. Diameter 0.6m. Total area 0.942m².
13. Free standing post sign in car park attached to existing posts. Metallic grey sign with logo/lettering applied in cream, grey and pink. 2 x 0.65 metres. Total area 1.3m². Maximum height above ground level 2.8 metres.

A number of the proposed signs would benefit from deemed consent under the Advertisement Regulations. These signs are identified in the 'Issues and Considerations' section of this report and these signs should not be considered under this advertisement application.

Description of Site:

The application site comprises a locally listed building located on a prominent corner at the junction of Church Hill with Kings Green, within the York Hill Conservation Area. The site is occupied by a large, red brick, Edwardian building, designed by Horace White, c.1908. The building is occupied by the restaurant 'Zizzi' and is presently being refurbished.

Relevant History:

EPF/0396/01. Consent to display advertisement. Approved.

EPF/1365/03. Internally illuminated fascia and menu box signs and externally illuminated projecting sign. Approved.

Policies Applied:

Local Plan

DBE13 – Advertisements

HC7 – Development within Conservation Areas

Summary of Representations:

Notification of this application was sent to Loughton Town Council and to 16 neighbouring properties.

The following representations have been received:

LOUGHTON TOWN COUNCIL. Objection. The Committee objected to this application as the proposal for 14 different signs was considered to be deleterious to the street scene and an over usage of advertising signage in a conservation area at this prime corner site that bordered a residential area.

Moreover the designs of the proposed blinds and signs were considered inappropriate on this Arts and Crafts building originally designed by architect Horace White, and the car park sign unsuitable owing to its particularly over large dimensions. It was therefore deemed contrary to Policy HC7 of Epping Forest District Council's adopted Local Plan & Alterations. The Committee drew the District Council Conservation Officer's attention to this application.

Subsequent to the above response, a set of amended drawings has been received. These have been forwarded to Loughton Town Council for comment and those comments shall be verbally reported at the Committee meeting. The alterations included the removal of a round sign from the corner of the building, the reduction in size of the car parking and fixed round signs and the removal of any luminance from the lettering sign above the menu box.

Issues and Considerations:

Regulation 3 of the Advertisement Regulations makes it clear that Local Planning Authorities can only exercise their power to control the display of advertisements in the interests of amenity and public safety. It identifies factors relevant to those interests. Those factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Public Safety

With regard to public safety, the Highway Authority has raised no objection to the proposal.

Amenity

With regard to the impact of the signs on the character and appearance of the area, advice has been taken from the Council's Conservation Officer. Overall, the view of the Conservation Officer is that (despite the reduction from the original submission) the number of signs would be excessive and that the size, colour and illumination of the signage would be unsympathetic to the architecture of the building and to its setting in this prominent location within the York Hill Conservation Area.

The signs will be considered in the order that they are listed above.

1. Non-illuminated individual lettering sign positioned above the menu box to the side of the entrance doors. As this sign would be non-illuminated with a maximum area of 0.56m² it would benefit from deemed consent and is not being considered as part of this application.

2. Internally illuminated menu box sign, positioned adjacent to the entrance doors, replacing a similar sign in a similar position. The size of this sign, its position on the building and low level of luminance are such that it is considered to be acceptable.
3. Part non-illuminated and part internally illuminated individual lettering sign located on the Kings Green elevation of the building. Would replace a similar sign in a similar position, albeit this proposed sign would be partially internally illuminated. However, the size of this sign, its position on the building and low level of luminance are such that it is considered to be acceptable.
- 4, 7. Non-illuminated signs directing customers to the car park, attached to the Kings Green elevation below the level of the ground floor windows. As these signs would be non-illuminated with a maximum area of 0.21m² they would benefit from deemed consent and are not being considered as part of this application.
- 5, 6, 8, 11. Blinds located within blind boxes on the Kings Green and Church Hill elevations of the building. The size and design of these blinds and their positions on the building are such that they are considered to be acceptable. The specific concern raised by the Town Council in respect of these additions is noted. However, the Council's Conservation Officer does not raise an objection in respect of these advertisements.
9. Part non-illuminated and part internally illuminated individual lettering sign located on the Church Hill elevation of the building. This sign is considered to contribute towards a proliferation of signage on this part of this elevation of the building (the projecting sign is located above and a blind below). This sign is considered to be the most harmful, due to its position on the timber detailing of this part of the building which detracts from this feature of the building. The sign is considered to appear cramped between the ground and first floor windows. The harm caused by this sign would be exacerbated by the proposed luminance of the 'Zizzi' text.
10. Non-illuminated projecting sign located on gable facing onto Church Hill. This sign would replace an existing sign in a similar position. Its size design and position are such that it is considered to be acceptable.
12. Non-illuminated round sign attached to the single storey element of the building facing onto Church Hill. As this sign would have a maximum area of .942m² it would benefit from deemed consent and is not being considered as part of this application.
13. Free standing post sign, located adjacent to car park entrance from Kings Green. The size of this sign has been reduced following the initial submission. As a result, the size, position and design of this sign, which would be located on existing posts, is such that it is considered to be acceptable.

Conclusion:

In light of the above appraisal, it is considered that of the signs which require express consent, the menu box, the 'Zizzi Ristorante' lettering on the Kings Green elevation, the blinds, the projecting sign on the Church Hill elevation and the free standing car park sign are considered do be acceptable, as they would not cause harm to either public safety or amenity. They would preserve the character and appearance of the area.

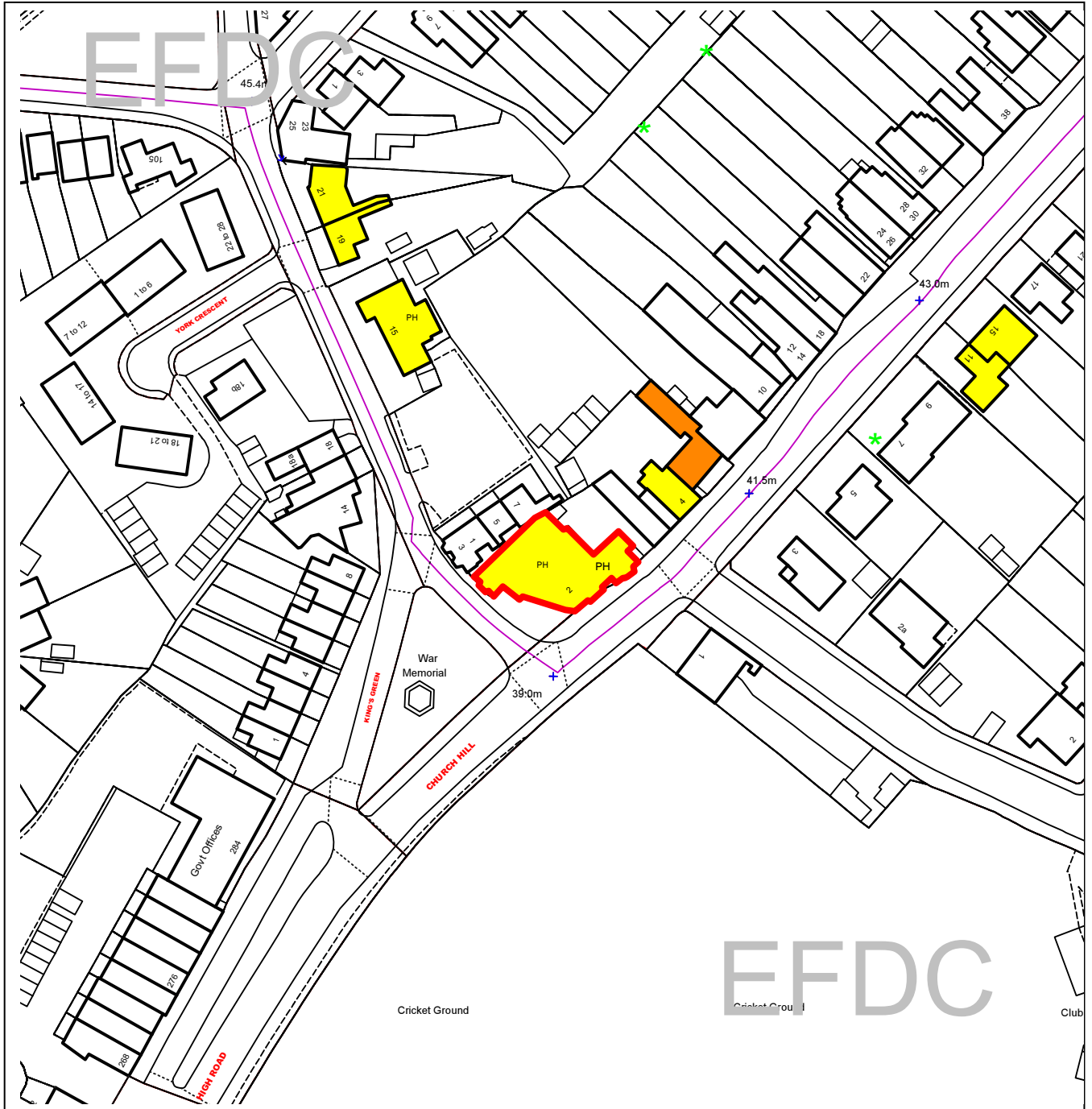
The 'Zizzi Ristorante' individual lettering sign on the Church Hill elevation is considered to be harmful to the locally listed building and to the character and appearance of the wider area including the York Hill Conservation Area. Accordingly, it is harmful to the interest of amenity.

It is recommended that a split decision be issued refusing express consent for the 'Zizzi Ristorante' individual lettering sign on the Church Hill elevation and granting express consent for the remainder of the signage that actually requires express consent. It is further recommended that the decision make clear that it does not relate to the display of those proposed signs that benefit from deemed consent.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	5
Application Number:	EPF/0900/10
Site Name:	Zizzi, 2 Church Hill, Loughton IG10 1LA
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/0921/10
SITE ADDRESS:	153 Colebrook Lane Loughton Essex IG10 2HP
PARISH:	Loughton
WARD:	Loughton Fairmead
APPLICANT:	Mrs Claire Lopez
DESCRIPTION OF PROPOSAL:	Erection of a single storey front 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.

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 Councils delegated functions).

Description of Proposal:

Erection of a single storey front extension (Revised application)

Description of Site:

A two storey house at the end of a terrace of four dwellings on the north-west side of Colebrook Lane. This terrace is angled away from the road, and with two other terraces forms a shallow crescent of houses set back from the road.

Relevant History:

EPF/278/10 – this application, also for a front extension, was withdrawn. This was because officers advised that with a projection of 1.8m the application was likely to be refused on grounds of impact on the appearance of the terrace and effect on the neighbours outlook.

Policies Applied:

DBE9 – Loss of amenity;
DBE10 - Residential extensions;

Summary of Representations:

LOUGHTON TOWN COUNCIL – Object. The Committee did not believe the revised application had overcome its previous objections made on EPF/278/10 and reiterated these comments which were – to object because the proposal breaches policies DBE9 and DBE10 since it would cause both a loss of amenity and light to adjacent properties and have a deleterious effect on the street scene and the relatively uniform and unchanged frontages of the crescent of houses. The Committee were also concerned that the proposed hardstanding for a car in the front garden would cause highway safety concerns, the access would traverse 2 footpaths and a grass verge, and no information is given as to how water dispersal would be dealt with. Concern was also expressed at loss of a tree and hedges.

3 neighbours have been consulted and two replies have been received.

151, COLEBROOK LANE – object. The property is in an arc of 12 houses on lower land set back from the road, and a front extension will spoil this view. The extension and retaining wall will obscure the outlook from my front door. A raised hard surface for a car may cause flooding to my property. Consent from the Highways department would be needed first for any vehicular access, and reversing from such an access would be a safety hazard, particularly to small children.

149, COLEBROOK LANE – object. The proposed 1.2m front extension (1.4m including the bay window) would be totally out of character with the other 11 houses in the crescent and would set in motion other similar applications. The proposal would also create a divide between council tenants and home owners. The extension and paved area would worsen risk of flooding and there is a gradient towards adjoining houses. The new access and hardstanding will contravene Essex CC highways guidelines, and a car parked on a raised level would block our light in the morning. A tree and hedges would be lost.

EFDC HOUSING SERVICES – A letter has already been sent regarding the need for the applicants to obtain covenant consent for the proposed extension. A dropped kerb (and hardstanding) is covered separately and a separate application for this has been received.

EFDC Engineering, Drainage, and Water team – the site lies within an Epping Forest District Council flood risk assessment zone. The proposed development is minor and will cause only a negligible increase in surface water run off, therefore a Flood Risk assessment is not required. There are no foul or surface water drainage requirements, and there is no objection to the planning application.

Issues and Considerations:

The submitted plans show provision of a vehicular access to a proposed new hardstanding in the front garden. However, because Colebrook Lane is not a classified route planning permission is not required for this vehicular access. As stated above however consent for this access will be required from the Highway Authority, and also from the Council's Housing Department given that an access to a hardstanding in the front of a former Council owned property is proposed.

The proposed front extension will project out from the front wall of the house by 1.2m and will have a width of 4.7m. A projecting bow window is proposed. The depth of the projection of the extension has been reduced to 1.2m from the 1.8 proposed in the application withdrawn earlier this year.

The properties lie some 1.3m below the level of the pavement along Colebrook Lane. Although none of the other 12 houses in this crescent of homes has a front extension, the reduced depth of the revised extension, the use of a pitched and hipped roof, its low lying position, and proposed use of matching brick and roof tile, will mean that the proposal will now not have an undue impact upon the appearance of this crescent in the street scene. It should be pointed out that in the wider

Debden area there are many examples of similar front extensions to this basic and very common property type, and some of these front extensions project to a 1.5m depth. Front extensions are common since kitchens and bathrooms are located across the width of the ground floor rear - and hence enlargement of the lounges to these houses involves extending out from the front main wall. It is acknowledged that the proposed extension will have some effect upon the uniformity of the crescent but this is not sufficient to warrant a refusal. In addition, the text to local plan policy DBE10 allows for 1m front extensions to houses, and this proposal only just exceeds that.

The nearest opening to the proposed extension in the front wall of the adjoining no.151 Colebrook Lane is a front door. The extension will be some 1.7m away from the front door. Although there will be some loss of outlook when entering and leaving this neighbouring property, and from its front garden, this loss would not be to an appreciable level, and is some way short of justifying a refusal of consent on these grounds.

A small tree would be lost from the front garden as a result of this extension. However compared to trees on the Green opposite it has a very small greening affect in the street scene and its removal is acceptable. Concerns have also been raised about flooding but the Land Drainage section has no objections to the proposal

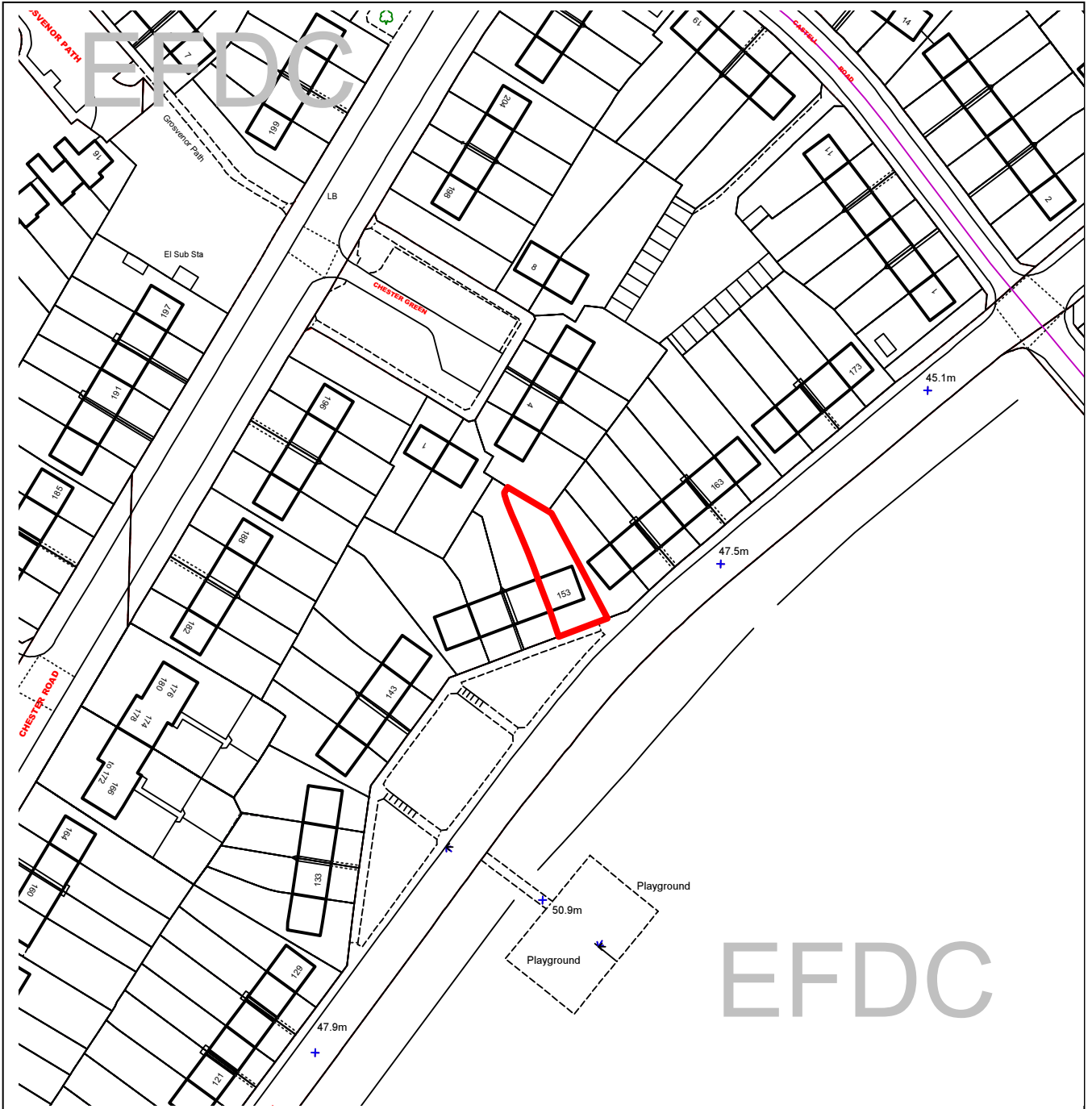
Conclusion

It is acknowledged that Town Council and neighbours have strong objections to the development, but those related to the access, raised hardstanding, and removal of hedges, fall outside the remit of planning. The front extension is however, development requiring planning permission. Although it will detract a little from the current uniform appearance of the crescent this does not justify consent being withheld. The revised proposal does now form an acceptable balance between visual amenity issues and the desire of a family to enlarge an existing modest sized living room. It is therefore recommended that conditional planning permission be granted.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	6
Application Number:	EPF/0921/10
Site Name:	153 Colebrook Lane, Loughton IG10 2HP
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/0924/10
SITE ADDRESS:	36 Stradbroke Drive Chigwell Essex IG7 5QY
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mr George Singh
DESCRIPTION OF PROPOSAL:	New front and side boundary fence, wall and gates.
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 materials to be used for the proposed gates, railings, piers and walls shall be as indicated on the submitted plans No's AR- P- 03, 04, Rev B and AR- P- 05 Rev A
- 3 The proposed gates shall only open inwards and shall be permanently retained as such.

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 replace the existing boundary treatment at the front and side elevations of this property with a new treatment. This would include two sets of gates along the front which at their highest point would be 3.1m. Each set of gates would have a set of piers, the highest of which would be 3.0m. A low set wall with railings to a height of 2.1m would be situated between the gates. The total length along the front boundary would be 18.2m. The boundary treatment along the side elevations as far as the proposed front elevation of a replacement house would be a low set wall with piers, and railings between the piers. This would measure 14.2m along the western boundary and 12.2m along the eastern.

Description of Site:

The proposal property is a large detached dwelling on a road of detached homes of similar size and scale, all having substantial rear gardens. The area is characterised by a diverse range of architectural styles. Planning permission has been gained for a replacement dwelling at the site which has not yet been constructed (EPF/1126/09). There are examples of similar front boundary

treatments along the road, including the structure to be replaced. However some front boundaries are also low set or open.

Relevant History

EPF/1753/80 - Single storey rear extension. Grant Permission (with conditions) - 31/12/1980.

EPF/0700/91 - Two storey front extension. Grant Permission (with conditions) - 19/08/1991.

EPF/0558/92 - Use of outbuilding for jewellery workshop by applicant only. Refuse Permission - 23/07/1992.

EPF/1812/08 - Refurbishment, additions and alterations to existing detached house, incorporating rear two storey extension, new roof and loft floor, internal alterations and new facade. Withdrawn Application - 10/11/2008

EPF/2173/08 - Refurbishment, additions and alterations to existing detached house, incorporating rear two storey extension, new roof with rear dormers and loft floor, internal alterations and new facade (Revised application). Grant Permission (With Conditions) - 22/01/2009.

EPF/0657/09 - Proposed amendments to approved planning on EPF/2173/08, including additional dormer windows to the front elevation and amendments and additions to the side windows. Grant Permission (With Conditions) - 03/06/2009.

EPF/1126/09 - Proposed demolition and rebuild of house to include additional loft floor, extension to the rear and new roof, all details to be the same as approved plan EPF/0657/09 except the demolition and rebuild of the side walls. Grant Permission (With Conditions) - 18/08/2009.

EPF/0842/10 - Certificate of lawful development for a proposed outhouse swimming pool to rear of site. Lawful - 08/07/2010.

Policies Applied:

Policy CP2 – Protecting the Quality of the Rural and Built Environment

Policy DBE1 – Design of New Buildings

Policy DBE2 – Effect on Neighbouring Properties

Policy ST4 – Road Safety

SUMMARY OF REPRESENTATIONS:

NEIGHBOURS: - 6 properties consulted – 1 reply.

34 STRADBROKE DRIVE: Comment. Please note that the existing front side boundary between the application site and No34 is our side boundary.

TOWN COUNCIL: Objection. The height and design is excessive and will be out of keeping and have a dominant appearance in the streetscene.

Issues and Considerations:

The main issues to consider are the consequences of the proposed boundary treatment for highway safety and the appearance of the locality.

Highway Safety

The structure along the front boundary would replace railings, gates and piers of a similar height and design and would not further compromise road safety. Cars could exit the property in a forward gear and there is also space on the existing accessway between the front boundary and the road for cars to wait for the gates to open, free of the carriageway.

Impact on Appearance of Area

The proposed boundary treatment is relatively dominant in appearance. However taking in the context of what it replaces, and bearing in mind other similar structures in the vicinity it is deemed acceptable. Stradbroke Drive has evidently undergone significant change in recent years and clearly low set or open plan boundaries were once the predominant style along the road. However this is changing and a large number of properties have similar front boundary treatments to this proposal. Indeed the gates, piers and fencing to be replaced are similar in size and style. The proposed design is more intricate than that it replaces, but this is not of particular concern. The proposal would not be out of keeping with the character and appearance of the area and is deemed acceptable.

Neighbour Comments

The neighbour on the western boundary, No34, has stated this boundary is under his ownership and as such under his control to alter. The applicant has since submitted amended plans so that the proposed boundary treatment at this side is shown set in from the boundary line.

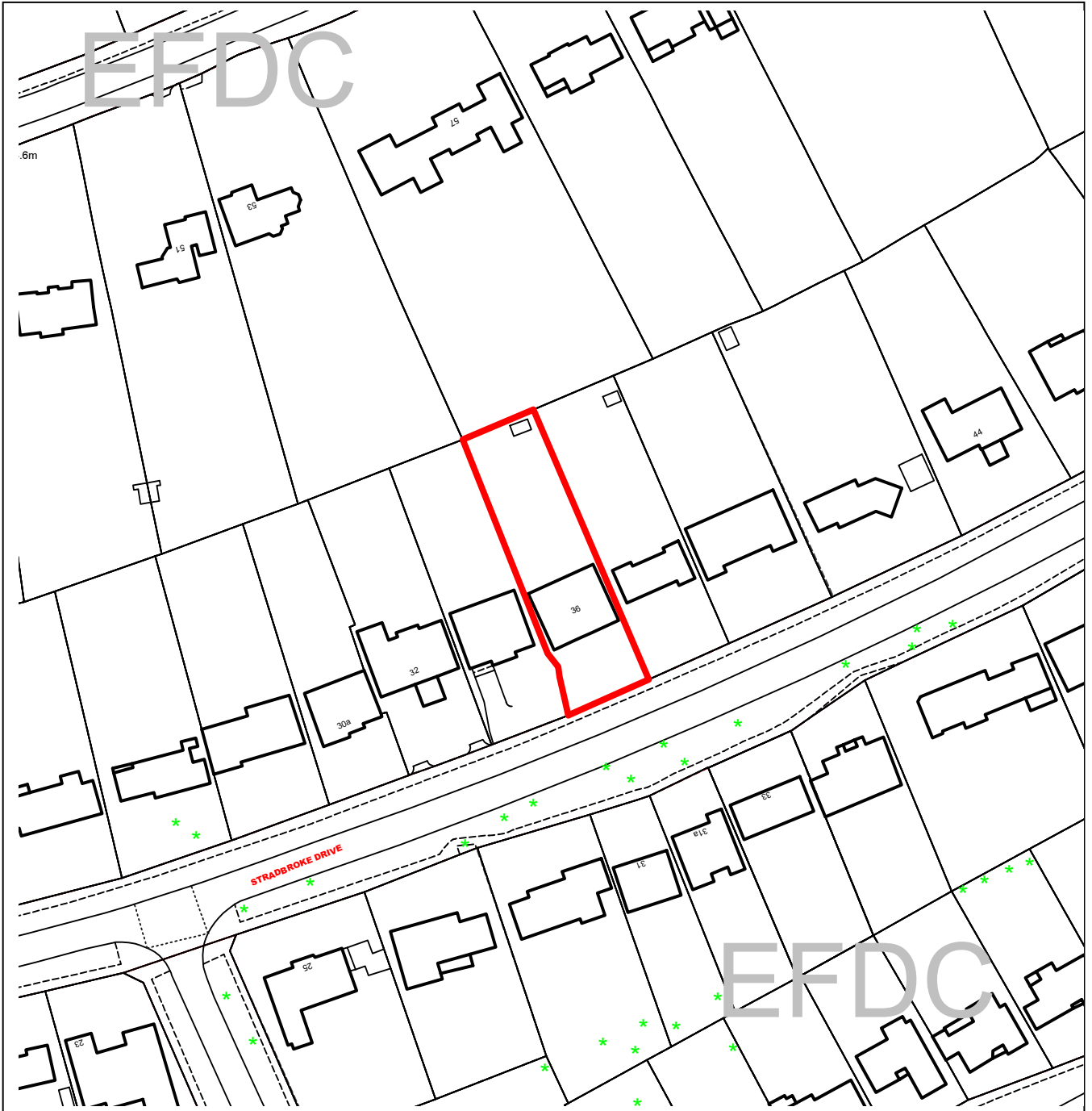
Conclusion:

The proposed structures would have no adverse impact on the character and appearance of the area and road safety would not be compromised. It is therefore recommended the application be approved with conditions.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	7
Application Number:	EPF/0924/10
Site Name:	36 Stradbroke Drive, Chigwell IG7 5QY
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/0975/10
SITE ADDRESS:	Epping Forest College Border's Lane Loughton Essex IG10 3SA
PARISH:	Loughton
WARD:	Loughton St Marys
APPLICANT:	Mr Roger Tiffin
DESCRIPTION OF PROPOSAL:	Construction of 76 (previously granted 81) new dwellings and all associated garages, sub-station, car ports, refuse and cycle stores. Amendment to RES/EPF/2100/06. (Reserved matters application for 268 no. residential dwellings and associated infrastructure.)
RECOMMENDED DECISION:	Grant Permission (Subject to S106 agreement)

CONDITIONS

- 1 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.
- 2 Prior to the commencement of development details of new screen walls, fences or such similar structures, including those around the perimeter of the site shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 3 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages hereby approved shall be retained so that they are capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 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 Part 1, Class A and B shall be undertaken without the prior written permission of the Local Planning Authority.

- 5 The details submitted regarding the retention of existing trees and shrubs, in respect of condition 5 of outline planning permission EPF/1244/05 and landscaping proposals, in respect of condition 6 of outline planning permission EPF/1244/05, shall be carried out in strict accordance with drawing nos. JBA 06/42-05 Rev C and JBA 06/42-04 Rev. C received on 22 January 2007, unless otherwise agreed in writing by the Local Planning Authority.
- 6 The submitted Landscape Method Statement prepared by James Blake Associates dated October 2006 and received on 25 October 2007, in respect of condition 7 of outline planning permission EPF/1244/05, shall be implemented in full on site unless otherwise agreed in writing by the Local Planning Authority.
- 7 The details submitted relating to condition 8 of Outline Planning Permission EPF/1244/05 in respect of a Landscape Management Plan prepared by James Blake Associates dated September 2006 and received on 22 January 2007 shall be fully carried out on site in the first planting season following the completion of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.
- 8 All road junctions shall be provided with a 33 x 2.4 x 33 metre visibility splay maintained clear to the ground at all times. These visibility splays shall be provided prior to the road being used for vehicular traffic and retained free of obstruction at all times.
- 9 Prior to the occupation of each dwelling, all vehicular accesses to the completed dwelling shall be provided with a 1.5m by 1.5m pedestrian visibility splay on both sides. There shall be no obstruction above a minimum height of 600mm within the pedestrian visibility splays thereafter.
- 10 Notwithstanding the details shown on the approved plans, details of refuse storage facilities on site shall be submitted to and agreed in writing by the Local Authority prior to commencement of the development. The details as agreed in respect of each house and block of apartments shall be completed prior to first occupation of each house and block of apartments.
- 11 All construction traffic associated with the development shall enter and leave the site from the position of the new access road, that adjoins the eastern site boundary, off Borders Lane only, and not at all from Newmans Lane.

This application is before this Committee since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section CL56, Schedule A (d) of the Council's Delegated Functions).

Details of Proposal:

Permission is being sought to revise and re-plan part of the original reserved matters consent, ref. EPF/2100/06, granted in June 2007 for the redevelopment of Upper Site part of Epping Forest College for 268 private and affordable homes. The part of the site seeking this revision proposes 76 instead of 81 dwellings.

Description of Site:

Re-planned area of 1.46 hectares is part of overall site of 4.2 hectares of former school building site that was until recently the “upper” part of the three college sites that formed Epping Forest College site on the north side of Borders Lane. At present Redrow Homes are implementing the current reserved matters planning permission and have either completed or are in the process of completing the remainder of the dwellings outside the boundary of this new application. The application site has a road frontage to Borders Lane and includes an area of retained trees south-west of the proposed re-planning. A relatively short part of the site backs onto the rear gardens of houses to the north-west in Newmans Lane.

Relevant History

Outline planning permission granted for a Residential Development and Section 106 Agreement signed October 2006 on the 4.2 hectare Upper Site. (Ref: EPF/1244/05). The outline application was submitted at the same time as part of a wider joined-up scheme for the redevelopment of the College resulting in a new college building, including a replacement public library on the Lower Site towards the junction of Borders Lane with Rectory Lane. The College building has been built and is occupied. Section 106 Agreement requirements were:- 30% affordable housing, travel plan, £42,000 education contribution, on and off-site road works in Borders Lane, financial contribution of £150,000 for improving transport infrastructure in the area, and making good Grade II Loughton Hall (at the time in ownership of the College) fit for occupation.

The reserved matters application detailing the residential development (EPF/2100/06) was granted in June 2007 for 268 dwellings (89 affordable housing units - increased to 33.2% as a deed of variation to the s.106 agreement).

Relevant Policies

Local Plan policies:-

- DBE1 – Design of new buildings
- DBE2 – Effect of new building on surroundings
- DBE3 - Estate layout and design
- DBE6 - parking layout
- DBE8 - Amenity Space
- DBE9 – Amenity of local residents considerations
- LL10 & LL11 - Landscaping
- H3A – Housing density
- H4A – Dwelling mix
- ST1 – Location of Development
- ST2 – Accessibility of Development
- ST4 – Road Safety
- ST6 – Vehicle parking
- I1A – Planning Obligations

Supplementary Planning Guidance - Essex Design Guide

Summary of Representations

31 local addresses were consulted - no responses have been received.

TOWN COUNCIL - No Objections

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP - Object because of lack of a screen of trees on Borders Lane, but happy to withdraw our objection if the approval makes this compulsory

and continuing condition. Green area to be left at west end of the site, but would like to see more than a single tree in front of blocks marked 171-176 and 177-188. If the proximity of the road rules out trees, would like to see some form of landscaping to soften overbearing appearance of these blocks.

Issues and Considerations

The main issues in this case are whether the revised density mix provides acceptable housing provision, whether the layout and appearance of the houses will have an acceptable visual impact upon the street scene and be in keeping with the rest of the accepted layout of this new residential estate.

Density and Housing Mix

The original consent for this area of the site proposed 81 private dwellings at a density of 55 dwellings per hectare. The mix of dwellings currently approved is:

14	3 bedroom houses
24	4 bedroom houses
07	2 bedroom houses
22	2 bedroom apartments
12	1 bedroom apartments
02	2 bedroom maisonettes

The proposed development would comprise of 76 private dwellings at a density of 52 dwellings per hectare. This will comprise of the following mix:

14	3 bedroom houses
22	4 bedroom houses
09	2 bedroom houses
25	2 bedroom apartments
05	1 bedroom apartments
01	2 bedroom maisonettes

The site is being built in 5 phases and this is the final part of the Redrow Homes development. The changes are as a result of market demand which on the other built phases has seen low demand and sale of one bedroom apartments, but greater interest in 2 bedroom units. Policy H4A requires a provision be made for a range of dwellings, including smaller dwellings, which this slight revised mix will still provide. The lower density level will be in character with surrounding development and complies with policy H3A.

Layout and Design

The frontage to Borders Lane will remain relatively unchanged, such that the previously accepted crescent of three-storey terrace of town houses along the frontage to Borders Lane and retention of the open space and cluster of mature trees in front will still be the main attractive feature of the design of the estate where it is most visible. Plots 171 - 205 nearest to Borders Lane and turning into the estate road are as per the previous approval (three storey with an additional storey on the key corners). The proposal from Loughton Residents Association (LRA) to set back the development at this point would therefore be unreasonable for the District Council to pursue, given this committee considered the approved siting and design to have been acceptable when LRA raised the same issue previously in 2007. However, there is soft landscaping proposed in front of this block behind existing mature trees along the footway, which will maintain the sylvan appearance of the development on this side of the estate road.

The main change is within the centre of this phase, behind the crescent three storey terrace of town houses. The new proposal removes the rather haphazard approved layout of houses, apartments, garages and parking and instead creates a more defined, functional layout where there is better enclosure to the parking areas and order to the siting of the residential buildings. 112 parking spaces are proposed for 76 residential units, 8 more than the previous approved layout and is acceptable in this sustainable location close to good public transport provision, shops, businesses and education facilities.

The principle of the Essex Design Guide is met with strong building frontage onto the streets and parking predominantly to the rear such that vehicles do not appear too visually dominant to the detriment of the estate layout and concept. Private garden areas will be to the rear of houses and a large communal amenity area for apartments provided in a large area of retained trees and grassed open space that will also be an attractive soft landscaped setting for the front of the development.

The design concept of the houses and apartments remains unaltered, with the neo-classical swept three storey crescent terraces at the front looking out onto the public open space and the more vernacular two and two and a half storey houses to the rear. External materials will be in keeping with the remainder of the estate (a mixed palette of red and yellow bricks, colour wash and painted render, stone walls; and for the roof, slates and orangey-brown plain tiles together with ground paving for the parking areas and access ways).

The revised layout complies with policies DBE1 - 9 and LL10 and 11.

Other Matters

Only a small portion of this phase is adjacent to existing houses, located towards the top end of Newmans Lane. The layout and size of the proposed buildings remain unchanged from that previously approved.

The section 106 agreement requirements have been paid and delivered. None of this revised application site includes the affordable housing, which has been delivered as part of the Section 106 agreement in parts of the other approved layout, most of which has now been built. (As part of the legal agreement, Redrow have transferred all the land for affordable housing to two registered social landlords (RSL): Moat and Home Group, but have a build contract to construct them). The application site though does form part of a phasing plan (phase 2) in the original section 106 agreement, the requirement of which states that not more than 75% of the private housing can be occupied until the phase 2 affordable housing has been transferred to the RSL and constructed. To ensure the current application is still caught by the terms and conditions of the existing Section 106 agreement, a deed of variation has been completed and accepted.

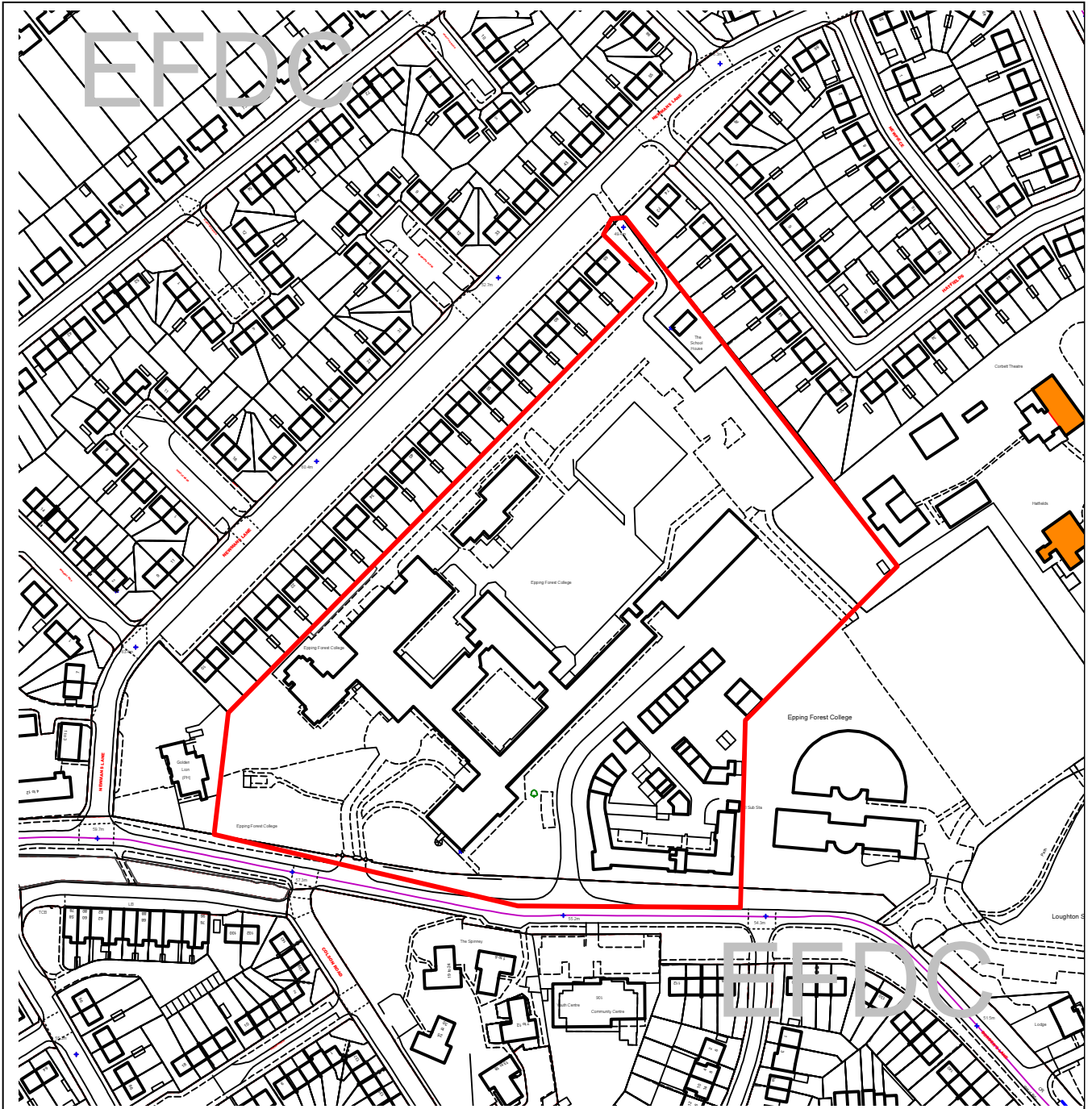
Conclusion:

The revised final phase of the development retains the design quality accepted on the original approved reserved matters application with a slight reduced density together with an improved layout, housing mix and standard of parking to serve the dwellings without any reduction in the affordable housing provision for the whole site. It complies with the relevant policies of the adopted local plan and alterations and is therefore recommended for approval.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	8
Application Number:	EPF/0975/10
Site Name:	Epping Forest College, Border's Lane Loughton, IG10 3SA
Scale of Plot:	1/2500

Report Item No: 9

APPLICATION No:	EPF/0986/10
SITE ADDRESS:	77 High Beech Road Loughton Essex IG10 4BN
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Miss Louise Gordon
DESCRIPTION OF PROPOSAL:	Change of use to office (from temporary health care residential accommodation) with staff car parking at rear. Hours of use Monday to Friday 9am - 5.30pm.
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 This consent shall inure solely for the benefit of Miss Louise Gordon and for no other person or persons.
- 3 The office use hereby permitted shall not be carried on outside the hours of 9am to 5.30pm Mondays to Fridays.
- 4 The layout of the area to the rear of the building, showing proposed car spaces, and walls/enclosures and trees to be retained, shall be submitted to and approved in writing by the Local Planning Authority before the building is occupied. Once approved the details of this layout shall be implemented on site before the building is first occupied.

This application is before this Committee since the recommendation differs from the views of five expressions of objections from neighbours and the local residents association..

Description of Proposal:

Change of use to office (from temporary health care residential accommodation), with staff car parking at the rear. Hours of use Monday to Friday 9 am to 5.30pm.

Description of Site:

This property lies at the apex of a narrow triangle where Beech Road meets Smarts Lane. Formerly it appears to have been a corner shop plus residential accommodation, and also then

possibly used as a café. It was last used by the Primary Care Trust as residential accommodation for 3 people with learning difficulties. The area is primarily residential but two public houses, The Royal Oak and Victoria Tavern, lie opposite.

Relevant History:

As above.

Policies Applied:

DBE9 – Loss of amenity
E12 – Small scale business/working from home;
ST4 – Road safety;
CP2 Protecting the quality of the rural and built environment.

Summary of Representations:

LOUGHTON TOWN COUNCIL – No objections- and pointed out that these premises had once been a café.

LOUGHTON RESIDENTS ASSOCIATION – We object to this application. Whilst we appreciate the problems of this particular building in this particular situation, the area in which it stands is residential, and in the past efforts have been made to remove non residential uses nearby. However, if the Council does decide to grant this application we would like to see the permission made specific to the type of use and hours of business proposed, so that any proposals to change the use or hours in ways which would be less reconcilable with a residential area can be properly examined and decided upon.

13 neighbours have been consulted, a site notice erected, and 4 letters have been received.

122 SMARTS LANE – Object. A commercial office should not be established in a quiet residential area, particularly when there is vacant office space currently available in and around Loughton High Road. We are already burdened by comings and goings from the two pubs opposite. Provision for 5 car spaces will likely lead to creation of another vehicular access onto Smarts Lane, and any increase in traffic will exacerbate existing high traffic levels caused by Staples Road junior school, and commuters. A mature apple tree should be retained.

3, FOREST VIEW ROAD – I note that there will be a staff car park, but where would any visitors park? Our roads are full of daytime parkers as it is, often making it difficult to access our drives.

159, SMARTS LANE – I note a staff car park is proposed - if this is inadequate for both staff and visitors then the impact of the proposal on residents parking, which is already difficult, should be considered. Will the disabled parking space go? What type of office use is proposed?, and the mature apple tree should be retained.

157, SMARTS LANE – This is predominantly a residential area with a recent history of commercial properties being converted to residential. It would be a retrograde step to allow residential properties to be used for commercial use. What restrictions will be placed on the use to prevent nuisance to residents, and can these be enforced? We would strongly oppose signs that would be out of character. Any felling of the apple tree would change the area. Concerned about possible extensions to the office in the future, or indeed whether an office redevelopment could take place. Are the proposed hours of use realistic?

Issues and Considerations:

This 2 storey property is currently vacant and has recently been up for sale. It has a rear yard rather than a garden, possibly reflecting its historic use as a corner shop with residential accommodation over.

The main issues raised by this application are - is an office use a satisfactory use of the property? – would this office use cause an undue loss of amenity to residential neighbours? - and will local car parking problems be exacerbated?

The applicant runs a small office use, with a staff of 6, providing advice to companies in respect of their communications and marketing. They currently occupy premises in Edmonton but have to vacate. When they made pre-application enquiries it was suggested to them that they look at vacant purpose built office accommodation at the other end of High Beech Road closer to the High Road. However as a design company they state that the appearance and layout of the application property was far more suited to their purpose.

Concerns similar to some of those raised by neighbours have been put to the applicants. In response they confirm that their hours of use will be only 9 am to 5.30 pm Mondays to Fridays. In terms of visitors they state that they make most trips to their clients' premises, not the other way round. There is a yard area at the rear currently accessed from High Beech Road, and they propose to use this yard for 5 spaces for staff. The applicants advise that it is intended that the existing disabled car space on High Beech Road would, subject to the agreement of the Highway Authority, be removed and made available for public use. The applicants are also agreeable to a personal planning permission which would ensure that if and when they vacated, any new office firm would have to obtain a fresh planning permission to occupy the property.

Whilst ideally a residential use may be preferred over an office use, all of the ground floor windows of this property are either positioned on a pavement, or a few feet away from a pavement, a feature that reflects its previous ground floor commercial use. This lack of privacy militates against the property being brought for a residential occupation by a family. However, some form of rented non-family accommodation would be more likely.

It is acknowledged that the area has narrow roads and associated parking difficulties, particularly when the two pubs opposite are busy. However, the applicants use is a small office one with its own staff car park. They are prepared to accept conditions ensuring the use does not carry on in the evenings and at weekends, and any breach of such a condition can be enforced against under planning powers. They also state that only a small plaque sign, similar say to a doctor's sign, would be erected, and they wish to retain and enhance the current residential appearance of the property. In terms of parking a condition can be attached requiring details of the layout of the parking area at the rear to be submitted and approved before the use commences.

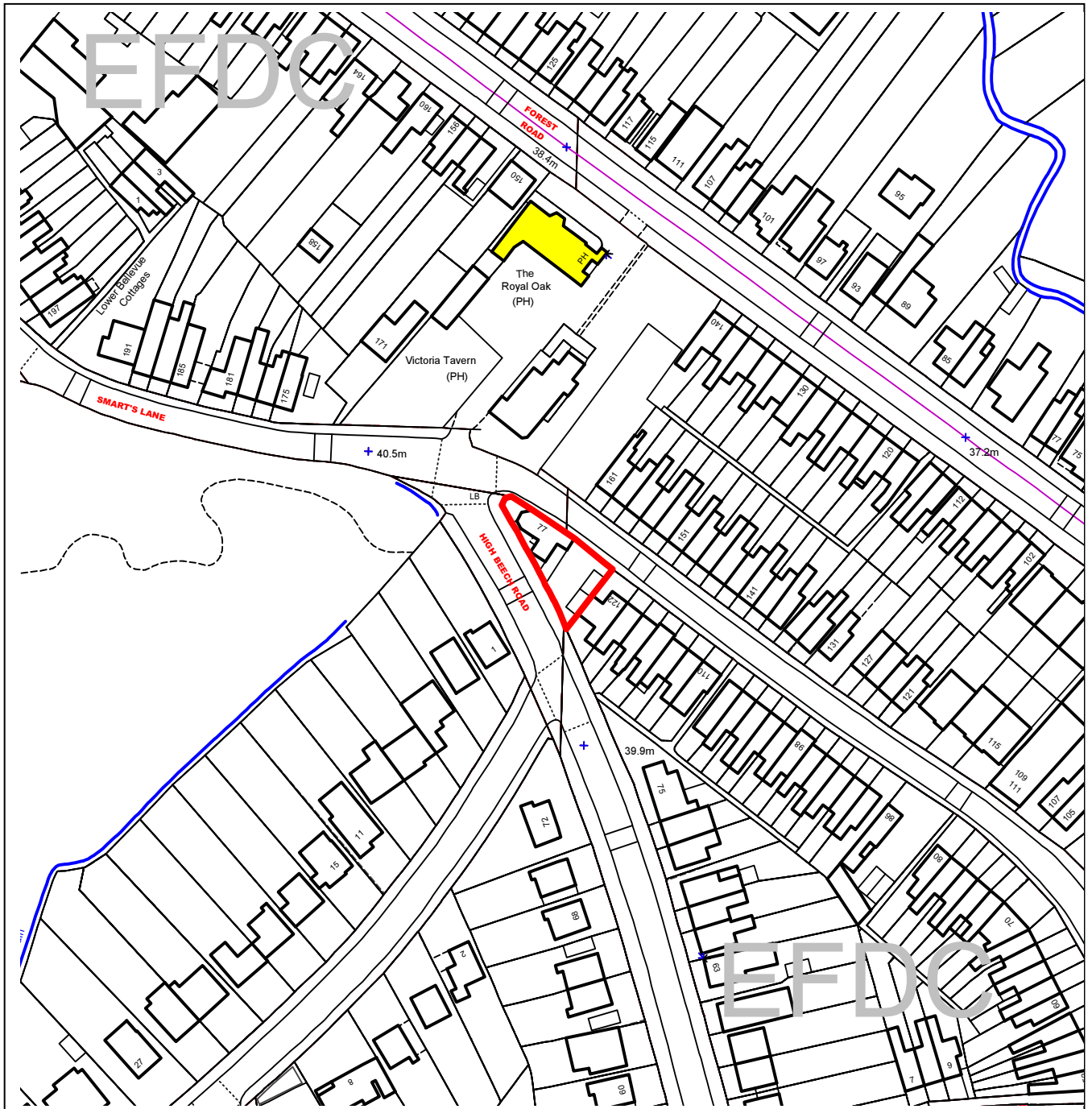
Conclusion:

This application for office use has to be assessed on its own merits and cannot be refused because a residential use is preferred. The property has in the past been partly used for commercial purposes, and the lack of privacy to ground floor rooms would not be attractive to domestic family use. The proposed office would not be used in the evenings and at weekends, and the applicant is prepared to accept this and other conditions regulating the office use. Consequently, it is recommended that conditional planning permission be granted.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	9
Application Number:	EPF/0986/10
Site Name:	77 High Beech Road, Loughton IG10 4BN
Scale of Plot:	1/1250



Appeal Decision

Hearing held on 27 July 2006

Site visit made on 27 July 2006

by **Frances Mahoney DipTP MRTPI IHBC**

an Inspector appointed by the Secretary of State for
Communities and Local Government

The Planning Inspectorate
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Temple Quay House
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Date: 18 September 2006

Appeal Ref: APP/J1535/A/06/2008145/NWF

118 High Road, Chigwell, Essex IG7 5AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr L C Earl against the decision of Epping Forest District Council.
- The application Ref EPF/424/05 dated 8 March 2005 was refused by notice dated 1 August 2005.
- The development proposed is the demolition of a single dwelling and the construction of 10 apartments, including improved access and underground parking.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matters

1. The Council has dealt with the outline application on the basis that all matters of detail have been reserved for later determination. The submitted drawings, showing possible floor plans, siting, layout and a front elevation of the proposed building, are therefore purely illustrative but do indicate how the proposed development could be accommodated on the site. I shall therefore have regard to them on this basis in determining the appeal. The only formal application plan is drawing number JTS/5636/01.
2. In my view the planning application, the subject of this appeal, was quite legitimately dealt with as an outline application. Any permission would have been subject to a condition specifying reserved matters for the Council's subsequent approval. The Council had the opportunity to require the submission of all or any of the reserved matters if they were of the opinion that, in the circumstances of the case, the application ought not to be considered separately from them. In this instance the Council considered the application to be valid and appropriately submitted in outline form. I would concur with this view taking into account the physical attributes of the site and its locality, the areas planning policy designation, the quality of the surrounding development taking into account the setting of the listed buildings in the vicinity, and the appeal site's spatial relationship with the neighbouring development. I am therefore satisfied that this appeal comes out of a valid planning application and that it is entirely right and proper for me to consider the proposal on that basis.
3. The appeal site was the subject of an earlier planning application (EPF/1616/97) which was for the demolition of the existing development and replacement by flatted development. The series of illustrative plans which accompanied the application showed the development to involve 16 flats with underground parking. Planning permission was refused and the subsequent appeal (T/APP/J1535/A/98/295069/P7) was dismissed. Although there are similarities between the current proposal and the permitted scheme there are noticeable

differences. I have therefore considered whether these differences are sufficient to warrant a different decision in this case.

Main Issue

4. I consider the main issue in this case is the effect of the proposed development on the character and appearance of the area.

Planning Policy

5. The development plan for the area includes the *Essex & Southend-on-Sea Replacement Structure Plan* (SP) adopted April 2001 and the *Epping Forest District Adopted local Plan* (LP) adopted January 1998. Since the decision on this proposal was made alterations to the LP within the *Local Plan Alterations Redeposit* (RLP) dated July 2005, were adopted on 10th July 2006 and should be used alongside the LP.
6. A number of policies have been brought to my attention but, I find the following to be of most relevance in this case. SP Policy BE1 sets out that, existing built-up areas will be used in the most efficient way to accommodate new development. However, if new development in urban areas is considered to be an unsympathetic change, it would not be permitted. LP Policy DBE1 requires new buildings to respect their setting whilst being of a size and position such that they adopt significance in the street scene. LP Policy LL10 expects development proposals to make adequate provision for the retention of trees which are considered to be of significance or potential amenity value. LP Policy DBE9 identifies the need to design new development so that potential adverse effects on neighbouring properties are minimised.
7. The relevant policies in the RLP follow the general thrust of those within the LP and have the effect of updating their terms. However, a greater emphasis is placed on promoting sustainable development within the policy framework, particularly in respect of the re-use of previously developed land as well as accessibility to sustainable means of transport.
8. The thrust of the relevant development plan policy follows that of Government guidance contained in Planning Policy Statement 1: *Delivering Sustainable Development*, Planning Policy Guidance Note 3: *Housing*, and Planning Policy Guidance Note 13: *Transport*. The Government's overall aim is the delivery of sustainable development. Planning should promote the more efficient use of land through higher densities and the use of suitably located previously used developed land and buildings. Planning should reduce the need to travel, making the fullest use of public transport and focus developments in existing centres and near to major public transport interchanges.

Reasons

9. The appeal site lies on the edge of an established residential area and a commercial centre. High Road is characterised by large detached, individually designed properties, of varying height and scale. Some stand on sizable plots and substantial mature trees, particularly on the eastern side of High Road, give the area a green and leafy appearance. The house adjoining the appeal site to the south, No 120, is barely visible from the road due to a bank of tall dense frontage trees. Behind the properties on the eastern side of High Road are the greens and fairways of the Chigwell Golf Course.

10. Adjoining the appeal site to the north is an estate agents office with a garden centre beyond, and Chigwell Station, part of the Central Tube line, past that. The railway itself is set down in a deep, well vegetated cutting. Once over the railway bridge and past the Station, a more mixed form of development prevails. This includes the shops and businesses which make up the Chigwell commercial centre. A number of blocks of flats are included in this area.
11. The appeal site accommodates a single property with garage, which stands well back from the main road. No 118, or Charlesworth as it is also known, has the appearance of a chalet bungalow from the front, but a 2 storey house to the rear. The property is particularly imposing due to its elongated appearance. A combination of the house itself, the linking walls and the adjacent garage affords the property the appearance of some grandeur taking up a significant amount of the width of the plot.
12. The appeal site includes a number of large mature trees around its boundaries which have a significant visual impact in the street scene, both from High Road and from the Golf Course. A considerable number of these trees are covered by Tree Preservation Order TPO/EPF/35/04 (TPO).
13. The appeal site is sandwiched between the commercial nature of the Chigwell centre with its flatted developments, and the residential character of the High Road. It seems to me that whilst the site does have a strong visual relationship with the established residential development to the south nonetheless the commercial, mixed development to the north has some influence.
14. The appeal proposal is in outline form with the actual details of the design not yet known. However, the description of development specifies the proposal as being for 10 apartments with underground parking. Whilst the plans before me are illustrative only, they do show one option for accommodating such a development on the site. The frontage of the building would be slightly further forward on the plot than that existing. The width of the building would be comparable to that of the existing property and garage. The siting of the proposed flats is shown as being more central to the plot. At the level of accommodation proposed the floor area would be greater than that existing. However, the illustrative front elevation shows a building of some consequence, reminiscent of a large individually designed house from a bygone era. Whilst such a design would be of a greater scale and massing than that existing, it would nonetheless, in my view, sit comfortably on the plot. The illustrative plans are based on a development of 10 two bedroom flats. In seeking to provide wider housing opportunity and choice to create a mixed and balanced community, the blend of proposed apartment types may change.
15. I do not therefore consider that an appropriately designed development of flats would be out of the character with the area which surrounds the appeal site. In assessing the suitability of the appeal site to accommodate a building of sufficient size to accommodate a flatted development of 10 apartments, I am conscious that the domestic scale of the development to the west and south should be respected. The overall depth of the appeal site; the potential for a generous set back of the property; the sweeping nature of the front driveway; the amount of frontage and boundary trees and landscaping on site, as well as along High Road; and the location of the site so close to Chigwell Station and the Chigwell centre, are all factors which I have taken into account. I consider it would be possible to design a building using traditional proportions, materials and detailing, so that it would blend easily with its setting.

16. The appeal proposal considered by the previous Inspector was for a development of 16 flats. He concluded that a building designed to accommodate such a number of units would be likely to be far too bulky for it to be read as a single dwelling thereby eroding the existing domestic character and appearance of the area. The appeal proposal before me concerns a smaller scheme in terms of the number of units and width of the proposed development. The Inspector, in considering the earlier scheme, would have exercised his judgement on the evidence in relation to that particular case. I must similarly use my judgement in respect of the evidence before me.
17. If the appeal proposal were to be constructed along the lines of the illustrative plans, the majority of the boundary trees, including those covered by the TPO, would be at some distance from the new building. However, the development would necessitate the removal of the Willow marked as T18 on the TPO, in order to accommodate the building. This tree is visible from the High Road, but is seen against a backdrop of the belt of boundary trees and shrubs along the east and southern boundaries. I consider that replacement planting could be incorporated into a landscaping scheme to compensate for the loss of the Willow tree. The Ash tree, T5 of the TPO, seems to straddle the northern boundary of the site. The area beneath its canopy is proposed for parking. It presently accommodates a garage and shed. Using appropriate means of demolition and then sympathetic methods of hard surfacing construction, it seems to me, it would be possible to utilise the area for parking without unacceptable harm coming to the Ash tree or the neighbouring trees. Similarly the construction of the improved access, driveway and underground parking area could be carried out in such a way so as not to compromise the well-being of the trees. Such details of construction and protection could be agreed by means of a condition.
18. It has also been suggested that the future residents of the flats may find the trees around the site boundaries overbearing and overshadowing particularly those along the southern boundary. This could result in pressure to cut back or remove some of the planting. However, I consider that the degree of separation which could be achieved between the proposed apartment building and the boundary trees, along with an appropriately designed scheme taking into account the level of existing planting, would not unacceptably prejudice the well-being of the trees whether covered by the TPO or not.
19. I have also considered the argument that the current proposal would set a precedent for similar development in the area. Whilst each application and appeal must be treated on its individual merits, I can appreciate the concern that approval of this proposal could be used in support of similar schemes on similar large sites in the area. However, the location of the appeal site on the edge of the predominately residential area and so close to commercial property and Chigwell Station, I consider, are factors which would work to set the appeal proposal apart from other similar future developments.
20. In this way I am lead to the view that, subject to an appropriate, high quality design taking into account the character of the locality, the appeal site could be developed as proposed in an acceptable manner resulting in a highly sustainable form of development, which blends with its setting. The terms of SP Policy BE1, LP Policies DBE1 and LL10, along with Government guidance, would not be compromised in this instance.

Other Matters

Listed buildings

21. There are a number of listed buildings in the vicinity of the appeal site. These properties are interspersed between more modern, less distinguished, development. The appeal site lies on the opposite side of High Road from the nearest listed building, No 189. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Other listed buildings along High Road were pointed out to me at the appeal site visit. From my observations I am satisfied that a development of the size proposed similarly located to the existing house on the site would not harm the setting or historic nature of the listed buildings close by. Therefore the relevant sections would not be compromised in this instance.

Living Conditions

22. Concern has been expressed in relation to the effect on the living conditions of the residents of the neighbouring property at Key West, adjoining the appeal site to the south, in terms of a loss of privacy, particularly to their first floor bathroom and patio areas. Having had the opportunity of viewing from the grounds of Key West, I am of the opinion that the development would not necessarily give rise to unacceptable levels of overlooking. The proposed apartment building could be designed in such away as to avoid the need to locate windows at first floor level of a size and style which would result in any direct intrusion into the privacy of the neighbours. The intervening belt of mature trees and shrubs along the southern boundary would further safeguard the amenities of the neighbours. I do however recognise in the winter months, when leaf cover would be diminished, or if significant trimming was carried out to the trees and shrubs, the existing planting would not be so effective at screening the development from the south. Nonetheless I do not consider this objection alone would be such as to warrant refusal of planning permission.

Flooding

23. National policy regarding the issue of flooding and how it might be managed or mitigated is set out in *Planning Policy Guidance Note 25 Development and Flood Risk* (PPG 25). Its aim is to reduce the risks to people and the developed and natural environment from flooding. Only the anecdotal evidence of residents is before me to substantiate a claim that the appeal proposal would cause or exacerbate flooding problems particularly on the western side of High Road. A fluctuating water table, the lie of the land, inadequacies in the highway drainage system and the flow of water from the humped back bridge are all factors suggested to influence the flow and pooling of water in heavy rain. I do not consider that the impact of the appeal proposal on the drainage of the area would be of such significance as should warrant with-holding permission on this ground alone. A condition requiring the submission of a flood risk assessment along with its implementation, as suggested by the Council's Assistant Land Drainage Engineer, would appropriately address this matter.

Highways

24. Some concern was expressed regarding the effect of the proposal on the busy Chigwell High Road. It seems to me that the fluctuating traffic flows through out the day are not uncommon in urban areas. I have noted that the Director of Highways and Transportation raised no objection to the proposal subject to conditions, and whilst traffic conditions may not be ideal, I do not consider the position to be so disadvantageous as to warrant a refusal of planning permission on highway grounds.
25. The Director of Highways and Transportation suggests that provision should be made for a new pavement across the site frontage. At my site visit I saw that there was an existing footpath which was perfectly serviceable and linked in with a similar footpath off to the south. The informality of the footpath construction and its natural appearance, I consider, is appropriate in an area where a green leafy character predominates. From my observations and the anecdotal evidence of residents the path is well used and I am not persuaded there would be any great benefit in upgrading it.
26. Circular 05/2005 *Planning Obligations* indicates that, amongst other things, where planning obligations are sought they must be relevant, necessary, directly related to the development and fairly and reasonably related in scale and kind. No detailed evidence as to how the Council have addressed the required tests in justifying, or calculating the requirement for a contribution towards local infrastructure improvements has been submitted to me. I am not convinced, therefore, that such a planning obligation for this development is necessary or reasonable. Consequently I do not consider that this is a matter upon which this appeal should turn.

Conclusion

27. For the reasons given above and having regard to all other matters raised, I conclude that the appeal proposal would not unacceptably harm the character and appearance of the surrounding area.

Conditions

28. I have considered the conditions suggested by the Council in accordance with the guidance given in Circular 11/95 *The Use of Conditions in Planning Permissions*. Of the conditions for which the Council have provided a suggested wording, I have amended them where necessary to follow this guidance. In addition to the standard conditions attached to outline planning permissions relating to the submission and approval of reserved matters, and the commencement of development, the Council wish to see both the preserved and other trees safeguarded on the appeal site. I consider the submission and agreement of such safeguards necessary in the interests of the character and appearance of the locality. As the development is of a size where it is necessary to avoid generating any additional flood risk the imposition of a condition requiring a flood risk assessment would seem appropriate. The Council has proposed a condition relating to the types and colours of external materials and the number of parking spaces required. However I consider this would be adequately dealt with within the terms of the standard outline conditions particularly, in the latter case, taking into account the sustainable nature of the appeal site's location.

Formal Decision

29. I allow the appeal, and grant planning permission for the demolition of a single dwelling and the construction of 10 apartments, including improved access and underground parking at 118 High Road, Chigwell, Essex IG7 5AR in accordance with the terms of the application, Ref EPF/424/05 dated 8 March 2005, and the plans submitted with it, subject to the following conditions:
- 1) Approval of the details of the siting, design and external appearance of the building, the means of access thereto and the hard and soft landscaping of the site, (hereinafter called "the reserved matters"), shall be obtained from the local planning authority in writing before any development is commenced.
 - 2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
 - 3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
 - 4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
 - 5) The proposed hard landscaping scheme shall include finished ground and floor levels, including detailed sections and levels relating to the underground parking area, means of enclosure, vehicle and pedestrian circulation areas, hard surfacing materials, refuse or other storage units, signs and lighting, routes of proposed and existing functional services above and below ground. Details of soft landscape works shall include an arboricultural method statement which indicates those trees, shrubs and hedges which are to remain, their species, sizes and positions, along with their heights, stem diameter and crown spread. The location, species and size of all new planting shall be shown and the timetable for their planting. Details of the measures to be taken to ensure the good health and successful establishment of the new planting shall be included. Within 12 months of the date when any of the apartments hereby permitted is first occupied, the landscaping scheme as approved shall be completed. If, within a period of 5 years from the date of planting, any tree or plant is removed, uprooted, destroyed or dies, another of the same species and size shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
 - 6) All the trees to be retained as identified within the arboricultural method statement and any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

- 7) Before the development hereby permitted commences at the site, details of any proposed excavations and methods of construction in relation to development to be carried out within the crown spread of any of the trees on the land or adjacent to it shall be submitted to and approved in writing by the local planning authority. The required details shall include the position and extent of the excavations and works of construction. All of the agreed works of excavation shall be hand dug without the use of any mechanical assistance. Development shall be carried out in accordance with the approved details.
- 8) The burning of any material shall not take place within 15 metres of any preserved tree if the fire is against the wind and not within 25 metres of any preserved tree if the fire is with the wind. Any tree destroyed or seriously damaged by burning shall be replaced during the next available planting season to the satisfaction of the local planning authority.
- 9) A flood risk assessment 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 programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained.

Frances Mahoney

INSPECTOR



Appeal Decision

Hearing conducted on 2 April 2009

Site visit made on 2 April 2009

by **Mr D Lavender MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
13 May 2009

Appeal Ref: APP/J1535/A/08/2092369

Charlesworth, 118 High Road, Chigwell, IG7 5AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is by Mr L C Earl against the decision of Epping Forest District Council.
- The application Ref EPF/0679/08, dated 31 March 2008, was refused by notice dated 2 July 2008.
- The development proposed is the demolition of an existing dwelling and the construction of 10x2 bedroom flats and 2x3 bedroom penthouses, including associated car parking, access and landscaping.

Decision: I dismiss the appeal.

Reasons:

Procedural matters

1. As agreed at the Hearing, I have considered the proposal on the basis of the following plans listed in the Council's decision notice or as agreed by the parties, all having been submitted originally with the planning application:
 - JTS/5636/01 - Site location plan scale 1:1250
 - JTS/5636/02 - Site layout drawing overlaid on topographical survey, scale 1:200
 - 07.6395.01 - Site layout, scale 1:200
 - 07.6395.02 - Floor plans, basement and ground floor, scale 1:100
 - 07.6395.03 - Floor plans, first and second floor, scale 1:100
 - 07.6395.04 - Elevations, front and side, scale 1:100
 - 07.6395.05 - Elevations, side and rear, scale 1:100
 - 07.6395.06 - Coloured front elevation and site plan, scale 1:100 and 1:200
2. Other drawings, of which the pedigree is less certain, including JTS/5636/PRO6 (visibility splays), C7238-02 (root protection areas) and 07.6395.sk10, sk11 and sk12 (sketch perspectives) I have taken as providing additional illustrative background information only, and they have not influenced my decision. A further suite of drawings was submitted with the Appellant's evidence, with a view to addressing any concerns that I might have with regard to fenestration. I refer to those in my consideration of the second main issue.

General background and main issues

3. Outline planning permission was granted on appeal in 2008 for the redevelopment of the site by the erection of 10 flats. The now proposed increase in the number of flats arises from the intended formation of two

additional "penthouse" units at roof level. Although the Council's planning officers raised no objection to the scheme, the Council refused permission on the basis of design criticisms (enlarged upon in its evidence to the Inquiry) and concern that the neighbouring property to the south, 120 High Road Chigwell, would suffer unacceptable loss of privacy.

4. The main issues for me to consider in this appeal are thus the effect of the proposed development on the character and appearance of the area, and the implications for the occupiers of 120 High Road in terms of privacy.

Issue 1: Character and appearance:

5. I saw that housing development along this particular part of Chigwell High Road is almost exclusively single family dwellings, but of widely varied age, style and size. Despite this eclectic mix, the individual buildings are generally well-proportioned and the architecture is well disciplined. The setting - populated by large numbers of mature trees, many of which are protected by Tree Preservation Order, and bordering both the town centre (to the north) and a golf course (to the east) - further creates an attractive environment of superior quality to that found in many other areas of suburban development.
6. In accepting that flats would not be out of character in these surroundings the previous Inspector stated, among other things, that she was conscious that the domestic scale of the development to the west and south should be respected and opined that it would be possible to design a building using traditional proportions, materials and detailing, so that it would blend easily with its setting. I find no reason to question that assessment, and observe only that it neither requires nor implies that the only acceptable architectural approach would be one that followed slavishly the illustrative elevation that accompanied the former outline application. Rather, it supports the high standards of urban and building design sought by Government Guidance in Planning Policy Statement 1 "*Delivering Sustainable Development*" (PPS1) and Epping Forest District Local Plan policies DBE1(i) and (ii) and alterations policy CP2(iv), as well as promoting local distinctiveness.
7. Indeed, while the proportions and ornate detailing shown in the former outline application elevation drawing depicted an Edwardian-style building of some considerable elegance, that drawing glossed over how a ramped vehicular entrance down to the proposed basement parking area could be incorporated into the front elevation. It included hints of roof level dormer windows at the northern end, while also suggesting a roof pitch of such steepness that not only could an additional floor have been accommodated within at least part of the roof space, it would also almost inevitably have masked what would, in practice, have been a mainly flat-roofed building. Although, as the Council points out, the now proposed maximum ridge height would be about 1.5 m higher than that in the outline application drawing, the same general eaves line would be maintained and the pitch would be much reduced. Combined with greater modulation of height where the plan form requires the roof to span less building depth, the result would be a shorter main ridge length than before, with the slope of the roof receding from the eye more quickly. The extent of flat roof would also, in all likelihood, thereby be minimised. Moreover, the greater proportion of roof to wall, especially where the eaves would be dropped lower on the front elevation to wrap around a proposed dormer window, would

produce the appearance of a building solidly compressed beneath its superstructure and, in conjunction with the projecting plinth proposed at ground level, one that would also appear very firmly rooted to the ground. All of these factors would, I consider, belie the overall height of the building when viewed from the road and would enable it to blend as comfortably into its surroundings as one of the height shown at outline stage.

8. However, the opposite applies in my estimation to the two proposed projecting wings to the front. Although these would have lower ridges than the main roof, their eaves would be considerably higher, thereby more than reversing the proportion of roof to wall that would characterise the rest of the building. Not only would the additional area of vertical brickwork between first floor window heads and eaves give the impression of much greater height to the forwardmost part of the building, the front wings would also, in consequence, look ill-proportioned. The vertical height of the gabled northern wing, in particular, would not rest comfortably with the single storey buildings bordering this side of the site and would, I saw, also be unduly strident in the view from the railway bridge diagonally opposite. Although the scheme is advanced on the basis of similarities with buildings constructed in the "Arts and Crafts" style, I see no such relationship in these most prominent sections of the proposed building nor in the more general detailing of the building as a whole, which displays neither the craftsmanship nor bucolic simplicity of that particular genre.
9. The latter design criticism applies particularly to the proposed excessive number and unsymmetrical positioning of roof-lights (which are not a feature of the area) and dormers (which, in small numbers are). These, I consider, derive from an excess of focus on function rather than form and, to my mind, would result in an unattractive and unacceptably cluttered appearance. This would be in particularly sharp contrast to the pleasantly designed roof-level fenestration of the Listed Building opposite and the flat-roofed design of the dwelling to the south of the appeal site.
10. While the general height, width and depth of the building is, with the modulation proposed, acceptable, the height of the front wings and the detailing of the whole, especially at roof level, would thus be representative both of unattractive building design and inappropriate urban design. It follows that the scheme before me would, in my judgement, be harmful to the character and appearance of the area.

Issue 2- Privacy

11. The proposed building would, at its closest, stand some 7 m from the southern boundary of the site, whereas the existing building is some 17 m from this boundary. While the existing house only has secondary ground floor windows in its southern flank, the proposed development would have six windows of concern to the Council and the neighbour on this side. These would be at first and second floor level, and would provide the main outlook from various bedroom, kitchen and bathroom areas. The neighbouring property has an elongated flank wall set about 3 m from the boundary in which there is a first floor level bathroom window facing the appeal site. The potential for overlooking between the two properties thus exists, but would be of relatively limited impact because of the size and function of this neighbour's window. To

the extent that it could be avoided altogether by fitting curtaining, a blind or obscured glass to the neighbour's window (which I acknowledge the neighbour would not necessarily wish), I do not regard the juxtaposition of windows on either side of the boundary to be a public interest of such compelling importance as to render the proposed development unacceptable. In any event, there are existing laurel and holly bushes providing a dense intervening screen. These could either be retained or replanted and supplemented as part of a landscaping scheme for the site (and required by planning condition), but the Appellant has also suggested some alterations to the proposed fenestration which, with some further adjustment, could avoid the risk of at least casual overlooking altogether, whether plantings were in place or not. The Council advised that consequential alterations to the elevations would be sufficiently material to warrant fresh publicity and consultation processes, a stance with which I do not disagree, so I do not substitute the revised plans illustrating the appellant's intentions for those submitted with the application. Nevertheless, in the circumstances of this particular case, the range of palliative options available to all parties is such that privacy does not amount to an insurmountable obstacle to the progress of the scheme, or one where conflict with LP policy DBE9 would be unavoidable.

Other matters and overall conclusions:

12. I have considered all other matters raised in the representations. In particular, I understand that the property does not fall within an identified flood risk area and consider that surface water discharge from the site to lower ground on the opposite side of High Road could be adequately controlled by a suitably designed sustainable urban drainage system. As with landscaping, that is a matter which planning conditions would be capable of addressing. Excavation for the proposed entrance ramp to the basement parking area might, I accept, damage the roots of a neighbouring oak tree, but that is by no means certain. Like the nearby protected willow tree (the loss of which was accepted by the previous Inspector), there is ample scope elsewhere within the site for both replacement and additional tree planting. I am in no doubt that the public interest would be better served by the more efficient and effective use of the site for housing (with adequate parking) than by ensuring, at all costs, the protection of one damaged oak and a willow that has yet to reach full maturity. Similar and other points, including those relating to policy issues relating to dwelling mix, density and targets for previously developed land, were raised in the 2008 appeal and, having reconsidered them in the light of the detailed plans now before me, I find no reason to depart from the previous Inspector's commentary on them.
13. In sum, on the balance of the arguments before me, I am content that up to 12 flats could be suitably accommodated on the site without that number being manifest in High Road above eaves level, where more than a very small number of carefully positioned and well designed dormer windows would I consider, be inappropriate. However, from my findings on the first main issue, it is apparent that the design of this particular proposal falls short of the high standards that National planning Guidance and Local planning polices aspire to. Nothing that I have seen or heard in this case persuades me to any different conclusion, and I therefore dismiss the appeal.

D Lavender