

# Committee Agenda



## Epping Forest District Council

### **AREA PLANNING SUBCOMMITTEE SOUTH** **Wednesday, 25th July, 2012**

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

**Room:** Dining Hall

**Time:** 7.30 pm

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

**Members:**

Councillors J Hart (Chairman), Ms S Watson (Vice-Chairman), K Angold-Stephens, G Chambers, K Chana, Mrs T Cochrane, R Cohen, C Finn, L Girling, Ms J Hart, J Knapman, L Leonard, A Lion, H Mann, J Markham, G Mohindra, S Murray, Mrs C Pond, B Sandler, Mrs T Thomas, H Ulkun, Mrs L Wagland, D Wixley and N Wright

**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**

**“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 then 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 then you should speak to the Webcasting Officer.”**

**If you have any queries regarding this, please contact the Senior Democratic Services Officer before the meeting 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 - 10)**

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

**3. MINUTES (Pages 11 - 20)**

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 21 - 100)**

(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 Paragraph Number	Information
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](http://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.

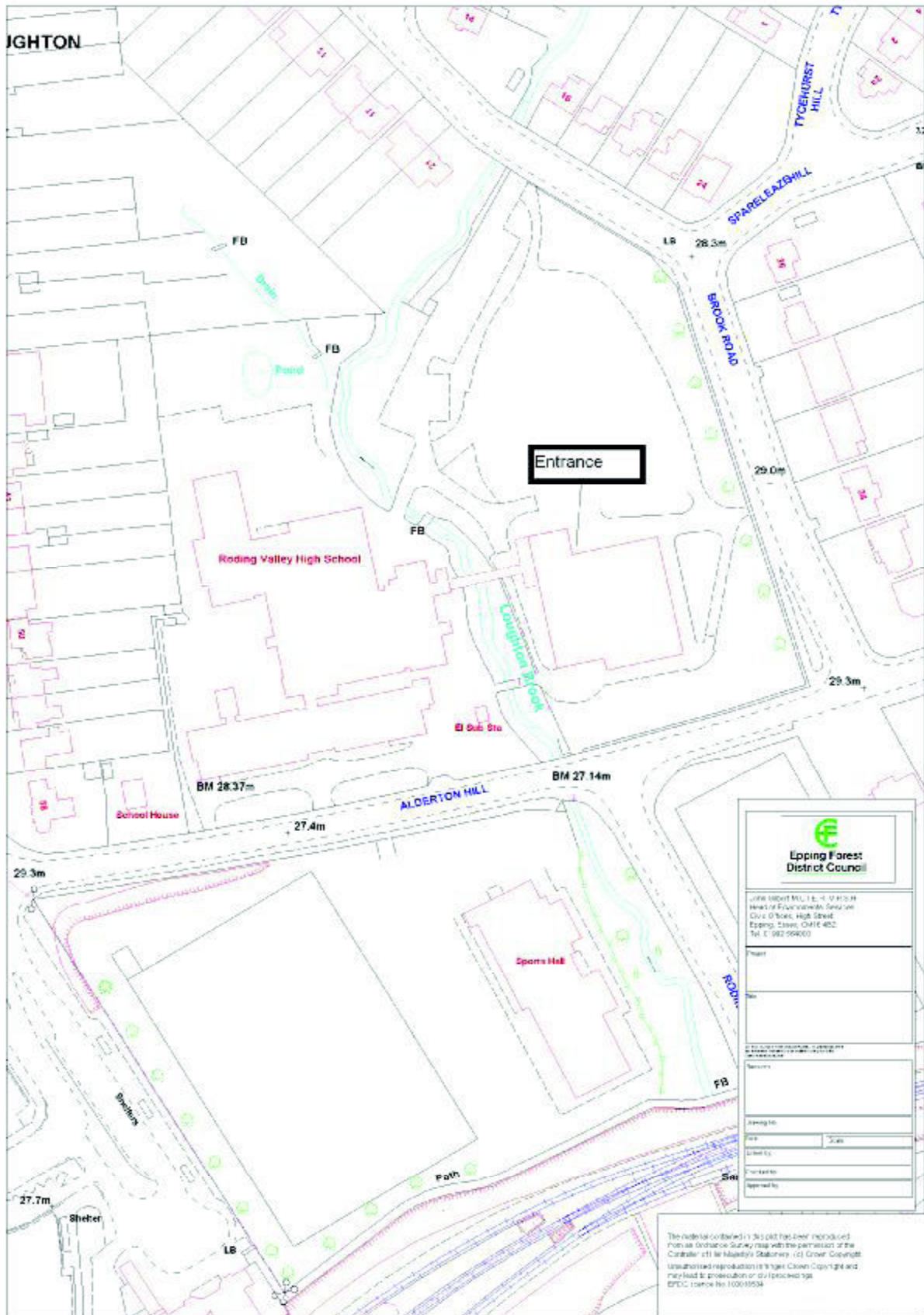
The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow 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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Area Planning Subcommittee South 2012-13  
 Members of the Committee:



Cllr James Hart	Cllr Watson	Cllr Angold-Stephens	Cllr Chambers	Cllr Chana	Cllr Cochrane
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Cllr Cohen	Cllr Girling	Cllr Finn	Cllr Jennie Hart	Cllr Knapman	Cllr Leonard
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Cllr Lion	Cllr Mann	Cllr Markham	Cllr Mohindra	Cllr Pond	Cllr Murray
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Cllr Sandler	Cllr Thomas	Cllr Ulkun	Cllr Wagland	Cllr Wixley	Cllr Wright
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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Subcommittee **Date:** 27 June 2012  
South

**Place:** Roding Valley High School, Brook Road, Loughton, Essex IG10 3JA **Time:** 7.30 - 8.50 pm

**Members Present:** J Hart (Chairman), Ms S Watson (Vice-Chairman), G Chambers, Mrs T Cochrane, R Cohen, L Girling, Ms J Hart, L Leonard, A Lion, J Markham, Mrs C Pond, Mrs T Thomas, H Ulkun and D Wixley

**Other Councillors:**

**Apologies:** K Angold-Stephens, K Chana, C Finn, J Knapman, H Mann, G Mohindra, S Murray, B Sandler and Mrs L Wagland

**Officers Present:** S Solon (Principal Planning Officer), K Smith (Senior Planning Officer), C Neilan (Landscape Officer & Arboriculturist), G J Woodhall (Democratic Services Officer), A Hendry (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

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### 8. 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.

### 9. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

### 10. MINUTES

**Resolved:**

(1) That the minutes of the meeting held on 30 May 2012 be taken as read and signed by the Chairman as a correct record.

### 11. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor A Lion declared a personal interest in the following items of the agenda, by virtue of being a member of Chigwell Parish Council. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/0498/12 Rear of 6 Shillibeer Walk, Chigwell; and
- EPF/0858/12 5 Canterbury Close, Chigwell

(b) Pursuant to the Council's Code of Member Conduct, Councillor A Lion declared a personal interest in the following item of the agenda, by virtue of being a resident of Canterbury Close. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0858/12 5 Canterbury Close, Chigwell.

(c) Pursuant to the Council's Code of Member Conduct, Councillor D Wixley declared a personal interest in the following items of the agenda by virtue of being a Tree Warden. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/0498/12 Rear of 6 Shillibeer Walk, Chigwell;
- EPF/0858/12 5 Canterbury Close, Chigwell; and
- EPF/0962/12 3 Alderton Mews, Loughton.

(d) Pursuant to the Council's Code of Member Conduct, Councillors T Cochrane, R Cohen, L Girling, Jennie Hart, L Leonard, J Markham, C Pond and D Wixley declared a personal interest in the following items of the agenda, by virtue of being a member of Loughton Residents Association. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/0962/12 3 Alderton Mews, Loughton;
- EPF/0486/12 3 Church Hill, Loughton; and
- EPF/0931/12 182 Roding Road, Loughton.

(e) Pursuant to the Council's Code of Member Conduct, Councillors C Pond, T Thomas and D Wixley declared a personal interest in the following items of the agenda, by virtue of being a member of Loughton Town Council. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/0962/12 3 Alderton Mews, Loughton;
- EPF/0486/12 3 Church Hill, Loughton; and
- EPF/0931/12 182 Roding Road, Loughton.

(f) Pursuant to the Council's Code of Member Conduct, Councillor Jennie Hart declared a personal interest in the following item of the agenda by virtue of being acquainted with the objector. The Councillor had determined that her interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

- EPF/0486/12 3 Church Hill, Loughton.

(g) Pursuant to the Council's Code of Member Conduct, Councillors G Chambers, H Ulkun and S Watson declared a personal interest in the following item of the agenda by virtue of being a member of Buckhurst Hill Parish Council. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0634/12 170-174 Queens Road, Buckhurst Hill.

## 12. ANY OTHER BUSINESS

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

**13. DEVELOPMENT CONTROL**

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

**Resolved:**

(1) That the planning applications numbered 1 – 6 be determined as set out in the attached schedule to these minutes.

**14. PROBITY IN PLANNING - APPEAL DECISIONS, OCTOBER 2011 TO MARCH 2012**

The Senior Planning Officer presented a report concerning the planning appeal decisions for the period October 2011 to March 2012.

The Senior Planning Officer reported that, for this particular Sub-Committee, there had been two appeals allowed by the Planning Inspector where the Sub-Committee had refused the application contrary to the Officer's recommendation. These were:

- (i) EPF/2151/10 Loyola Preparatory School, 103 Palmerston Road  
Revised application for the provision of an artificial playing surface and surround fencing to the existing playing field; and
- (ii) EPF/2664/10 Woolston Manor, Abridge Road  
Use of motel building (class C1) for residential purposes as 26 apartments (class C3).

The Senior Planning Officer stated that, whilst performance in defending appeals had improved, the Sub-Committee was reminded of the need for justifiable reasons for refusing planning permission that were not only relevant and necessary but also sound and defensible. Refusing a planning application contrary to the Officer's recommendation should only be contemplated in cases where the Sub-Committee was certain that they were acting in the wider public interest. Such instances were now the subject of a separate Key Performance Indicator (KPI 55) and would be under greater scrutiny in the future.

**Resolved:**

(1) That the Planning Appeal Decisions for the period October 2011 to March 2012 be noted.

**15. 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**

<b>APPLICATION No:</b>	EPF/0498/12
<b>SITE ADDRESS:</b>	Rear of 6 Shillibeer Walk Chigwell Essex IG7 6JA
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Row
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/28/82 T8 - Sycamore - Fell
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=535842](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=535842)

**CONDITIONS**

1. A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
2. The Local Planning Authority shall receive in writing 5 working days notice of felling.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0858/12
<b>SITE ADDRESS:</b>	5 Canterbury Close Chigwell Essex IG7 6HG
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Row
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/04/81 T6 - Sycamore - Fell
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=537256](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537256)

**CONDITIONS**

1. A replacement tree of a species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted and inspected and agreed to be in accordance with the details prior to implementation of the felling hereby agreed, unless varied with a 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, or dies, or becomes seriously damaged and defective another tree of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
2. The Local Planning Authority shall receive, in writing, 5 working days notice of implementation of the felling.



**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0962/12
<b>SITE ADDRESS:</b>	3 Alderton Mews Alderton Hill Loughton IG10 3JE
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Alderton
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/41/88 T1 - Cedar - Fell
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=537604](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537604)

**CONDITIONS**

1. The works authorised by this consent shall be carried out following the Local Authority's receipt, in writing, of 5 working days notice of such works.
2. A replacement tree of a species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted and inspected and agreed to be in accordance with the details prior to implementation of the felling hereby agreed, unless varied with a 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, or dies, or becomes seriously damaged and defective another tree of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0486/12
<b>SITE ADDRESS:</b>	3 Church Hill Loughton Essex IG10 1QP
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of dwelling (use class C3) to pre-school day nursery (use class D1), single storey front extension and single storey extension to existing garage.
<b>DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=535795](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=535795)

It was reported to Committee that 2 additional representations had been received from 3 & 5 Church Hill,

**REASONS FOR REFUSAL**

1. The proposed development would increase the footprint of buildings within the site at the expense of outdoor play areas, amounting to an over development of the site, contrary to policies DBE1(i) and DBE3(i) of the Adopted Local Plan and Alterations (which are consistent with the policies contained in the National Planning Policy Framework).
2. The proposed development would be harmful to the amenities enjoyed by the occupiers of nearby residential properties in Upland Court and Church Hill contrary to policies DBE2 and RP5A (i) of the adopted Local Plan and Alterations (which are consistent with the policies contained in the National Planning Policy Framework).
3. The proposed garage extension, by reason of its unattractive design, would fail to respect its setting contrary to policy DBE1(i) of the adopted Local Plan and Alterations (which is consistent with the policies contained in the National Planning Policy Framework).

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0634/12
<b>SITE ADDRESS:</b>	170-174 Queens Road Buckhurst Hill Essex IG9 5BD
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>DESCRIPTION OF PROPOSAL:</b>	Variation of condition 2 of EPF/0311/93 to permit opening of nursery from 07.30 am to 06.30 pm on Monday to Saturdays.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=536337](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=536337)

**CONDITIONS**

1. The day nursery shall only operate between the hours of 7.30am and 6.30pm on Mondays to Saturdays and at no times on Sundays.
2. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1987 or any Order revoking and re-enacting that Order, the property shall only be used as a day nursery or crèche.
3. If cooked food is to be provided for the children of the nursery, an extract duct, details of which shall be approved by the Local Planning Authority prior to its installation, shall be installed on the building prior to commencement of cooking. The duct shall be taken to at least 1 metre above the eaves of the building. The extraction unit shall be fitted with suitable carbon and grease filters to minimise the possibility of nuisance and odours. Any fan for the purpose of extraction should be provided with anti-vibration mounting and anti-vibration coupling and externally fitted fans should, in addition be acoustically enclosed.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0931/12
<b>SITE ADDRESS:</b>	182 Roding Road Loughton Essex IG10 3BS
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Roding
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of the existing house and garage. Construction of a block of five one-bedroom flats; new vehicle access cross-overs and external landscaping.
<b>DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=537471](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537471)

**REASON FOR REFUSAL**

1. The range of products offered by local shops in close proximity to the site and the service provided by local public transport providers is not sufficient that the site may be judged as highly sustainable. Accordingly the provision of 4 parking spaces is inadequate for the proposed 5 flats and contrary to the Council's parking standards and policy DBE6 of the adopted Local Plan and Alterations (which is consistent with the policies contained in the National Planning Policy Framework).

## AREA PLANS SUB-COMMITTEE SOUTH

25 July 2012

### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/0131/12	Land to rear of 74-78 Walnut Way Buckhurst Hill Essex IG9 6HX	Grant Permission (With Conditions)	23
2.	EPF/0392/12	Willow Park Farm Millers Lane Chigwell Essex IG7 6DG	Grant Permission (Subject to Legal Agreement)	30
3.	EPF/0334/12	Willow Park Farm Millers Lane Chigwell Essex IG7 6DG	Grant Permission (With Conditions)	35
4.	EPF/0493/12	The Coach House Gravel Lane Chigwell Essex	Grant Permission (Subject to Legal Agreement)	44
5.	EPF/0580/12	Land adjacent to 16 Grasmere Close Loughton Essex IG10 1SL	Grant Permission (with Conditions)	54
6.	EPF/0592/12	Bald Hind Hainault Road Chigwell Essex IG7 5DW	Grant Permission (Subject to Legal Agreement)	61
7.	EPF/0595/12	118 High Road Chigwell Essex IG7 5AR	Grant Permission (With Conditions)	69

8.	EPF/0708/12	165 & 165a High Road Loughton Essex IG10 4LF	Grant Permission (With Conditions)	76
9	EPF/0743/12	112 High Road Loughton Essex IG10 4HJ	Grant Permission (With Conditions)	87
10.	EPF/1016/12	Chigwell School High Road Chigwell Essex IG7 6QF	Grant Permission (With Conditions)	91

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0131/12
<b>SITE ADDRESS:</b>	Land to rear of 74-78 Walnut Way Buckhurst Hill Essex IG9 6HX
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill East
<b>APPLICANT:</b>	Mr & Mrs Andrew & Anne Ramsay
<b>DESCRIPTION OF PROPOSAL:</b>	Outline Planning Application for two semi detached two storey dwelling houses.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=534506](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=534506)

**CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
- 2
  - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
    - (i) layout;
    - (ii) scale;
    - (iii) appearance;
    - (iv) access; and
    - (v) landscaping.
  - b) The reserved matters shall be carried out as approved.
  - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed. The installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 5 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 6 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 7 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 8 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary



monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 9 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 10 No development shall take place, including works of demolition or site clearance, until an Arboricultural Implication Assessment and Tree Constraint plan, concurrently with the detailed site layout, has been submitted to and approved in writing by the Local Planning Authority. This should be drawn up in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) .
- 11 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 12 Pedestrian visibility splays of 1.5m x 1.5m shall be retained clear of obstruction either side of car parking spaces proposed to serve the dwellings.
- 13 Along with the submission of "reserved matters", provision shall be made by the Applicant for the relocation of an existing street light column, to facilitate the use of the proposed parking areas. The dwellings hereby approved shall not be occupied until the street light column has been relocated.

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

### **Description of Site:**

The application site comprises the rearmost parts of the private gardens of 74, 76 and 78 Walnut Way. To the north is the rear garden of 72 Walnut Way, to the south the boundary with Station Way (marked by a 2m high fence and heavily planted) and to the west an electricity substation.

### **Description of Proposal:**

This application seeks outline planning permission for two semi-detached two storey dwelling houses. The houses would be located within the rear gardens of 74-78 Walnut Way, facing into Station Way. Plans and information submitted with the application indicate that the dwellings would have footprints not exceeding 6 x 9 metres each and would not exceed 7.5m in height.

### **Relevant History:**

None relevant.

### **Policies Applied:**

CP2 - Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP7 – Urban Form and Quality  
DBE1, 3 - Design  
DBE 2, 9 – Amenity  
DBE6 – Parking  
DBE8 – Private Amenity Space  
LL10 – Adequacy of Provision for Landscape Retention  
LL11 – Landscaping  
ST4 – Highway Safety  
ST6 – Vehicle Parking

### **Summary of Representations:**

Notification of this application was sent to Buckhurst Hill Parish Council and to 24 neighbouring residents.

The following representations have been received:

BUCKHURST HILL PARISH COUNCIL. No objection.

72 WALNUT WAY. Objection. The houses will overshadow my house and block my light. The houses will be too close to my property and will make me feel that I am in a goldfish bowl. The access to the site is very dangerous, both for construction traffic and after the build. Trees will have to be lost and green space lost, causing loss of wildlife to the area. Parking is atrocious and a new house will only add to the problem.

74a STATION WAY. Objection. Do not object to the development itself, but to safety issues regarding the access points onto Station Way. Visibility is very limited by parked cars on both sides of the road during the day and there is a severe problem with traffic congestion during peak hours. The Roding Valley Station forecourt (described as a vehicular turning area) actually affords access to the garages and parking for maisonettes/businesses on the north side of Station Way and is in constant use.

76a STATION WAY. Objection. As above.

## **Issues and Considerations:**

The main issues in this case are the impacts of the proposed development on neighbouring amenity and on the character and appearance of the area.

### **Neighbouring Amenity**

Adequate garden lengths (minimum 12 metres) would be retained for the existing dwellings in Walnut Way.

The position of the dwellings to the west of properties in Walnut Way is such that there would be some reduction in late afternoon/evening sunlight, but not to an extent that is considered detrimental to amenity.

In relation to concerns raised by the occupiers of 72 Walnut Way, it is not considered that there would be any material reduction in natural light or outlook to this property caused by the proposed development. The greater issue, depending on the layout proposed at the detailed design stage, is likely to be in relation to potential overlooking of the rear garden area of this property. Bearing in mind the length of the garden of 72 Walnut Way and also that it is already overlooked by the upper floors of neighbouring properties, it is considered that an adequate level of amenity will be retained.

### **Character and Appearance**

Subject to an appropriate design being secured through the approval of a reserved matters application, the scale and mass of proposed dwellings would be in keeping with the character and appearance of surrounding development.

The pattern of development is not dissimilar to other examples within the locality, including dwellings around the junction of Beresford Drive with Forest Edge and (in the case of a chalet bungalow) an additional residential plot building to the rear of 1 Walnut Way.

### **Highways**

Two car parking spaces are proposed – one per dwelling. Whilst this falls below the Council's normal standard of two spaces per dwelling, reduced numbers are accepted in areas where there are good public transport links. This is such a site, being located almost directly opposite the underground station and also in very close proximity to local shops.

Concern has been raised in respect of the matter of highway safety and as a result officers at Essex County Council have been consulted on the application.

Highway Officers have confirmed that Station Way is an unclassified road (which means that planning permission is not required for a vehicle crossover) and has quite a wide footway at this location, which will assist with visibility if cars are reversing out of the site. The officer confirms that if the spaces were at right angles to the carriageway and had pedestrian visibility splays either side of 1.5m x 1.5m, then there would not be any safety issues arising as a consequence of the proposal.

A street light would, however, be required to be relocated to accommodate the access and such works should be funded by the developer. This may be secured at the detailed design stage provided it is the subject of a condition attached to any grant of outline planning permission.

### Other Matters

*Contaminated Land* – Due to the former presence of a 1949 builders' fuel store with asbestos roof on the site and the potential for transformer oils to have migrated on site from the adjoining former London Underground electricity transformer station, there is potential for contaminants to be present on the site. Further investigations and any necessary mitigatory works may be secured by the imposition of planning conditions.

*Landscaping* – some landscaping at the front of the dwellings is necessary and may be considerations at the detailed design stage. Some trees within the site could possibly be retained – this matter may also be dealt with by the imposition of a planning condition.

### **Conclusion:**

In light of the above appraisal, it is considered that the principle of the proposed development is acceptable. It is, therefore, recommended that planning permission be granted.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

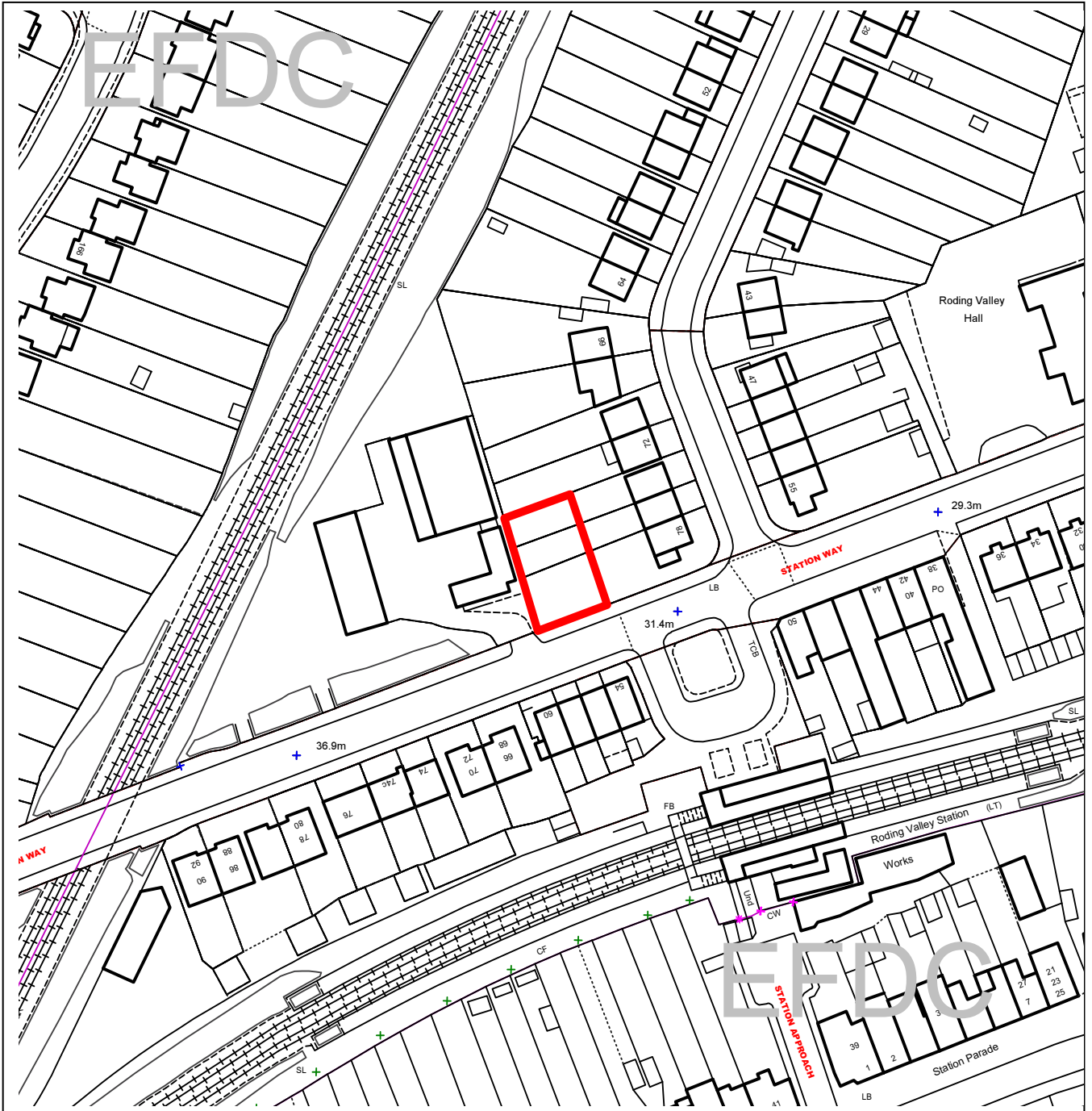
***Planning Application Case Officer: Mrs Katie Smith  
Direct Line Telephone Number (01992) 564109***

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>1</b>
Application Number:	EPF/0131/12
Site Name:	Land to rear of 74-78 Walnut Way Buckhurst Hill, IG9 6HX
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0392/12
<b>SITE ADDRESS:</b>	Willow Park Farm Millers Lane Chigwell Essex IG7 6DG
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Row
<b>APPLICANT:</b>	Mr Tariq Hussain
<b>DESCRIPTION OF PROPOSAL:</b>	Continuation of use of buildings A, B, C, E, F & G and land within the application site for the purposes of storage with ancillary office (Use Class B8).
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=535484](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=535484)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: ESA-500, ESA-501 rev. A and ESA\_510
- 2 The vehicle parking area shown on approved drawing number ESA\_510 shall be constructed and laid out in accordance with the approved details within 6 months of the date of this decision and thereafter be permanently retained for the purposes of parking of motor vehicles only.
- 3 No open storage shall take place on the application site. Storage shall take place on the application site within the buildings identified on drawing ESA-501 rev. A as Unit A, Unit B, Unit F and Unit G. Those buildings identified as Unit C and Unit E shall only be used for office purposes ancillary to the use of the site as a whole for purposes within Use Class B8 (storage or distribution).
- 4 The site shall not be accessed by Goods Vehicles outside the times of 08.00 to 18.00 Monday to Friday and 09.00 to 13.00 on Saturdays. The site shall not be accessed by Goods Vehicles on public or bank holidays. For the purposes of this condition, Goods Vehicle means a vehicle over 3,500 kg gross weight.
- 5 The use hereby approved shall only be carried out by an occupant of a dwellinghouse at Willow Park Farm or by a company that such an occupant is in full control of.

**Subject to the completion (within 6 months) of a legal agreement under Section 106 of the Town and Country Planning Act 1990 requiring the application site is not sold separately from the remainder of Willow Park Farm.**

*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 Site:**

The application site comprises a former farm yard that has been in commercial use for some time together with part of a redundant ménage. It is primarily made up of 6 buildings arranged around a tarmac yard area that is accessed via a wide drive off the southwest side of Millers Lane, a short distance from its junction with Millers Lane. The buildings include 4 relatively large former barns/workshop buildings together with former stable buildings.

The site forms part of a 3.3 hectare landholding that also includes a grassed field to the northwest of the site that is bounded by Millers Lane and Gravel Lane together with a former farmhouse and associated outbuildings between the application site and field. Land rises to the northwest and southeast of the application site, the level changes restricting views of it. Good trees/hedgerow adjacent to a watercourse on the southeast and southwest site boundaries screen views from those directions. Land to the southeast and southwest is open fields.

Opposite the access to the site entrance is the site of a redundant former kennels, west of which are a pair of modest houses. Other than those developments, land on the northeast side of Millers Lane is open.

The application site is within the Metropolitan Green Belt. It is not within a conservation area or vicinity of listed or locally listed buildings. The former farmhouse and associated outbuildings northwest of the ménage together with the part of the redundant ménage outside of the application site is the subject of a separate application for their redevelopment to provide a replacement house, which is reported elsewhere on this agenda.

### **Description of Proposal:**

It is proposed to use the buildings and land at the application site for storage purposes with ancillary office space within one of the former stables (Use Class B8). It is also proposed to form a landscaped 12 space car parking area on the part of the ménage within the application site.

The use proposed amounts to the continuation of an existing low key storage use on a more rationalised basis. The application specifies particular uses for each of 6 buildings on the application site. Former agricultural barns identified as Units A, B and G together with a former stable identified as Unit F would be used for storage purposes. A former workshop/barn identified as Unit C together with a former stable identified as Unit E would be used as ancillary offices

The storage activity presently carried out is in connection with a property management business operated by the occupants of the adjacent farmhouse at Willow Park Farm.

### **Relevant History:**

EPF/1529/11 Use of buildings A, B, C, F and G together with former ménage, H, for purposes of storage and distribution (Use Class B8) and use of buildings D and E for residential purposes (Use Class C3) ancillary to Willow Park farm house. Refused on the basis of harm to the green belt, particularly arising from proposed open storage, and on the basis that the proposed residential annexes to Willow Park Farm would be likely to have poor living conditions due to their proximity to the proposed storage and distribution use.

### **Policies Applied:**

CP2 Protecting the Quality of the Rural and Built Environment  
GB2A Development within the Green Belt  
GB8A Change of Use of Adaption of Buildings  
DBE9 Loss of Amenity  
ST4 Road Safety  
ST6 Vehicle Parking

NPPF

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted. 4  
Site notice posted. Yes  
Responses received: None from neighbours

CHIGWELL PARISH COUNCIL: "The Council strongly objects to this application on the grounds that Millers Lane cannot cope with B8 use as this would cause significant traffic movement in a road that is unsuitable for such usage"

### **Main Issues and Considerations:**

The proposal is for the reuse of buildings and land and does not include the erection of any new buildings. The lawful use of the land is for agriculture although the total area of open field within the landholding amounts to no more than 2 hectares. This proposal differs from that refused in 2011 in that only part of the redundant ménage is included in the application site and no open storage is proposed. Additional car parking is proposed on the remaining area of the ménage and the proposal no longer includes the use of buildings for purposes ancillary to the adjacent dwellinghouse. Main issues raised by this proposal include whether it amounts to an appropriate re-use of rural buildings and their curtilage together with the potential impact of the use on the interests of highway safety. Further main issues are the impact of the proposal on the living conditions of neighbouring dwellinghouses including those of the adjacent former farmhouse and on the character of the locality.

Planning policy GB8A allows for the re-use of rural buildings and associated land subject to a number of criteria, the first 3 of which are relevant in this case. The first criterion is the buildings should be of permanent and substantial construction, capable of conversion without major works and are in keeping with their surroundings. As former agricultural buildings that are in reasonable condition this test is clearly satisfied.

The second criterion is that the new use should not have a materially greater impact than the present use on the Green Belt. It is appropriate to consider that together with the third criterion relating to the consequences of traffic generation and the second main issue of highway safety.

The particular type of use presently carried out is one that generates very little noise or vehicle movements and does not depend on open-storage of goods. On that basis the proposal is acceptable in terms of the remaining relevant tests of Policy GB8A and in terms of consequences for both highway safety and living conditions of neighbours. However, the proposal is for a use within a particular Use Class – B8 – therefore if planning permission were given the use could subsequently intensify without the need for any further planning permission unless adequate safeguards are built into the consent. Such potential intensification could be harmful to the green belt, character of the locality, interests of highway safety and residential amenity. In the circumstances, it is necessary to consider whether such safeguards could be put in place before deciding whether planning permission should be given.



In order to safeguard the Green Belt and character of the locality it is reasonable and necessary to impose a condition on any planning permission given that prohibits any open storage on the application site.

The nearest dwellinghouse to the application site is the neighbouring former farmhouse whose curtilage abuts the application site. Moreover the applicant is the owner and occupier of the former farmhouse. It is therefore strongly in his interest that the use does not intensify to the extent that it would be harmful to his living conditions. His interest is underscored by his proposal to erect a replacement house, which is reported elsewhere in this agenda. Accordingly, a requirement that the use only be carried out by the occupier of the existing or any replacement dwellinghouse at Willow Park Farm would be reasonable and necessary. That can be secured by a planning condition. However, in the interests of being able to properly enforce such a requirement it is also reasonable and necessary to require the applicant to complete a S106 agreement that prohibits the sale of the application site separately from the remainder of Willow Park Farm. The condition and legal agreement would together serve to act as a break on the potential for any intensification of the use in the interests of the Green Belt policy, safeguarding the character of the locality and amenities of neighbours.

The condition and legal agreement have been discussed with the applicant who is willing to accept those terms. It is also considered appropriate to prohibit access to or from the site by goods vehicles outside limited hours – 08.00 to 18.00 Monday to Friday and 09.00 to 13.00 on Saturdays and prohibiting access on public or bank holidays. Such a condition would further safeguard the living conditions of neighbouring dwellings.

The Highway Authority advises it has no objections to the continuation of the present use but would wish to be able to assess and comment on the highway safety implications of any possible future intensification of commercial activity. It has therefore suggested any planning permission given be personal to the applicant in order to achieve that. A personal planning permission would not prevent the applicant intensifying the use, however, the planning condition linking the use to occupation of the neighbouring house together with S106 agreement preventing separate sale of the application site, as discussed above, would also enable the Highway Authority to influence a proposed intensification through the planning process in circumstances where that intensification could result in a material increase in traffic flows to and from the site.

### **Conclusion:**

Subject to appropriate planning conditions and a planning obligation designed to limit the intensity of the use in the interests of safeguarding the openness of the Green Belt, the proposal is appropriate re-use of the buildings and associated land. Those same limitations would serve the interests of safeguarding the character of the locality, maintaining highway safety and the living conditions of neighbouring dwellings. Accordingly, the proposal complies with planning policy and it is recommended that conditional planning permission be granted subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 preventing the sale of the application site separately from the remainder of Willow Park Farm.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

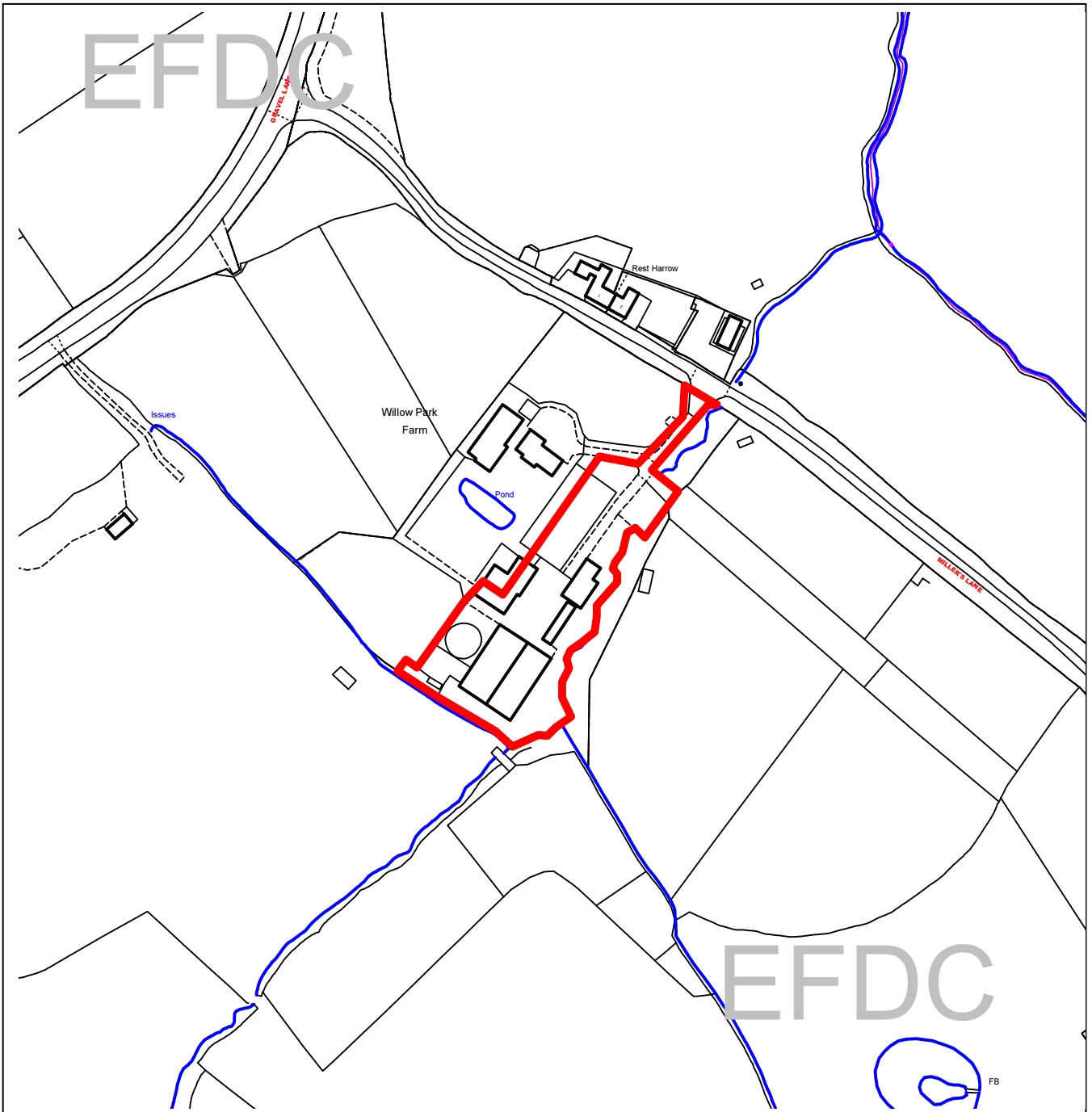
***Planning Application Case Officer: Stephan Solon  
Direct Line Telephone Number: 01992 564018***

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>2</b>
Application Number:	EPF/0392/12
Site Name:	Willow Park Farm, Millers Lane Chigwell, IG7 6DG
Scale of Plot:	1/2500

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0334/12
<b>SITE ADDRESS:</b>	Willow Park Farm Millers Lane Chigwell Essex IG7 6DG
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Row
<b>APPLICANT:</b>	Mr Tariq Hussain
<b>DESCRIPTION OF PROPOSAL:</b>	Demolish existing dwelling, pool building and detached garage and erect replacement two and a half storey detached dwelling and a detached single storey garage block.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=535223](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=535223)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: ESA-1000, ESA-201 rev. B, ESA\_300 rev. D, ESA\_302 rev. C, ESA\_303 rev. D, ESA\_304 rev. A, and ESA\_310 rev. B.
- 3 The existing house and adjacent pool and bar building together with adjacent garage building, as indicated on drawing no ESA-201 rev. B, shall be completely demolished within 6 months of the substantial completion of the dwellinghouse hereby approved.
- 4 The maximum extent of the curtilage of the dwellinghouse hereby approved shall be as indicated by the red line identifying the application site on drawing no. ESA\_300 rev. D.
- 5 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 6 Prior to the commencement of the development hereby approved, wheel washing facilities for vehicles leaving the site during construction works shall be installed. The installed cleaning facilities shall be retained for the duration of the construction and used to clean vehicles immediately before leaving the site.

- 7 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.
- 8 The building identified as building D on drawing no. ESA-201 rev. B shall only be used as ancillary accommodation for the approved dwellinghouse and shall not be occupied as a unit separately from the approved dwelling.
- 9 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no enlargement of the house generally permitted by virtue of Classes A and B of Part 1, Schedule 2 to the Order, and no development generally permitted by Classes E and F of Part 1, Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 10 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 11 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. 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 in writing.
- 12 No development shall take place until details of the extent and the proposed surface materials for the driveway and vehicle turning area for the development have been submitted to and approved in writing by the Local Planning Authority. The extent of the driveway and vehicle turning area shall only be in accordance with the details approved. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.
- 13 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland

and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

- 14 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 15 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 16 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 17 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 18 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 19 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

*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 Site:**

The application site comprises a former farm house together with associated outbuildings and part of a redundant ménage. It is accessed via a wide drive off the southwest side of Millers Lane, a short distance from its junction with Millers Lane. The farmhouse is a two-storey house with the first floor accommodation being contained within the roof space. It has a ridge height varying between 6.8m and 7.6m. Outbuildings comprise an extensive swimming pool and bar together with garage that are just over 4m high. A pond is situated in the garden immediately rear of the house.

The site forms part of a 3.3 hectare landholding that also includes a grassed field to the northwest of the site that is bounded by Millers Lane and Gravel Lane together with a former farm yard to the southeast. Land rises to the northwest and southeast of the application site, the level changes restricting views of it, although it is clearly visible from Millers Lane. The former farmyard buildings partially screen views of the site from the south while trees/hedgerow on the south western boundary of the landholding obscure views of it from that direction. Land to the southeast and southwest of the landholding is open fields. The field to the northwest of the site within the landholding wraps around the front and rear of the application site.

Opposite the access to the site entrance on lower ground is the site of a redundant former kennels, west of which are a pair of modest houses. Other than those developments, land on the northeast side of Millers Lane is open.

The application site is within the Metropolitan Green Belt. It is not within a conservation area or vicinity of listed or locally listed buildings. The former farmyard and associated buildings together with the part of the redundant ménage outside of the application site is the subject of a separate application in respect of their use for the purposes of storage and distribution (Use Class B8), which is reported elsewhere on this agenda.

### **Description of Proposal:**

It is proposed to erect a replacement house immediately rear of the existing house and subsequently demolish the existing house and outbuildings in order that the applicant can continue to live at the application site.

The proposed house would be full two-storeys with a shallow pitched hipped roof that has traditional eaves. It would include accommodation in the roofspace that would be lit by small dormer windows to the front and rear roof slopes. The front elevation would be dominated by a central gabled bay with the gable designed to appear as a classical pediment. The ground floor of the bay would be decorated by Tuscan/Doric pilasters surrounding deep arched windows and entrance door. A classical frieze between the ground and first floor would rest on the pilasters. Windows would be symmetrically arranged and of a common width with the ground floor being one pane deeper. Limited single-storey projections would be erected to the flank elevations.

The rear elevation would match the general pattern of the front. A semi-circular balcony supported by an arched colonnade would project from a central bay. Four chimneys would break up the roof.

A detached block of 6 garages would be erected on the part of the ménage within the application site. The block would have a shallow pitched roof contained within a parapet.

The curtilage of the house would be the same as that of the existing house.

*Key facts of the proposal are as follows:*

The total volume of buildings to be demolished is 3043m<sup>3</sup>. That volume is on a ground area of 635m<sup>2</sup>.

The total volume of buildings to be erected is 3081m<sup>3</sup>. That volume would be on a ground area of 511m<sup>2</sup>.

The proposed house would be 9.3m high, some 2m higher than the existing house.

The garage block would be 4.2m high, the same height as existing outbuildings.

### **Relevant History:**

None relating to this application site.

The applicant has pursued 2 previous proposals to erect a replacement house on higher ground within an open field to the southeast. The first proposal, application ref EPF/0587/10, was withdrawn by the applicant. The second proposal, application EPF/0147/11, was refused on the basis of harm to the Green Belt.

### **Policies Applied:**

CP2	Protecting the Quality of the Rural and Built Environment
GB2A	Development within the Green Belt
GB7A	Conspicuous Development
GB15A	Replacement Dwellings
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE4	Design in the Green Belt
DBE9	Loss of Amenity

LL11            Landscaping Schemes  
ST4             Road Safety  
ST6             Vehicle Parking

NPPF

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted. 4

Site notice posted. Yes

Responses received: One response was received from the occupant of BILLINGSBOURNE BARN, MILLERS LANE, who raises the following objections to the proposal:

1. Due to its size, and especially its height, the proposal would be harmful to the visual amenities of the Green Belt. It is therefore inappropriate development in the Green Belt.
2. The design of the proposal is not compatible to a rural location and, together with its large scale and increased prominence over the existing house it would not complement the aesthetics of the countryside or blend in with its surroundings.

CHIGWELL PARISH COUNCIL: "The Council objects to this application as it is an inappropriate development within the green belt by virtue of its bulk and size and the Council are not aware of any special circumstances."

### **Main Issues and Considerations:**

The main issues raised by the proposal are its appropriateness in the Green Belt, impact on the openness of the Green Belt and character of the locality.

#### **Green Belt:**

Planning policy, as set out in Local Plan policy GB15A, allows for the erection of replacement dwellings in the Green Belt provided they are not materially greater in volume than the house which they would replace, do not have a materially greater impact on the openness of the Green Belt than the original dwelling and do not result in the creation of a materially larger private garden.

The volume of the proposal as a whole is based on a combination of that of the existing house and the volume of extensive outbuildings situated adjacent to it. Since those buildings are closely related to the existing house in terms of their use and location the approach taken is correct in policy terms. The volume of the proposed house together with that of the proposed garage block is not materially different to that of the existing house and adjacent residential outbuildings. Criterion (i) of policy GB15A relating to volume is therefore met by this proposal.

The height and bulk of the proposed house is clearly greater than that of the existing house. It would therefore appear more prominent than the existing house. That house is, however, seen in the context of existing adjacent farm buildings that are in commercial use. Moreover, since land levels rise to the junction of Gravel Lane with Millers Lane and also rise southeast and southwest of the site the prominence of the proposed house would be significantly mitigated. Notwithstanding its additional bulk and height compared to the existing house, therefore, the proposed house would appear to sit in the landscape. Main views of it would be from Millers Lane opposite the front elevation and from higher ground within the existing landholding and on Millers Lane, although existing trees adjacent to Millers Lane break up views of the application site. There is clearly scope to introduce significant additional landscaping on the application site and elsewhere within the landholding to more effectively mitigate the visual impact of the proposed house.



Having regard to the favourable siting of the proposal, its context, the potential to secure meaningful landscaping by way of a planning condition and that the volume of the proposal as a whole is very similar to the existing residential development it is concluded the proposal would not cause any more harm to the openness of the Green Belt than the existing development. Accordingly, criterion (ii) of policy GB15A is satisfied by the proposal. That criterion effectively duplicates policy GB7A therefore there is not conflict with that policy.

Since no change is proposed to the curtilage of the existing dwelling the proposal also meets the third criterion of policy GB15A.

Since the proposal complies with policies GB7A and GB15A, it also accords with policy GB2A. Having regard to all the relevant facts of the proposal it is found to be appropriate development in the Green Belt.

#### Character and Appearance:

The detailed design of the proposed house has been modified since the application was originally submitted. A parapet enclosing the roof has been removed as have sections of stone cladding and render together with stone window surrounds. The number of dormer windows has been considerably reduced. The pitch of the roof has been reduced and traditional eaves details introduced. As a result of these changes the proposed design is now significantly toned down. The walls are now indicated as being entirely brick faced and the roof clad in slate, although precise materials are not specified. The changes have not affected the height or scale of the building but they have achieved a small reduction in volume.

As submitted the proposal did not comply with relevant design policy and failed to complement the character and appearance of the locality. The revisions retain classical design elements but in terms of its scale, symmetry and roof design the proposal is broadly consistent with other large houses in the locality. The use of bays and gable features to give interest and break up long elevations is a common approach to design and the revised indicative materials is consistent with those of other large houses in the locality. The classical design elements are less common, however, this site is not within any conservation area nor is it seen in the context of any listed building. Within this context the classical design elements are acceptable.

Having regard to the detail and context of the revised design, subject to conditions to control finished materials, the proposal would respect the character and appearance of the locality. Accordingly, the proposal complies with relevant Local Plan design policy.

In common with other proposals for the erection of houses it is necessary to secure an appropriate landscaping scheme to ensure the development as a whole has a satisfactory appearance. This can be secured by condition and in this case it is appropriate that such a condition relates to the wider landholding. In conjunction with this it is necessary to use planning conditions to limit the extent of proposed and potential hardsurfacing on the site and to control their finished materials. Such materials should be soft and porous.

#### Conclusion:

The proposal is appropriate development in the Green Belt. Subject to appropriate planning conditions designed to ensure the development as a whole has an acceptable appearance and to deal with matters of detail including the potential for the land to be contaminated by its historic use for agriculture, it is recommended that planning permission be granted.

**Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:**

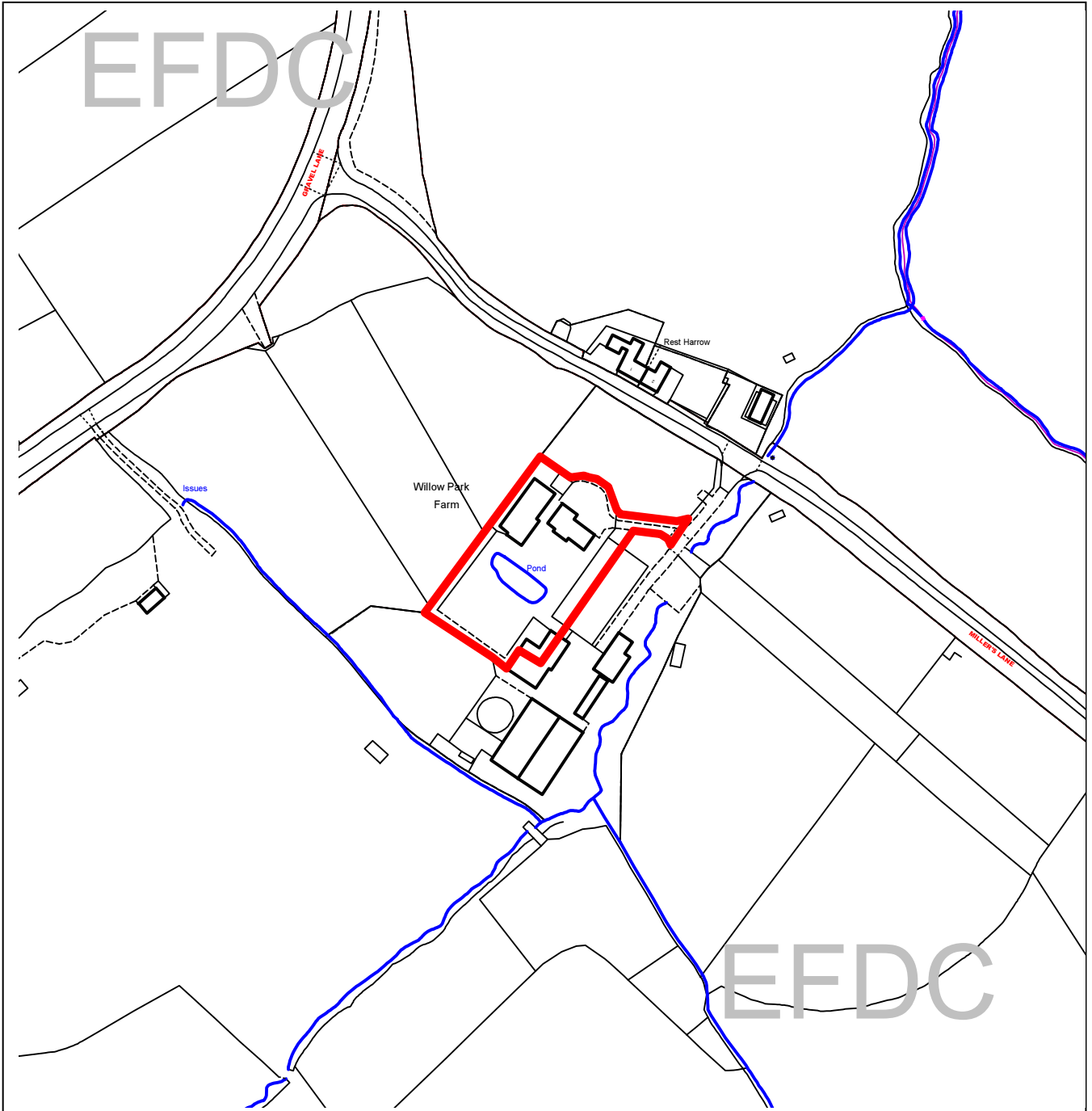
**Planning Application Case Officer: Stephan Solon  
Direct Line Telephone Number: 01992 564018**

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/0334/12
Site Name:	Willow Park Farm, Millers Lane Chigwell, IG7 6DG
Scale of Plot:	1/2500

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0493/12
<b>SITE ADDRESS:</b>	The Coach House Gravel Lane Chigwell Essex
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Mr Graham Bayliss
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of new detached 4 bedroom dwelling, demolition of existing Coach House and existing concrete framed building. Extending stable building with store and garage, change of use of stables into storage rooms.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=535837](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=535837)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:  
1170/103; 1170/103C; 1170/103b; 1170/101c; 1170/102b; 1170/104
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Schedule 2, Part 6, Classes A and B shall be undertaken on the application site as identified on drawing no 1170/103 without the prior written permission of the Local Planning Authority.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no enlargement of the house generally permitted by virtue of Schedule 2, Part 1, Class A of the Order and no development generally permitted by virtue of Schedule 2, Part 1, Class E of the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 6 The dwelling hereby approved shall not be sold independently of the remainder of the application site, as identified on plan no. 1170/103.
- 7 The residential curtilage of the dwelling hereby permitted shall be limited to the areas edges red on plan no. 1170/103C.
- 8 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 9 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 10 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

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

- 11 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 12 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 13 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.
- 14 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 15 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 16 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 17 No development shall take place until details of the landscaping of the site, including retention of trees and other natural features and including the proposed times of proposed planting (linked to the development schedule), have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at those times.
- 18 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars 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 of the same size and species shall be planted within 3

months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

- 19 The existing buildings shown in dashed line on plan no. 1170/103b shall be demolished and all resultant debris removed from the site within 3 calendar months of the substantial completion of the dwelling hereby approved.

**Subject to the completion, within 6 months, of a legal agreement under Section 106 of the Town and Country Planning Act 1990 prohibiting the sale of any part of the application site separately from the remainder of the site.**

*This application is before this Committee since it is an application contrary to the provisions of an approved draft Development Plan or Development Plan, and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(a))*

**Description of Site:**

The application site comprises the building known as 'The Coach House' and the area of land surrounding it. The application drawings also indicate a larger area which lies within the applicant's ownership, which is largely planted with grapevines (an agricultural use). To the rear of The Coach House is a dwelling called the Farmhouse, which is in separate ownership. The boundary between the two sites is marked by a fairly low level, sparse Leylandii. The Farmhouse is presently being replaced by a larger dwelling, set back further within the site – construction appears almost complete. To the side of The Coach House is a stable block. The application site is accessed by a narrow track from Gravel Lane. The site is located within the Metropolitan Green Belt.

The site covers an area of approximately 5 hectares.

**Description of Proposal:**

This application seeks planning permission for the erection of a two storey, four-bedroom dwelling within the application site. The dwelling would include a basement level, which would provide a storage and preparation area and also a large wine cellar. Also proposed is the demolition of existing buildings within the site including 'The Coach House' and a large storage building. An extension to an existing stable building would also be built, with the extended block comprising a number of individual storage areas (for use in association with the vineyard) and a double garage for use by the dwelling. Both the outbuilding and the new dwelling would be accessed from the existing roadway within the site, which connects to Gravel Lane.

The proposed extension to the stable building would amount to an additional area of approximately 63m<sup>2</sup>. The extension would be a smaller version of a 132m<sup>2</sup> extension which was approved in 2002 and remains capable of being implemented due to the consent having been commenced.

**Relevant History:**

EPF/0641/89. Use of premises as a dwelling house. Refused 23/06/1989.

EPF/1309/97. Conversion of coach house into a dwelling. Refused 02/12/1997 and subsequently dismissed at appeal 15/07/1998.

EPF/0393/02. Refurbishment and replacement works to the coach house and barns to create stables and barn with tack room and store. Approved 10/07/2002.

EPF/2425/07. Change of use of Coach House to dwelling (revised application). Refused 18/12/2007 for the following reason:

*The Council is not satisfied that the works within the last ten years were not completed with a view to securing ostensibly a residential use of the building. It will therefore be inappropriate development in the Metropolitan Green Belt and be contrary to policies GB2A and GB8A of the Adopted Local Plan and Alterations.*

Subsequently dismissed at appeal.

EPF/1802/09. Retention of front dormers and doors and windows to tack room. Refused 22/12/2009 for the following reason:

*The cumulative impact of the alterations to the building results in it resembling a domestic property in its character. Such character is inappropriate within the Green Belt and harmful to the Green Belt, contrary to policy GB2A of the adopted Local Plan and Alterations.*

EPF/1061/11. Conversion of existing Coach House into dwelling and extending stable buildings with store and garage, and change of use of stables into storage rooms. Demolition of existing concrete framed buildings. Refused 09/09/2011 for the following reason:

*The Council is not satisfied that works undertaken to The Coach House within the last ten years were not completed with a view to securing a residential use, as it does not appear that the 2002 consent for use as a tack room was ever implemented. The proposed development is therefore contrary to policy GB8A(iv). As a result, the proposed development would be inappropriate development within the Metropolitan Green Belt, as defined in policy GB2A of the Adopted Local Plan and Alterations. The applicant has failed to demonstrate a case for very special circumstances to outweigh this harm to the Green Belt.*

### Planning Enforcement History

ENF/0610/07. Physical alterations taken place. Enforcement Notice served 24/04/2008 requiring either removal of the works or alteration to accord with planning permission EPF/0393/02. Requirements complied with.

### Policies Applied:

National Planning policies are contained within the National Planning Policy Framework (NPPF)

#### *Local Plan Policies:*

- CP1 – Achieving sustainable development objectives
- CP2 – Protecting the quality of the rural and built environment
- DBE1 – Design of new buildings
- DBE2 – Effect on neighbouring properties
- DBE4 – Design in the Green Belt
- DBE8 – Private Amenity Space
- DBE9 – Loss of amenity
- LL10 – Landscaping for Retention



LL11 – Landscaping Schemes  
ST4 – Road Safety  
ST6 - Vehicle Parking

**Summary of Representations:**

Notification of this application was sent to Chigwell Parish Council and to 1 neighbouring resident.

The following representations have been received:

CHIGWELL PARISH COUNCIL. The Council SUPPORTS this application as this is a general tidy-up of the Green Belt area. However, the proposal must be tied into the accuracy of the dimensions stated, the agricultural use and the promise of a minimum reduction of 40% in building volume.

**Issues and Considerations:**

The main issues in this case are the appropriateness of the proposed development within the Green Belt and its impacts on neighbouring amenity and on the character and appearance of the area.

Green Belt

Prior to the submission of the application, the Applicant had considered seeking planning permission for the dwelling on the basis that it would be occupied by an agricultural worker. However, discussions with planning officers confirmed the importance of compliance with Policy GB17A of the Local Plan in submitting such an application. In particular, the importance of not exceeding a floor space of 150m<sup>2</sup> was discussed, as by exceeding this it is often difficult to retain the dwelling as an agricultural workers property in the long term, as its value (even with the 40% reduction required by Local Plan policy) significantly exceeds that likely to be attainable by an agricultural worker. Supporting information submitted with the applicant also raises their concern that an agricultural workers dwelling may not be as readily justified in relation to the vineyard agricultural activity as it may be in relation to an agricultural use involving livestock (Although, a successful case was made in 2001 in an appeal involving Arun District Council, where an agricultural workers cottage was proposed at a vineyard of 5.67 ha and the Inspector accepted that the operation was labour intensive requiring work to be undertaken at unsociable hours such as very early in the morning and in the evenings. In particular, the Inspector noted it was necessary to scare away flocks of birds at dawn and dusk and respond quickly to the threat of frost. In that case, the Inspector accepted that those tasks could not be accomplished if the workers occupied a property in a nearby settlement).

This application must be considered on the basis that the dwelling will not be tied by condition/legal agreement to be occupied by an agricultural worker. On this basis, it is inappropriate development within the Green Belt and, in accordance with para. 87 of the NPPF, may only be approved where there are very special circumstances which outweigh the harm caused to the Green Belt.

The applicant believes that such special circumstances do exist and sets these out within an accompanying statement. These are appraised below:

1. *The conversion of the existing coach house was recommended for consent, but it has now been decided that this should be demolished and a new dwelling built in its place.*

Whilst officers have previously recommended applications for the conversion of The Coach House for approval, Members of this planning committee have determined that those

applications should be refused planning permission. In 2007 such a decision to refuse planning permission was upheld at appeal. It is not, therefore considered that previous recommendations of planning officers to grant approval for the conversion amount to very special circumstances for permitting this application for a new dwelling.

2. *The new dwelling, whilst marginally larger (than The Coach House) is further away from the adjoining dwelling and is in a better location, well screened from the surrounding countryside and the main road.*

The proposed building would be better sited in relation to the neighbouring dwelling and would provide an improved level of amenity for the residents of that neighbouring dwelling. It is, therefore, considered that some weight may be applied to this factor when considering an overall case for special circumstances.

3. *There are substantial gains in terms of the external buildings being removed, which is an aesthetic improvement and a reduction in net floor area of the site.*

The proposed development would result in the loss of the existing Coach House building and the existing barn building within the site which, although in a poor condition, remains a structurally sound building. In total, the loss of those buildings amount to the removal of approximately 264m<sup>2</sup> in area and 927m<sup>3</sup> in volume. Additional buildings within the site, including the proposed dwelling and the garage addition to the existing stable building, would be approximately 165m<sup>2</sup> in area and 966m<sup>3</sup> in volume (above ground level). Accordingly, as a result of the development the built footprint within the site would reduce by about 37.5% and there would also be a slight (approximately 4%) increase in volume.

4. *Whilst the proposed dwelling will not have an agricultural tie, it will be used as one, so that the dwelling cannot be sold off separately without the vineyard and land associated with it.*

This observation is linked to those made below at points 5 and 6. The proposals are intrinsically linked, partly because of the way that the Applicant intends to live/work the land but also in a more physical way, in terms of the provision within the basement of the dwelling for storage connected to the vineyard use. If the dwelling were to be divorced from the vineyard then there would clearly be a need for an additional storage building to be provided on the land. Such a building would clearly impact on the openness of the green belt and would erode the benefits secured by the removal of buildings associated with this current proposal. There also remains a possibility, bearing in mind the appeal case referred to above, that if the house were to be separated from the agricultural land in the future, then a future case could be made for the need for a further dwelling on the land, to be occupied by an agricultural worker. For these reasons, it is considered necessary to tie the house to the land so that they may not be independently sold in the future. Accordingly whilst the dwelling need not be occupied by an agricultural worker, the two must remain within the same ownership.

5. *The vineyard is ideally sited on a sloping site facing the south and east, planted with 11,000 grapevines. The enterprise is viable and already in production to produce grapes and wine on the site. The existing outbuildings are suitable for this production and the Applicant will work the land and live in the house, therefore, the two are inextricably linked.*

Please refer to appraisal under the previous point.

6. *The basement of the house will provide essential additional storage for wine produced, avoiding potential additional buildings and is a sensible use to provide storage without creating additional buildings.*

Please refer to appraisal under the previous point.

7. *There will be an employment use with the Applicant and his wife working the land and also for occasional associated casual labour associated with the picking of the grapes and the making of the wine.*

The National Planning Policy Framework (NPPF) encourages economic growth within rural areas. It identifies a need for local plans to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings and to promote the development and diversification of agricultural and other land based rural businesses.

Whilst this consideration does not override the presumption against inappropriate development within the green belt, it remains a material planning consideration and it is considered that some weight may be applied to this factor when considering an overall case for special circumstances.

8. *The style, size and height of the dwelling were generally accepted in pre-application correspondence.*

Whilst pre-application advice was provided by officers in respect of this scheme, this was on the basis that such advice would not be binding on any future decision taken by the Council, as the local planning authority. Accordingly, such advice does not provide very special circumstances for permitted inappropriate development within the green belt.

9. *The property is a modest simple dwelling*

Whilst it is accepted that the dwelling is not excessive in its size, the construction of a new dwelling is inappropriate development within the Green Belt regardless of its size. Accordingly, whether or not its size can be described as modest does not provide very special circumstances for permitted inappropriate development within the green belt.

10. *The dwelling also relates well to the adjoining dwellings and forms an end to the ribbon development along this part of the road where there are existing residential dwellings.*

The dwelling would relate well within the existing street scene. However, rather than infilling within the existing ribbon development, this proposal would extend it, by reason of the dwelling's more central position within the site.

The proposed development would result in a considerable reduction in footprint within the site, despite the slight increase in volume caused by the increased development height (the Coach House has a maximum height of 6.7m and the proposed dwelling would have a maximum height of 8.6m). When considering this slight increase in volume, it should be borne in mind that the extension to the stable building is one which is already approved and capable of being implemented. If this part of the development is discounted, there would be an overall reduction in both floor space and volume. Overall, it is considered that there would be an improvement to the openness of the Green Belt.

Although not proposed to be tied for occupancy by an agricultural worker, the proposed dwelling would be linked to the agricultural use of the wider site, including by reason of the inclusion of storage space within the basement of the dwelling. The agricultural use of this site as a vineyard accords with policies within the NPPF which encourage the sustainable growth and expansion of all types of business and enterprise in rural areas and promotes the development and diversification of agricultural and other land based rural businesses. It is, therefore considered that

very special circumstances exist which outweigh the harm to the Green Belt caused by inappropriateness.

#### Neighbouring Amenity

The proposed dwelling and garage/storage extension would be sited such that there would be no reduction in amenity caused to the occupiers of the neighbouring residential property. Indeed, the aspect of the neighbouring dwelling would be considerably improved by the demolition of The Coach House.

#### Character and Appearance

Views into the site are considerably limited by the dense vegetation along its boundary with Gravel Lane. This vegetation is proposed to be retained. Notwithstanding this, the dwelling, although considerably smaller than that on the adjacent site, would be of similar design and therefore in keeping with the character of existing buildings. Its position within the site would also be greatly improved in relation to that of the existing Coach House. The development is considered to enhance the character and appearance of the site.

#### Other Matters

*Procedure* - this proposal is an inappropriate development in the Green Belt and as such is a departure from local plan policy. Accordingly if the Committee is minded to grant planning permission, the application will need to be referred for consideration by the District Development Control Committee (DDCC). However, the scale of the development is not such that the application would then need to be referred to the Secretary of State and accordingly the DDCC would be able to grant a planning permission, if it were so minded.

#### **Conclusion:**

In light of the above appraisal, it is considered that the proposed development would constitute an inappropriate development in the Green Belt under definitions contained within national and local planning policies. Paragraph 87 of the NPPF states that inappropriate development should only be approved in very special circumstances. For the reasons set out within this report, it is considered that in this case, very special circumstances do exist which outweigh the harm caused by reason of inappropriateness. Furthermore, the development would have an acceptable appearance and would not harm the amenities presently enjoyed by the occupiers of neighbouring residential properties. It is, therefore, recommended for approval subject to the planning conditions contained within this report and the completion of a planning obligation prohibiting the sale of any part of the site from the whole.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

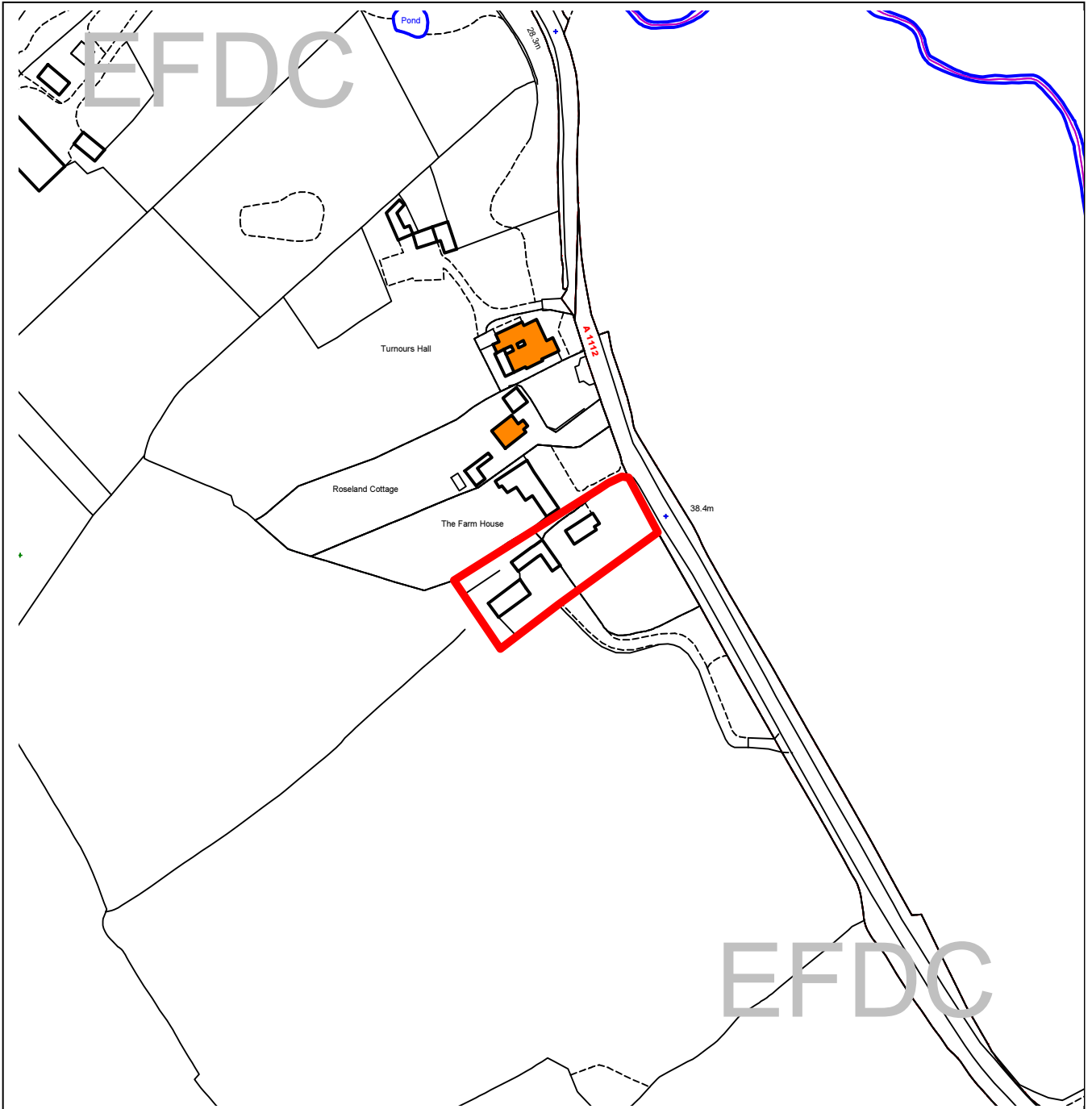
***Planning Application Case Officer: Mrs Katie Smith  
Direct Line Telephone Number: 01992 564019***

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/0493/12
Site Name:	The Coach House, Gravel Lane Chigwell, IG7 6DQ
Scale of Plot:	1/2500

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0580/12
<b>SITE ADDRESS:</b>	Land adjacent to 16 Grasmere Close Loughton Essex IG10 1SL
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns
<b>APPLICANT:</b>	Mr Stuart Brazill
<b>DESCRIPTION OF PROPOSAL:</b>	New dwelling. (Revised application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (with Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=536058](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=536058)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1184/301; 1184/302; 1184/303b; 1184/304.
- 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) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 5 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 6 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 7 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed. The installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

*This application is before this Committee as it is for a form of development that can not be approved at Officer level if there are more than two expressions of objection to the proposal. (Pursuant to Section CL56, Schedule A(f) of the Council's Delegated functions).*

**Description of Site:**

The application site is a fenced off area of land which previously formed part of the rear gardens of 10 and 12 St Johns Road. Prior to the submission of the planning application, significant works to trees have been undertaken, including the removal of some established trees. Since none of the trees are preserved the works undertaken did not require the consent of the Local Planning Authority. The site has an existing vehicular access onto Grasmere Close which is presently secured by timber gates.

**Description of Proposal:**

This application seeks planning permission for the erection of a new dwelling. The dwelling would be loosely of rectangular plan (approximately 8.35 x 10.35m across its two storey bulk). It would accommodate 4 bedrooms, a kitchen and an open plan living/dining room. The dwelling would have a dual pitched roof with an eaves height of 5 metres and a ridge height of 7.7 metres. In an amendment to previously proposed dwellings, the design of the dwelling, including its roof height and pitch, massing and elevational details, would be more closely related to that of surrounding development in Grasmere Close. A wall (maximum one metre) would surround the front boundary.

**Relevant History:**

EPF/0045/91 Detached bungalow and garage. Refused 09/05/91 for the following reason:

*The proposal represents undesirable backland development detrimental to the visual amenities of adjoining and nearby residential properties.*

Subsequently allowed at appeal.

EPF/0538/11: New dwelling. Refused 09/05/2011 (under authority delegated to officers) for the following reasons:

1. *The proposed dwelling, by reason of its height, roof pitch and detailed design including the use of dormer windows would be an overly prominent addition to the cul-de-sac which would appear out of keeping with the adjacent dwelling. This would have an adverse impact on the character and visual amenity of the locality, contrary to policies CP2(iv), CP3(v) and DBE1 of the Adopted Local Plan and Alterations.*
2. *The position of the proposed garage close to the front boundary of the site would result in it having a dominant appearance that would be out of keeping with the character and appearance of the existing cul-de-sac, contrary to policies CP2(iv), CP3(v) and DBE1 of the Adopted Local Plan and Alterations.*

N.B. an appeal against the above refusal of planning permission has been dismissed.

EPF/1207/11: New dwelling. (Revised application). Refused 09/09/2011 for the following reason:

1. *The proposed dwelling, by reason of its scale, inappropriate design and use of materials, would fail to harmonise with existing dwellings within the cul-de-sac, resulting in an adverse impact upon the street scene, contrary to policies CP2, DBE1 and DBE3 of the Adopted Local Plan and Alterations.*

EPF/2509/11. New dwelling. (Revised application). Refused for the following reason:

1. *The proposed dwelling, by reason of its scale, inappropriate design and use of materials, would fail to harmonise with existing dwellings within the cul-de-sac, resulting in an adverse impact upon the street scene, contrary to policies CP2, DBE1 and DBE3 of the Adopted Local Plan and Alterations.*

#### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private Amenity Space  
DBE9 – Loss of amenity  
LL11 – Landscaping Schemes  
ST4 – Road Safety  
ST6 - Vehicle Parking  
H2A – Previously Developed Land

#### **Summary of Representations:**

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

The following representations have been received:

LOUGHTON TOWN COUNCIL: No objection. The Committee had no objection to this application. As members considered this was the maximum sized dwelling that could be properly accommodated on this site, a condition withdrawing all further permitted development rights was requested.

PALMERS SOLICITORS (acting on behalf of nos. 3 and 16 Grasmere Close). Objection. The property, when constructed, will still be significantly larger than existing properties in Grasmere



Close. At 1.5m above the level of other buildings it will both overlook the gardens of 3 and 16 Grasmere Close and present an eyesore to view from properties on the others side, which previously enjoyed the woody view. Vehicle access to the plot is restricted as the occupants of no. 3 have cultivated the land since 1971 and excluded all others from it – they therefore claim they acquired possessory title to that land by adverse possessions and will not allow the applicant to trespass on the land during the course of the development. A further strip of land is owned by another party. The plot has only been achieved by reducing the garden to 10 St Johns Road – adversely affecting the amenity space of that property. Soil excavations will require the site to be underpinned to prevent soil slippage. Concerned regarding pressure on traffic and parking facilities in Grasmere Close. Drainage system may not be able to cope. There may be a well on the site which may be ancient in origin and therefore potentially an archaeological site. Alternately, there is a spring, drain or possibly burst water main causing significant run-off to both clients' gardens.

8 GRASMERE CLOSE: Objection. Whilst the proposed plans are now more in keeping with the existing properties, I do not agree to development of this site, given it amounts to garden grabbing. This piece of land is situated at the end of the garden of 10 St. John's Road, which has just been subject to the erection of a very substantial property. To then erect a further house at the end of the garden essentially amounts to overdevelopment of this plot.

16 GRASMERE CLOSE: Objection. The proposed house is planned to sink into the garden and the excavation of several thousand cubic metres of soil would therefore need to be removed, which will cause an incredible amount of disruption to all residents in the close. As the road does not have any turning areas, the only way a 30 ton truck could gain access to the site would be to reverse all the way from St Johns Road, which is not only very dangerous but I think it may well be illegal. The Health and Safety Executive advise that "Nearly a quarter of all deaths involving vehicles at work occur during reversing". Surely two houses being built on the same plot of land does not make any kind of planning sense, as the house at 10 St Johns Road should need the full garden to complement its size. This is nothing more than garden grabbing. 16 and 3 Grasmere Close have constant water draining from this land and we suspect that there may be a well somewhere in this site which is causing the flooding. Imagine what it is going to be like when the property is finished with even more water due to the lack of grassed areas for soakage. We are now aware that there is in fact no access right of way to this land, which effectively renders the garden land locked. We also cannot see where surface water/sewage can be directed from this land. The fencing at the front is not owned by the developer and cannot be removed without the permission of the two adjacent properties, at numbers 16 and 3.

30 SEDLEY RISE: Objection. The development is not logical – it takes over existing gardens in adjacent properties. The revised ridge height will be imposing to adjacent homes. The space for 4 vehicles and the number of bedrooms suggests this will be a high occupancy site, which brings problems with parking and access to the detriment of existing neighbours. The site has already been stripped of its trees in anticipation of a planning application. Concerned that this development may result in excess water run-off. Loss of garden and wildlife habitat is a concern.

### **Issues and Considerations:**

The main issues to be considered in relation to this proposal are:

- The acceptability of the principle of residential development on the site
- The impact of the proposed development on the character and appearance of the locality
- The impact of the proposed development on the amenities enjoyed by the occupiers of neighbouring dwellings
- The impact of the proposed development on existing landscaping, and
- The impact of the proposed development on highway safety and the suitability of parking.

### Principle of Residential Development

As garden land, the application site is not considered as previously developed land and accordingly, for the purposes of policy H2A, must be considered as a Greenfield site. However, policy H2A does not preclude residential development of Greenfield sites. Although there is a general preference for development to take place on previously developed land, neither adopted Local Plan policy or the National Planning Policy Framework sets out any presumption against development on Greenfield land. Proposals for development on Greenfield sites, including the current proposal, must be considered on their own merits. Since there is no in principle objection to the development of this site it is necessary to take a view on the main issues raised by it. That assessment is set out below.

### Impact on Character and Appearance

The cul-de-sac has a distinct character with the dwellings being of uniform style, despite a few additions/alterations.

The proposed dwelling would be detached and would be similar to existing dwellings in terms of its scale, detailed design and height. Information submitted on the planning application forms also indicates that the external material used within the construction would match existing properties.

The previous planning application was refused by this Committee on grounds of the dwelling's scale, inappropriate design and use of materials. Through considerable revision to the proposal, the Applicant has properly addressed those concerns.

Particular concern has been raised by neighbours in relation to the height of the proposed dwelling. The application drawings do indicate existing and proposed site levels. They show the proposed dwelling would be built at a level of 93.50. Achieving this would involve a partial excavation of existing land. This proposed site level would only be 0.5m higher than that of 3 Grasmere Close and that degree of difference is considered acceptable on street scene terms since it would allow the proposed house and that at no. 3 to have very similar rooflines.

### Impact on Neighbouring Amenity

The layout of the site and the position of the dwellings (and fenestration within) are such that there would not be a material loss of amenity to the occupiers of neighbouring dwellings.

Future occupiers of the proposed dwelling would have acceptable levels of amenity in terms of natural light and outlook to habitable rooms, privacy and external amenity space.

Concern has been raised through third party representations regarding the acceptability of the size of the garden that would be retained by the occupiers of 10 St Johns Road. Planning permission for a replacement dwelling (now substantially completed) at 10 St Johns Road was given under reference EPF/0178/11. Those approved plans showed the reduced length of the rear garden and the application was approved on that basis; the rear garden of 10 St Johns Road (which retains a depth in excess of 26m) is acceptable.

### Trees and Landscaping

As with any new house, hard and soft landscaping schemes should also be included. Bearing in mind the recent loss of substantial trees from the site, it is considered necessary that the landscaping scheme provides for tree planting at the front of the dwelling. This may be required by a planning condition.

The landscape officer has requested that the large area of space to the side of the dwelling be available for planting through the landscaping scheme and that permitted development rights are removed which would allow future development in this area. Subject to suitable provision being made from tree planting within the site it is not considered necessary that the whole of this side area be planted – indeed such a requirement is likely to be considered unreasonable and disproportionate in relation to the development. Current permitted development rights only allow for single storey additions to the side of dwellings and they are limited in width to half the width of the original dwelling. It is not considered necessary to remove those development rights since if taken up they would not be likely to cause any excessive harm.

### Parking and Highway Safety

The access onto the highway would be via the existing access, which joins at the end of the cul-de-sac. A neighbouring resident has questioned whether or not the applicant has a right to access the site in this location, claiming that this land is owned by others. However, the Applicant has confirmed that he does have a right of way (this claim is supported by the existing lowered kerb leading onto the site, which previously had the garage of 10 St Johns Road situated on it) and County Highways have confirmed that the land is highway land, despite part of it having been planted for a number of years. In these circumstances it is clear that there is a right of way into the site across highway land and the potential ownership issue is not a factor which can amount to a reason for refusal of the application.

Sufficient parking for the proposed dwelling would be available within the double garage and also on a hard surface to the front of the dwelling that could accommodate at least a further three vehicles.

### Conclusion:

In light of the above appraisal, it is considered that the proposed new dwelling would be an acceptable form of development, which would fit in well with the existing cul-de-sac. It therefore complies with planning policy relating to the principle of new housing as well as adopted design policy. It would not give rise to any material harm to the amenities enjoyed by the occupiers of neighbouring dwellings and would provide adequately for off-street car parking. The NPPF includes a presumption in favour of sustainable development which for decision taking means that unless material considerations indicate otherwise, development proposals that accord with the development plan should be approved without delay. It is, therefore, recommended that planning permission should be granted.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

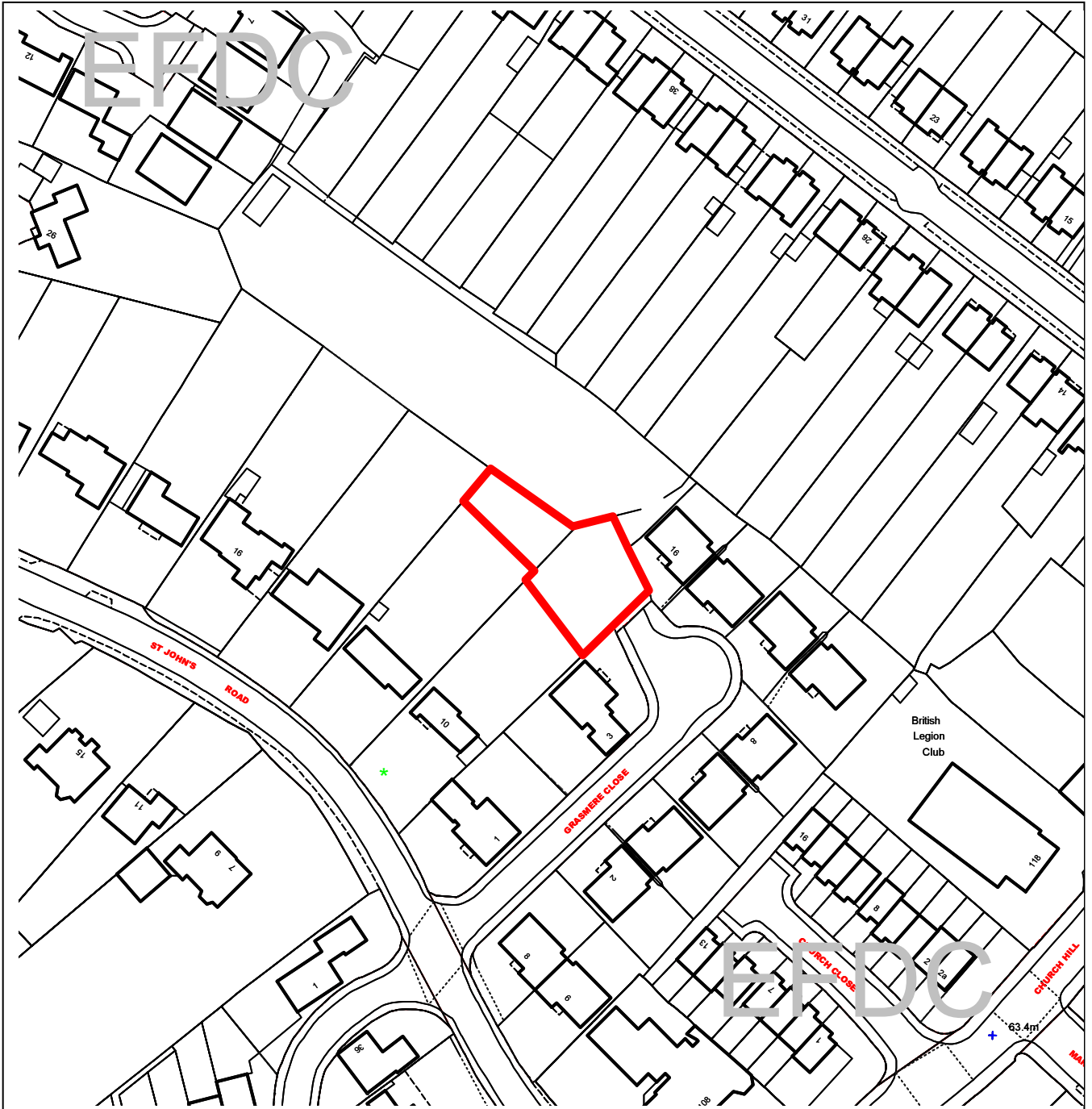
***Planning Application Case Officer: Mrs Katie Smith  
Direct Line Telephone Number: (01992) 564109***

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/0580/12
Site Name:	Land adjacent to 16 Grasmere Close Loughton, IG10 1SL
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0592/12
<b>SITE ADDRESS:</b>	Bald Hind Hainault Road Chigwell Essex IG7 5DW
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	Mr Dean Jordan
<b>DESCRIPTION OF PROPOSAL:</b>	Minor material amendment, to approve alterations to the block of 14 flats which incorporate amendments to the internal layout, positioning of external fenestration and rearrangement of the basement car park to maximise efficiency of the development.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=536134](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=536134)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than 13 October 2014.
- 2 The development hereby permitted will be completed strictly and fully in accordance with the approved drawings nos: WH138/12/10-101 - Site Plan, WH138/12/25-100 - Basement Floor Plan, WH138/12/25-101 - Ground Floor Plan, WH138/12/25-102 - First Floor Plan, WH138/12/25-103 - Second Floor Plan, WH138/12/25-101 - Third Floor Plan, WH138/12/25-101 - Roof Plan, WH138/12/30-101 - Elevations (Sheet 1 of 2), WH138/12/30-102 - Elevations (Sheet 2 of 2) and WH130/11/15-01 Rev. B - Private Setting Out and Levels.
- 3 The external materials and finishes of the development hereby approved shall be in accordance with the details specified on drawing numbers WH138/12/30-101 - Elevations (Sheet 1 of 2) and WH138/12/30-102 - Elevations (Sheet 2 of 2) .
- 4 The north end of the terraces of the living rooms of Plots 8, 12 and 14 as identified on drawing numbers WH138/12/25-102 - First Floor Plan, WH138/12/25-103 - Second Floor Plan and WH138/12/25-104 - Third Floor Plan, respectively, shall be enclosed by safety glass terrace guarding that is obscure and of a height that is 1.7m above the floor level of the terrace enclosed. The obscure glazing shall be permanently retained.

- 5 Other than the areas of terrace or balcony shown on drawing nos. WH138/12/25-102 - First Floor Plan, WH138/12/25-103 - Second Floor Plan and WH138/12/25-104 - Third Floor Plan, no part of the roof area of the building hereby approved shall be used as a terrace or balcony and no furniture, including tables and chairs, shall be placed on it.
- 6 Hard and soft landscaping shall be undertaken in accordance with ACD Hard and Soft Landscape proposals drawing number WES 17919-11A dated January 2012. 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.
- 7 The landscape maintenance plan shall be carried out in accordance with ACD Landscape Management and Maintenance Plan dated Jan 2012 (ref WES17919man) and ACD drawing number WES17919-50 dated Jan 2012.
- 8 All details of surface water discharge from the development onto the highway shall be in accordance with drawing number WH138/11/15-02 Rev B - Private Drainage Layout, unless otherwise agreed in writing by the Local Planning Authority,
- 9 The vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall be hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
- 10 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 11 The development hereby approved shall be carried out in accordance with the construction method statement approved under Local Planning Authority decision reference EPF/2349/11.
- 12 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.
- 13 The development hereby approved shall be carried out in accordance with the protocol for a land contamination investigation and Phase 1 Land Contamination preliminary risk assessment approved under Local Planning Authority decision reference EPF/2400/11.
- 14 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline

remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

- 15 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 16 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 17 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

**Subject to the completion, within 3 months of this decision, a deed of variation to ensure the S106 Agreements completed in connection with planning permission EPF/0409/11 also relates to this application and the planning permission arising from it.**

*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).*

**Description of Site:**

The site is situated off the west Side of Hainault Road and south side of Linkside, a short, narrow cul-de-sac. It has an area of just over 0.2 hectares.

The site is being redeveloped with planning permission to provide 14 flats. Vehicular and pedestrian access is only off Hainault Road adjacent to the filling station.

The locality is residential in character, predominantly comprising of 2-storey detached houses. Immediately to the south is a Shell filling station while to the south-west is Montpellier House, a substantial 4-storey block of 20 flats. A substantial residential care home is situated on the south side of Manor Road at its junction with Hainault Road.

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

**Description of Proposal:**

It is proposed to carry out minor material amendments to the approved flat development. The approved development comprises a building with an L shaped footprint fronting Hainault Road and Linkside. Its height would vary from 2-storeys where it aligns with the house at 9 Linkside to 4-storeys where it fronts Hainault Road. The building would be 3 storeys from a point 22m from the boundary with 9 Linkside to the part of the building fronting Hainault Road. The building would include a 29 space basement car park accessed off Hainault Road. A further two parking spaces would be provided at ground level therefore total off-street parking provision would be 31 spaces.

The proposal would not alter the basic form of the development as described above. The specific amendments proposed are as follows:

*Internal alterations:*

A reduction in the amount of internal circulation space

Alterations to room sizes

Provision of a lift and a stairwell adjacent to a repositioned entrance to the building in the south facing elevation.

Removal of superfluous lifts

Reduction in the basement area and simplification of parking arrangement that maintains the approved numbers of parking spaces.

*External alterations:*

Alteration of arrangement of window positions and sizes, primarily to ensure the provision of good sized windows to all habitable rooms. The alterations are primarily to the south and west facing elevations but also include alterations to the north and east facing elevations of the 3rd floor.

Alterations to and clarification of precise materials. The pattern of materials would be similar with the lower 3 floors of the building primarily being clad in stone (moss green) broken up by substantial areas of facing brick (yellow) with the 2-storey element being entirely brick as



previously approved. Aluminium panels to the 4<sup>th</sup> floor would be replaced with grey rockclad panel cladding. Aluminium trim would be retained.

Additional information has also been submitted in relation to landscaping and landscape maintenance, surface water drainage, levels and boundary treatment.

A deed of variation to ensure planning obligations relating to the original planning permission would also relate to any consent given for this proposal has been submitted with the application.

### **Relevant History:**

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

EPF/0409/11 Demolition of existing public house and construction of a fourteen unit residential development of 2 and 3 bedroom flats (Revised application with access off Hainault Road). Approved following completion of planning obligations in respect of financial contributions to affordable housing and education provision and to prevent the applicant submitting an application for an alternative proposal with an access off Linkside.

The planning obligations have been complied with. Subsequent applications for approval of details pursuant to conditions have been variously approved, refused or remain under consideration.

### **Policies Applied:**

CP2	Quality of Rural and Built Environment
CP3 – CP5 & ST1	Sustainability policies
CP7	Urban Form and Quality
H2A	Previously Developed Land
H5A	Provision for Affordable Housing
H6A	Site Thresholds for Affordable Housing
CF12	Retention of Community Facilities
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL11	Landscaping Schemes
ST6	Vehicle Parking

### **SUMMARY OF REPRESENTATIONS:**

NEIGHBOURS: 40 neighbours were consulted and a site notice displayed. No response was received.

CHIGWELL PARISH COUNCIL No objection.

### **Issues and Considerations:**

When taken as a whole the proposed changes, while material, are of a nature and scale that would result in a development not substantially different to the development originally approved. Accordingly, the main matters to consider when assessing the merits of the proposal are design and consequences for the living conditions of neighbouring houses. The internal alterations are of no consequence for those matters therefore this report will focus entirely on proposed external alterations.

### Design:

The changes to fenestration would respect the approved design. The visual impact of the proposal when seen from Linkside and Hainault Road would be very similar to that of the approved development in terms of bulk, scale, height above ground level and physical relationship to neighbouring land. More significant changes to fenestration would take place to the elevations that face into the site, such as the repositioning of the main entrance to the building in the southern elevation. They would result in an enhancement of the approved design.

The materials details are as much a refinement as an alteration to the details approved, the main material change being to the 3rd floor of the building. The replacement of aluminium panels with grey rockclad panels would give a more durable finish that would complement the materials of the lower floors.

As a whole, the alterations to the external appearance are minor and would safeguard the appearance of the development and enhance its contribution to the character of the locality.

### Impact on living conditions

The amendments would not result in any change in the relationship of the physical bulk of the building or the site layout to neighbouring houses. Neither the approved nor the amended development would appear excessively overbearing or cause any loss of light to neighbouring houses. Potential for overlooking from north facing windows across Linkside would be mitigated by a combination of the distance separating them from houses on the opposite side of the road and appropriate use of obscure glazed 1.7m high balcony/terrace enclosures secured by condition on the original permission.

### Other Matters:

In the event of planning permission being granted a new planning permission for the development as a whole would arise. It would therefore be necessary to include all conditions imposed on the original planning permission, varied as appropriate to refer to subsequently agreed details, on the new consent and ensure the planning obligations completed would relate to the new permission. The latter point can be achieved by a deed of variation and the applicant has included this with his submission.

### Conclusion

The proposal is properly put forward as a minor material amendment. It would safeguard the living conditions of neighbouring houses and safeguard its appearance such that it would continue to respect the character of the locality. The proposal complies with adopted planning policy and it is recommended that conditional planning permission be given subject to the completion of a deed of variation to ensure the planning obligations attached to the original permission apply to the consent for this proposal.

**Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:**

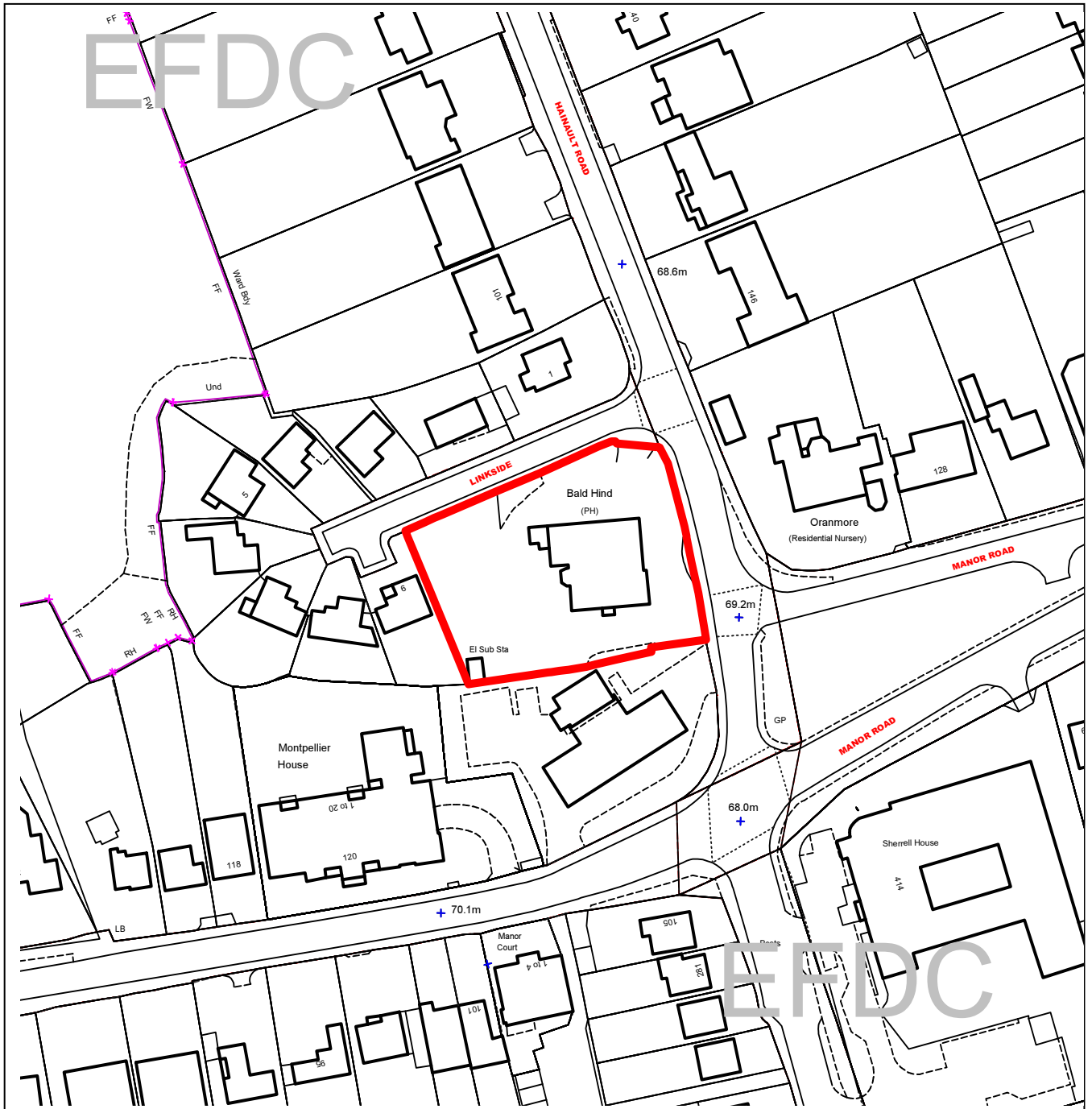
**Planning Application Case Officer: Stephan Solon  
Direct Line Telephone Number: 01992 564018**

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>6</b>
Application Number:	EPF/0592/12
Site Name:	Bald Hind, Hainault Road Chigwell, IG7 5DW
Scale of Plot:	1/1250

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0595/12
<b>SITE ADDRESS:</b>	118 High Road Chigwell Essex IG7 5AR
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Mr Malcolm Wallace
<b>DESCRIPTION OF PROPOSAL:</b>	Minor material amendment to EPF/0310/10. (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) including changes to two windows in North and two windows in South elevations, omission of 1 chimney, addition of bays at ground floor rear with roof terraces above including privacy screens; alterations to terrace railings; provision of fresh air ventilation shafts from basement to ground floor repositioning of refuse store and parking and opening vents in roof.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=536173](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=536173)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than 15th February 2014.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:  
  
11.7093 - 200 rev.B; 201 rev.B; 202 rev.B; 800 rev.P4
- 3 External materials used within the development hereby approved shall be in accordance with those listed in the 'Schedule of External Materials' (12th June 2012) approved under application reference EPF/1162/12, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed . The installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 5 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 6 The development hereby approved shall proceed in accordance with the approved flood risk measures (approved under application reference EPF/0130/12) unless otherwise agreed in writing by the Local Planning Authority. The approved measures shall be undertaken prior to the first occupation of the building and thereafter maintained in accordance with the agreed details.
- 7 The development hereby approved shall proceed in accordance with the approved site levels (approved under application reference EPF/0130/12) unless otherwise agreed in writing by the Local Planning Authority.
- 8 The development hereby approved shall proceed in accordance with the approved boundary treatment (approved under application reference EPF/0689/12) unless otherwise agreed in writing by the Local Planning Authority. The approved boundary treatment shall be completed prior to the first occupation of the building.
- 9 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 10 The development hereby approved shall proceed in accordance with the approved arboricultural method statement (approved under application reference EPF/0024/12) unless otherwise agreed in writing by the Local Planning Authority. 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.
- 11 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars 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 of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 12 The development hereby approved shall proceed in accordance with the approved Landscape Method Statement (approved under application reference EPF/0798/12).
- 13 The development shall not be commenced until details of the external appearance of the refuse and recycling store shown on drawing no. 11.7093.800 rev. P4 have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling store shall be constructed in accordance with the approved details prior to the occupation of the development.

*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); since it is an application for major commercial and other developments, (e.g. developments of significant scale and/or wide concern) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(c)); and since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d))*

**Description of Site:**

The application site, formerly occupied by a single family dwelling, is presently under construction in relation to a planning permission granted, at appeal, for a development comprising 12 flats. It is surrounded by construction hoardings.

The site contains many preserved trees.

To the rear of the site is Chigwell Golf Course – along the rear boundary runs the edge of the designated Metropolitan Green Belt.

**Description of Proposal:**

Planning permission was granted (at appeal) for the demolition of a 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.

The approved building form measured 28.9 metres wide by 24.7 metres deep and the roof accommodation 17.4 metres deep by 24.6 metres wide. The approved proposal included provision for a basement, covering the footprint of the building, 3.1 metres below ground floor level. From the front, the highest point of the crown ridge of the approved building measured 11.0 metres high, falling to 9.7 metres. The eaves height measured 5.4 metres.

This application seeks minor, but material, amendments to the approved development. These include:

- Minor enlargement of windows in the front elevation;
- Changes to windows and their arrangement in the flank elevations. Two windows would be lost from both elevations and the remainder would be repositioned to achieve a symmetrical arrangement. Ground floor windows in the south elevation would be increased in width as would those at ground and first floor of the north elevation.
- Omission of 1 chimney;
- Addition of bays at ground floor in the rear elevation with terraces above including privacy screens;
- Enlargement of second floor roof terraces;
- Provision of fresh air ventilation shafts from basement to ground floor;
- Repositioning of refuse store from basement to front garden and provision of one additional parking space in the basement;
- Installation of opening vents in roof;
- Use of brick dressings around larger window openings.

**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.

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,

EPF/0310/10. 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). Refused 30/07/2010 for the following reason:

*The locality is characterised by large family houses. The scale and intensity of the proposed development would be in sharp contrast to the established character of the locality. Moreover, by reason of its bulk and massing the proposed block of flats would appear disproportionately large in the street scene. As a consequence, the proposal would be harmful to the character of the locality and appearance of the street scene, contrary to policies CP2, CP7 and DBE1 of the Adopted Local Plan and Alterations.*

Appeal/ Informal hearing - Allowed in 2011.

Following the above approval, a number of details reserved by planning condition have been submitted to the Council for approval.

**Policies Applied:**

CP1, 2, 3, 6 & 7 Core Policies re sustainable development  
H2A, H3A, H4A Housing Provision



DBE 1 Design of new buildings  
DBE3 Design in urban areas  
DBE 6 Parking  
DBE 8 Amenity Space  
DBE 2/9 Amenity for neighbours  
ST4 & 6 Highways & Parking  
LL10 Landscaping Retention  
LL10 Landscaping Schemes

### **Summary of Representations:**

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

The following representations have been received:

CHIGWELL PARISH COUNCIL: The Council OBJECTS to this application because there are not enough details and the original consent was fit for purpose.

No response was received from neighbours.

### **Issues and Considerations:**

The main issues in this case are the impacts of the proposed changes to the approved development on neighbouring amenity, on the character and appearance of the area and on protected trees within the site.

#### **Neighbouring Amenity**

The proposed alterations to the approved proposal would not give rise to any greater impacts on the occupiers of neighbouring residential properties.

#### **Character and Appearance**

When viewed from the front elevation, the changes to the building would be very limited – indeed as stand alone variations it is not considered that they would be classed as material. The windows would slightly increase in size but not to the detriment of the appearance of the building – on the contrary, it is considered that the building would appear better proportioned following the revision. The omission of the central chimney breast would also not have any adverse impact.

The changes to the side elevation are also limited and not considered to either enhance or detract from the appearance of the building – they are, accordingly, acceptable.

In relation to the rear elevation, the changes proposed are more considerable and are considered materially different to the approved scheme. The addition of the ground floor bays and other fenestration changes add greater articulation to this elevation and enhance its appearance. The extension of the second floor roof terraces (both in height and width) does add emphasis to the roof and is not a positive design change. That said, bearing in mind the context of their location within the rear roof slope, visible from Chigwell Golf Course, it cannot be said that this design causes serious harm that is detrimental to the character and appearance of the locality. Nor can it be said that they render the development unacceptably conspicuous when viewed from the Green Belt.

The relocation of the proposed refuse store from the basement to the front garden is in order to meet Local Authority refuse collection requirements. The proposed location would be towards the

northern part of the garden adjacent to a vehicle turning/parking area some 3m rear of a proposed new tree on the site boundary. Its location would safeguard the amenities of neighbours and the appearance of the development while meeting refuse collection standards. Details of its appearance can be resolved through the imposition of a condition on any consent given.

The remaining proposed alterations to the building are of no consequence for the amenities of neighbours and the character and appearance of the locality.

It is, therefore, considered that the design revisions are acceptable in terms of their appearance.

#### Trees and Landscaping

The Council's arboricultural officer has been consulted on the revised proposal. He has confirmed that the amendments are acceptable, subject to the reiteration of part of the tree protection/retention planning conditions which require the proposed works to take place.

#### **Conclusion:**

In light of the above appraisal, it is considered that the revisions to the approved scheme would not adversely impact upon neighbouring amenity, the character and appearance of the area or protected trees within the site. It is, therefore, recommended that planning permission be granted.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

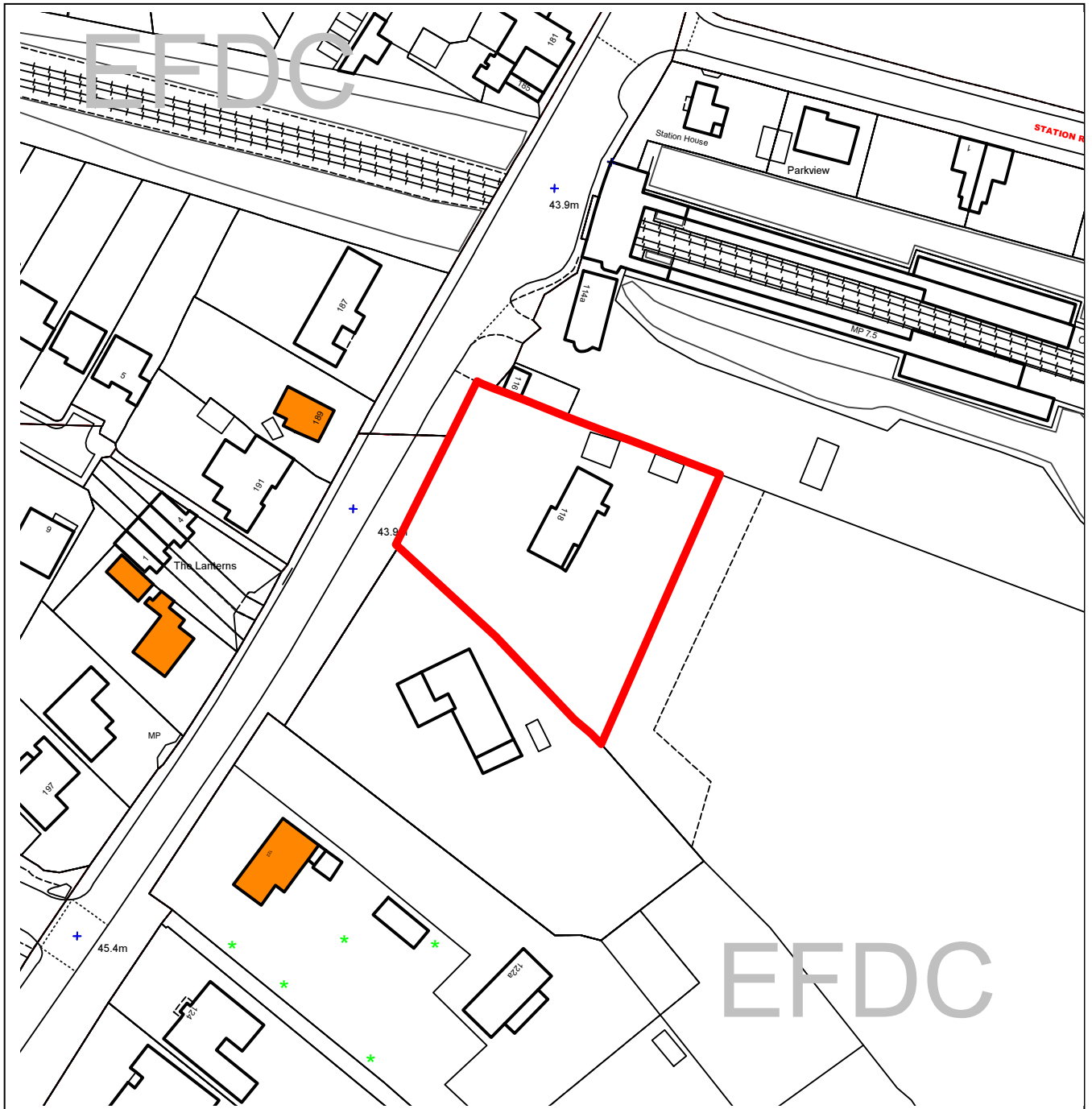
***Planning Application Case Officer: Mrs Katie Smith  
Direct Line Telephone Number (01992) 564109***

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>7</b>
Application Number:	EPF/0595/12
Site Name:	118 High Road, Chigwell IG7 5AR
Scale of Plot:	1/1250

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/0708/12
<b>SITE ADDRESS:</b>	165 & 165a High Road Loughton Essex IG10 4LF
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>APPLICANT:</b>	Mr & Mrs Lawlor
<b>DESCRIPTION OF PROPOSAL:</b>	Refurbishment and enlargement of existing building by way of basement storage area, construction of additional storey, and erection of a four storey rear extension incorporating 5 parking spaces, extension to ground floor commercial units (12 additional flats) comprising 6 studio flats, 8 one bedroom flats and 2 three bedroom flats
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=536683](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=536683)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: ESO\_100, 101, 102, 103, 104, 199, 200C, 201B, 202B, 203B, 300, 301.
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 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.
- 5 The proposed window openings on the first, second and third floors facing across the void area of the building hereby approved shall be 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.

- 6 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 7 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction, including wheel washing
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

- 9 The parking area shown on the approved plans shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents vehicles.

- 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 No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

**Subject to the completion of an agreement under S.106 of the Town and Country Planning Act 1990 within 9 months requiring financial contributions of £3, 955 for the provision of education.**

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

### **Description of Site:**

The proposal site occupies a prominent position on Loughton High Road opposite the entry point to High Beech Road, and an open area of public amenity space. The existing building is three storeys in height and forms the end of a row of properties. It is separated from the Marks and Spencer's development by the accessway to the parking at the rear of the store. An access point from the adjacent accessway provides entry to a rear yard area. A single storey structure straddles along the north east and south east boundaries of the site.

The site comprises office development and retail on the ground floor in the form of Lawlor's Estate Agents and Multiyork, a furniture store. The first floor is being used as office space, with the second floor in residential use, by way of four separate flats. The first floor office space was originally in residential use. The change of use of part of the first floor to offices has taken place without planning permission. No Certificate of Lawful Development has been given for the unauthorised use. The development is within the Key Retail Frontage (KRF) of Loughton High Road as identified in the Proposals Map of the Adopted Local Plan and Alterations. The adjacent three storey building is in non-retail use (Use Class A3) with office space above (Use Class B1).

### **Description of Proposal**

The proposal is a revised application following a recent refusal of consent at committee level and the dismissal of an appeal to the Planning Inspectorate. This is largely the same application and relates to the extension of the existing building to include alterations and extensions to commercial premises on the ground floor, the provision of 12 additional dwellings on extended upper floors and five parking spaces and associated facilities. The existing three storey building would be extended to the rear, with the addition of a fourth floor. Parking spaces would be provided to the rear. The additional dwellings would result in a total of 16 residential units; 2 three-bedroom, 8 one-bedroom and 6 studio flats. A basement would be included towards the back of the existing building.

Plans South committee refused the application for the following reasons;

1. By reason of its poor detailed design and the addition of an additional floor to the building the proposed development would appear excessively dominant in relation to neighbouring buildings and green space opposite to the detriment of the street scene. As a consequence the proposal would be harmful to the character and appearance of the locality and therefore is contrary to policies CP2(iv), CP3(v), CP7 and DBE1 of the Local Plan and Alterations.
2. The proposed development would not provide adequate off-street parking spaces for all the dwellings and commercial premises it would accommodate with the highly likely consequence of exacerbating already high demand for on-street car parking in the locality. This would be both unsustainable and harmful to the amenities of existing residents in the locality. The proposal is therefore contrary to policies CP3(v), CP6(i), DBE2 and ST6 of the Local Plan and Alterations.

3. By reason of its bulk, height and siting the proposed development would appear excessively overbearing when seen from the rear facing windows of the upper floors of 167 to 169 High Road, cause excessive loss of light to those windows and lead to an excessive degree of overlooking of them to the detriment of the amenities enjoyed by the occupants of those properties. The development is therefore contrary to policy DBE2 and DBE9 of the Local Plan and Alterations.
4. Having regard to the overall degree of harm the proposal would cause and the prominence of the site in the street scene, it would create an undesirable precedent for future development in the locality.

Although the appeal against that decision was dismissed, the Planning Inspector found against the Council in respect of each of its reasons for refusal. The Inspector's decision to dismiss the appeal rests solely on the failure of the appellant to address the matter of the development's consequences for education provision in the locality since no valid Section 106 Agreement to secure a necessary financial contribution to education provision was submitted as part of the appeal. Since this proposal is identical to that considered at appeal the Inspector's findings are a material consideration of very significant weight.

**Relevant History:**

- CHI/0271/60 Three shops and six flats. Grant Permission (with conditions) - 21/12/1960.
- EPF/0474/02 Outline application for the erection of a three storey block of flats. Grant Permission (with conditions) - 12/06/2002.
- EPF/0475/02 Outline application for the erection of three storey office block. Grant Permission (with conditions) - 12/06/2002.
- EPF/0221/11 Refurbishment and enlargement of existing building by way of a basement storage area, construction of one additional storey and erection of a four storey rear extension incorporating 5 parking spaces, extension to ground floor commercial units (12 additional flats) comprising 6 studio flats, 8 one bedroom flats and 2 three bedroom flats. Refuse Permission – 20/05/11. Appeal Dismissed - 20/05/2011.

**Policies Applied:**

- CP1 – Achieving Sustainable Development Objectives
- CP2 – Protecting the Quality of the Rural and Built Environment
- CP3 – New Development
- CP4 – Energy Conservation
- CP5 – Sustainable Building
- CP6 – Achieving Sustainable Urban Development Patterns
- CP7 – Urban Form and Quality
- DBE1 – Design of New Buildings
- DBE2 – Effect on Neighbouring Properties
- DBE3 - Design in Urban Areas
- DBE8 – Private Amenity Space
- DBE9 – Excessive Loss of Amenity to Neighbouring Properties
- ST1 – Location of Development
- ST2 – Accessibility of Development
- ST4 – Road Safety
- ST6 – Vehicle Parking
- H2A – Previously Developed Land
- H3A – Housing Density
- H4A – Dwelling Mix
- L1A – Planning Obligations
- TC1 – Town Centre Hierarchy

TC3 – Town Centre Function  
E4A – Protection of Employment Sites

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

### **Summary of Representations:**

21 neighbours consulted & site notice displayed – 3 replies received.

MARKS AND SPENCERS PLC: Objection. Concern that residents accessing the back parking area will cause a hindrance and block Marks and Spencer's customers. This concern is exacerbated by garage doors which will prolong the time taken to enter garaging. Parking space No1 is particularly problematic given its location on the corner. It is contended that this part of the scheme will compromise highway safety. Concern that future occupiers of the development will use Marks and Spencer's parking facility. The relocation of bicycle parking or electrical casing facilities at the back of the site has not been considered. Concern about the lack of parking for a development of this size. Submitted photographs suggest an already congested area around the site. Concerned residents would temporarily park along side Marks and Spencer's. The internal parking area in the garaging is inadequate.

The proposed residential properties would have an unattractive outlook and the amenity of future occupants would be compromised. Overlooking of Marks and Spencer's entrance. Concern about disruption from the operation at the store and its impact on future occupants.

TRUSTEES OF CHARLES FRENCH: Objection. We believe that the proposals constitute over-development of the site. It is already a densely developed site and a rear addition and a new 3rd floor will adversely affect daylight into 165 High Road, thereby affecting the quality of the environment to the property.

169 HIGH ROAD: Objection. Loss of light to windows in our property and consider this an overdevelopment of the site. Concern about the lack of car parking facilities. This development will impact on the quality of our working environment.

LOUGHTON TOWN COUNCIL: Noted. Members feel this scheme would be unacceptable without a valid Section 106 agreement.

### **Issues and Considerations:**

The main issues to consider include;

1. The principle of the development
2. Potential impact on the character and appearance of the area
3. Amenity.
4. Parking and road safety

In assessing this proposal particular attention will be given to the recent appeal decision in respect of the development and the comments of consultees.

#### **Principle of Development**

Officers previously did not have concern with the principle of this development and the original analysis is still considered pertinent, this stated;



*“The proposal complies with council policy which promotes the more efficient use of previously developed land as contained in policy H2A. The proposal would also aid the supply of smaller, single occupancy units the demand for which is highlighted in Policy H4A. It also remains a key Government objective to promote the efficient use of land in the provision of housing, where it respects the character of the area. This development is not considered significantly out of character with the wider locale, which includes flat developments. It therefore represents a more efficient use of previously developed land.*

*The existing office space at first floor level is used in connection with Lawlor’s Estate Agents who also occupy part of the ground floor. Policy E4A of the local plan aims to protect current employment sites from redevelopment to other uses. However the office space at first floor level seems to have developed on an ad hoc basis and this proposal would result in a return to the lawful use of the relevant part of the first floor. There is an added benefit of increasing the shop frontage along the southern boundary which would promote town centre objectives and help retain the town centre hierarchy. This would sustain the vitality and viability of this principal centre, as outlined in Policy TC1. The principle of the development is therefore deemed acceptable”.*

#### Impact on the Appearance of the Area

Officers’ analysis with regards to design for the previous application was as follows;

*“The existing building on site forms part of the Key Frontage of Loughton High Road as identified on the proposals map. The structure is perhaps starting to look a little dated, particularly on the upper floors, and would benefit from a refurbishment. This proposal would add considerable bulk to the existing structure and would extend over the entire site. The proposed fourth floor would result in the structure being slightly higher than the adjacent building. However it would not appear excessively over dominant, and given its location on a corner plot it would provide a strong focal point for this part of the high road. The fourth floor is recessed which would also reduce any potentially excessive impact. The structure would extend along the southern boundary in the same bulk and scale and this elevation would be visible from the High Road. It would not however have any serious impact on the appearance of the area, and the corner plot would allow for greater bulk without resulting in an overdevelopment. There are examples of other four storey structures nearby, such as to the south of the adjacent Marks and Spencer’s. Collectively these existing structures provide examples of 1960’s building which are generally dilapidated. The Marks and Spencer’s between provides an example of how good urban design can contribute to the vitality and viability of the town centre by providing structures clearly discernible by their function. The proposed development is also clearly discernible, in this case as a sustainable, centrally located mixed use scheme.*

*The plans of elevations submitted do not suggest an elaborate reworking of the existing structure. The same linear design is continued through the additional sections. The materials proposed are white render walls with an aluminium fenestration finish and cladding at fourth floor level. This would result in a clean, crisp exterior which would provide a contrast with adjacent structures without appearing excessively provocative or extending beyond its function as a small scale retail/residential scheme. The proposed building would therefore conform to the existing order of the High Road without appearing out of place. It is therefore considered that subject to the acceptability of submitted materials, the design and appearance of the building is acceptable”.*

Members considered the development was a poor design and that the building would appear excessively dominant to the detriment of the streetscene. The Planning Inspector was of the opinion that although the ridge of the building would be slightly higher than its neighbouring property it would not appear “unduly conspicuous”. Given the variety of buildings in the locality he was of the opinion that the proposal would not appear “out of place”. Generally, “the scheme would neither harm the character or appearance of the area nor conflict with the development plan”.

Officers concur with this view that the proposed design of the building is generally acceptable and would not have a detrimental impact on the streetscene.

### Amenity

Members registered a further concern that the proposed development would result in a loss of light to rear facing windows on adjacent properties and would also lead to an excessive degree of overlooking. The officer's analysis of this aspect of the scheme recorded thus;

*"The lawful use of the upper floors of the adjacent building are for purposes within Class D1 (Beauty Treatments EPF/2540/10). There would be some overshadowing of rear facing windows particularly in the later part of the day. There would however be no increase in the built form adjacent to the rear elevation of this property which would reduce impact. The four storey section at the rear of the site is essentially adjacent to service yards for the neighbouring businesses and would not raise any serious concerns in relation to amenity. The height of the rear section has previously been agreed by the council to three storeys under planning permissions EPF/0474/02 and EPF/0475/02. Both residential and office use were approved by these applications. Access balconies would look towards the rear facing windows on adjacent premises.*

*The proposed development would not result in a serious loss of amenity, particularly to commercial premises. However some loss of light and overlooking of rear facing windows, and a certain amount of rear dominance from the structure is recognised. On balance, it is considered that impact on the occupants of adjacent buildings is to an acceptable level.*

*The residential amenity of future occupants of the development would not be seriously impinged. Internal windows facing into the building can be conditioned as obscure glazed. The studio flats are not deemed excessively small and to a certain degree follow the layout of the existing building. Future housing trends point to an increased demand for smaller/single occupancy units. This demand would be addressed without compromising the living conditions of occupants".*

The Planning Inspector also formed the view that any loss of amenity could be controlled to an acceptable level by conditions. He found appropriate conditions could be imposed on any consent requiring windows to be obscure glazed as necessary. He also found the proposal would not cause any significant loss of light to rear facing windows on adjacent buildings.

### Private Amenity Space Provision

The proposal suggests a minimal amount of private amenity space which is located on the upper level of the building. Policy DBE8 requires 25 sq m per unit of communal private amenity space. The proposal obviously falls way short of this. However there is a degree of flexibility with this policy, particularly if the proposal is in an urban area with good access to public amenities. The site is located a short walk from the forest and other areas of public amenity space; therefore the provision of amenity space is not as essential a requirement as would usually be the case. Given the sustainable nature of this proposal a relaxation of the policy is deemed appropriate in this instance. No objection to the identical original proposal was raised on the basis of insufficient amenity space.

### Highways and Parking

Members were concerned that the proposal would result in additional on street parking and would exacerbate an already high demand for parking in the area. The officer's report addressed the issue of parking/road safety in the following way;

*"The development proposes a collective total of 16 residential units, 14 one bedroom/studio and two 3 bedroom. This would require a parking provision of 22 spaces. 5 parking spaces are*

*provided to the rear of the building. These are a useable size for the purposes of vehicular parking. This provision is short of the standards as outlined in planning policy guidance. However this standard comes with the caveat that reduced parking would be accepted under certain circumstances i.e. in main urban areas with good transport links. Loughton High Road represents one of the most sustainable locations in the District with regards to links to public transport. Regular bus routes pass along the High Road and the local tube station is approximately a five minute walk away. It is therefore considered that the reduction in the standards is appropriate in this instance, having regard to the central location of the development and the tight confines of the site. There is also public parking available in close proximity to the site.*

*Provision is made for cycle parking on the ground floor which is secure, covered and easily accessible.*

*There is also the issue of the parking arrangement for the commercial uses on the ground floor. 5 spaces are provided within the Mark's and Spencer's development by way of a Deed of Variation for use by the freeholders of No165 High Road (Lawlor's). This would provide some parking provision in connection with the existing ground floor uses of the site. Again in urban areas with alternative forms of transport available, flexibility is much more appropriate. Therefore the provision of parking in connection with the commercial uses is acceptable. In general, the parking provision, given the sustainable location of the site is deemed acceptable. Loading and unloading of vehicles delivering to Multiyork will take place in the accessway between the development and Mark's and Spencer's. The Highway's Authority at Essex County Council raises no objection to the development. They state that although the development falls short of the required standards, it would not have a detrimental impact on highway safety and the immediate area is well served by parking restrictions".*

The Planning Inspector concurred with this view stating that "this is a town centre site in an area with a plentiful supply of parking...it is well located with regards to public transport facilities.... and is a thoroughly accessible site and in this respect the development conforms to requirements on the location of development". It is therefore considered that having regard to the sustainable location this proposal is acceptable.

## **Other Matters**

### **Refuse Storage**

The refuse section of the Council are satisfied that the proposal would adequately provide for refuse storage in a safe and functional manner.

### **Essex County Council Education Comments**

Comments from Essex County Council Education Authority have been received in relation to the development. The proposal falls within the catchment area of Staples Road Infant School and Staples Road Junior School. The Essex School Organisation Plan (SOP) up to 2015 indicates that Staples Road Infant School would not be able to meet the demand generated by future housing in the area. Essex County Council has therefore requested a Section 106 Agreement to secure £3,955 to help meet this demand. Such an agreement, drafted by the Council's legal section, is currently with the applicant and the signed agreement is expected to be completed in the coming weeks. This would overcome the concerns of the Planning Inspector that a suitable agreement to ensure the funds should be in place.

### **Essex County Council Historic Environment Advice**

The Essex Historic Environment (EHER) Record shows that the proposed development lies within the built up extent of the medieval and post medieval settlement at Loughton (EHER 45908). The

present High Road was constructed during the early 17th century and most likely along the route of the medieval road. The proposed development lies close to the historic centre focused at the junction of High Road, Station Road and Forest Road. Early OS mapping also depicts a former building in the area which will be affected by the excavation of the proposed new basement. It is therefore probable that medieval and post-medieval structures or deposits will be disturbed or destroyed by the proposed development. In view of this a condition requiring a programme of archaeological work is deemed necessary, prior to the commencement of any development.

### Land Drainage

There are no land drainage objections to the development and it does not lie within a flood risk zone. .

### Contaminated Land

The standard “unexpected land contamination condition“ is deemed necessary.

### Neighbour Comments

A number of neighbours of this application have expressed some reservations. Concerns with regard to the application being an overdevelopment of the site, inappropriate design, neighbour amenity and the amount of parking proposed have been addressed in the main body of the report.

Comments have also been received from representatives of Marks and Spencer’s PLC and these shall now be addressed. No comments were received with regards to the previous application. The submission firstly makes the point that the proposed development would cause highway concerns particularly with regard to entry and egress from garages. The Highways Section at Essex County Council has no concerns with regards to this development and it is not seen as a major concern. The additional car movements would not impact on the safety of pedestrians in the car park. Concern about future residents using the Marks and Spencer’s car park is not something that that can be considered a material planning consideration and in any case as the car park is charging after one hour and only allows three hours of parking it is not foreseen that this would happen to any great degree.

The statement also makes the point that bicycle stands at the rear of the site and an electrical cabinet would have to be moved. These facilities are outside the development site and any discussions about relocating the facilities would fall outside the control of the planning process.

The statement also expresses concern that the parking spaces, in terms of size, would be inadequate and would deter residents from using them. The adopted standards from Essex County Council indicate that the preferred size for a parking space is 5.5m x 2.9m which is what is proposed here. The standard size does exclude garages with dimensions under 7.0m x 3.0m. However in this instance the garages serve flats and would not necessarily be used for much external storage or to contain white goods, or to serve the needs of a family. The development also contains separate bicycle parking and waste storage facilities. It is therefore considered that the size of the parking facilities is acceptable for this development.

Finally the objector has concerns that noise from the development would impact on the amenity of residents. The proposed relationship between the flats and the adjacent commercial practices is common in town centre locations. The NPPF encourages the more efficient use of previously developed land and if this core policy is to be successful such developments as that proposed will play a component part. It is not considered that any disturbance would be highly detrimental to amenity and in reality is a case of “buyer beware” for future occupants.

## **Conclusion**

The proposed development would promote the more efficient use of previously developed land whilst increasing the supply of smaller units to meet local demand. This is in line with local policy and national planning policy guidance. The increase in the size of the commercial units will help sustain and promote the vitality and viability of this principal centre. The bulk and scale of the proposed development would not appear excessively dominant or out of scale given its location on a corner plot. The design proposed is not over elaborate but would conform to the existing order of Loughton High Road. The use of materials is deemed appropriate and can be verified as acceptable with an appropriate condition.

The proposed bulk towards the rear would have some impact on the adjacent building. However this would be to an acceptable level. The lack of amenity space and reduced parking is considered acceptable, given the sustainable location of the development and reduced standards in relation to these factors is justifiable. The comments of consultees have been considered and where appropriate suggested planning conditions will be included to restrict the use of the site. In conclusion it is considered the proposed development will conform to sustainable development principles by promoting the more efficient use of previously developed, urban land.

The Planning Inspectorate's decision relating to the previous application have been duly noted and as a material planning consideration have been given significant weight in forming this recommendation to committee.

Therefore, having regard to all matters pertinent to this application, it is considered that the proposed development is in general accordance with local plan policies and conditional approval is recommended, following the completion of an agreement under Section 106 of the Town and Country Planning Act to secure the education contribution.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

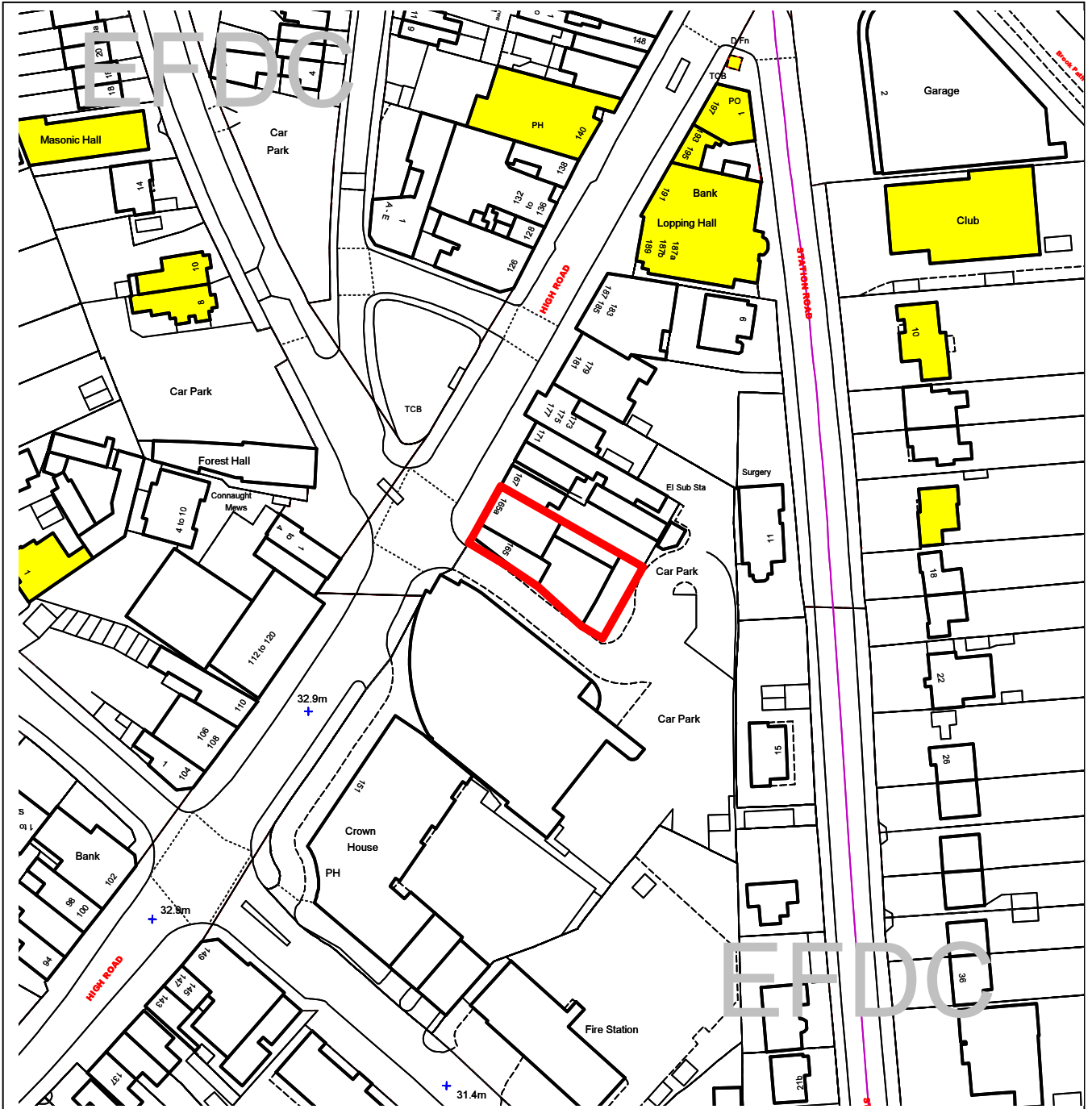
***Planning Application Case Officer: Dominic Duffin  
Direct Line Telephone Number: 01992 56433***

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>8</b>
Application Number:	EPF/0708/12
Site Name:	165 & 165a High Road Loughton, IG10 4LF
Scale of Plot:	1/1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/0743/12
<b>SITE ADDRESS:</b>	112 High Road Loughton Essex IG10 4HJ
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>APPLICANT:</b>	Andrew Deeks
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of existing hairdressing salon (Use Class A1) to Estate Agents (Use Class A2).
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=536827](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=536827)

**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 existing clear glass windows to the front elevation of this unit shall be retained on a permanent basis, and these windows shall be used to exhibit an appropriate display.

*This application is before this Committee because more than 2 objections have been received that are material to the planning merits of the proposal - (pursuant to the constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A (f)).*

**Description of Site:**

Ground floor retail unit located on the west side of the High Road in a modern building with offices over. This building forms part of a block of properties that lies in the south of the town centre and outside the key retail frontage. The property is not listed nor does it lie in a conservation area.

**Description of Proposal:**

Change of use of existing hairdressing salon (Use Class A1) to estate agents (Use Class A2).

**Relevant History:**

EPF/898/11 granted approval for the change of use of this hairdressers to a restaurant (A3 Use) with associated extraction equipment.

### **Policies Applied:**

DBE9 – Loss of amenity.  
TC3 –Town centre function.  
TC5 - Window displays.

### **Summary of Representations:**

LOUGHTON TOWN COUNCIL – No objections.

NEIGHBOURS – 9 properties consulted and three replies received:-

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP – Object because the loss of a retail shop here will reduce the vitality and viability of this part of the High Road. We note that there are already 13 estate agents listed in the area.

74, SOUTHERN DRIVE – strongly oppose because it could lead to a high level of non shopping frontage in this part of the High Road, and erode the retail character of the area. Within 50m of the property there are 6 estate agents, and in the opposite end of the High Road there are a further 5 estate agents. The proposed change of use would be harmful to the retail vitality of this primary shopping area, and we should maintain our retail shops.

FIRST FLOOR, 110 HIGH ROAD – this change of use would remove another retail unit. There are already 5 estate agents within 80 yards of 112 High Road. The Council should protect retail units from non shopping uses.

### **Issues and Considerations:**

Unlike the majority of the High Road in this town centre this block of properties lies outside the key retail frontage. Policy TC3 allows for retail *and other town centre uses* to be formed in these more peripheral parades and in this context an A2 financial and professional use, such as an estate agents is acceptable. It is to be regretted that an A1 would be lost as a result of this application, although the existing hairdressers is a service type of use which does not have a typical retail function. In addition change of use of this hairdressers to an A3 restaurant use has already been granted approval in 2011. In conclusion the proposed use is an acceptable one that complies with policies in the Local Plan.

### **Comments on representations received.**

The objections raised refer to the number of estate agents already in the locality. While there may be a concern on this issue the fact remains that planning controls cannot be used to restrict the number of uses in a locality i.e. planning powers cannot be used to restrict competition between similar business uses. In addition although the submitted application forms state change of use to Class A2 estate agents in effect an A2 Financial and Professional services use is proposed, which includes a wide range of uses including banks and building societies. It would not be reasonable to grant approval to an A2 use but to exclude one form of A2 use (i.e. estate agents) via a condition.

### **Conclusions:**

The proposed use complies with Local Plan policies. Whilst there is some sympathy with the arguments that there are sufficient estate agents already operating in the locality planning powers cannot be used to restrict competition.



**Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:**

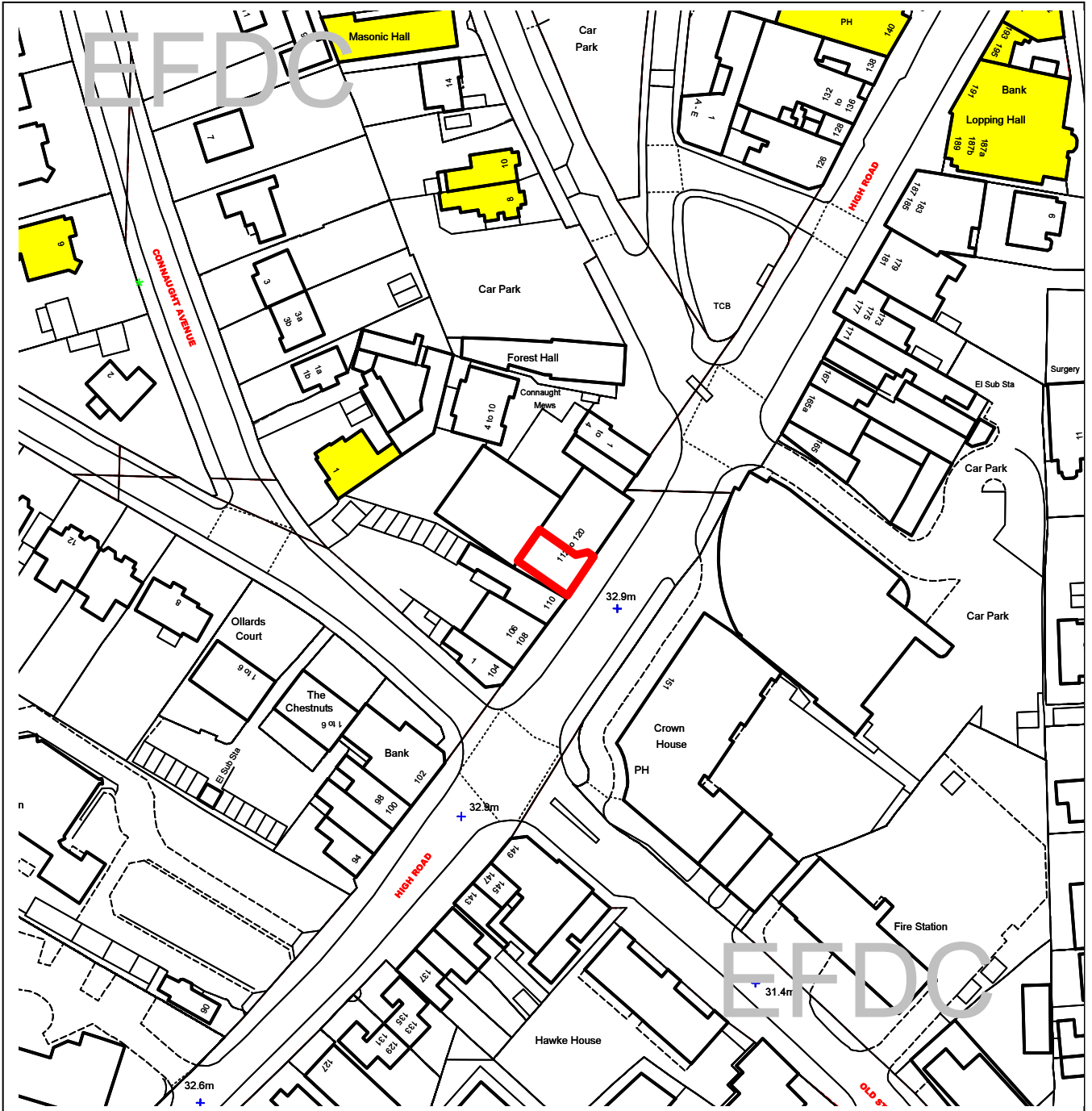
**Planning Application Case Officer: David Baker  
Direct Line Telephone Number: 01992 564514**

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>9</b>
Application Number:	EPF/0743/12
Site Name:	112 High Road, Loughton IG10 4HJ
Scale of Plot:	1/1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/1016/12
<b>SITE ADDRESS:</b>	Chigwell School High Road Chigwell Essex IG7 6QF
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Mr David Morrison
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing grounds yard buildings and bungalow at the Sandon site and construction of a new single-storey pre-prep school building and associated soft and hard landscaping works. Reconfiguration of existing Drama Centre car park to provide an additional 4 parking spaces and new extension to provide an additional 20 parking spaces for pupil drop-off/collection.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=537867](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537867)

**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 building and car park extension hereby approved shall be constructed using the external finishes listed in the submitted planning application form, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:  
  
BH&M drawing nos. 2662 A001; A010; A011; A100; A110; A130; A131; A150; A160; A400; A500;  
  
LUC drawing nos. 3673.01 100 rev. E; 3673.01 101 rev. A; 201 rev. A; 202 re. A.  
  
CTP drawing A1079 500
- 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) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as

appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

6 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars 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 of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

7 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

8 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 9 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of staff, parent and visitors' vehicles.
- 10 Notwithstanding the detail shown on the approved plans, prior to the commencement of development, details of a covered cycle/scooter storage facility shall be submitted to the Local Planning Authority for approval in writing. The approved facility shall be provided prior to the first occupation of the school hereby approved.
- 11 The development shall proceed in accordance with the recommendations contained within the submitted Ecological Appraisal, Nocturnal Bat Roost Surveys (Preliminary Report 2012) and Daytime Bat Inspection Survey Report. In addition, prior to the first occupation of the school, at least 5 bird and 5 bat boxes shall be installed within the site.

*This application is before this Committee since it is an application contrary to the provisions of an approved draft Development Plan or Development Plan, and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(a))*

#### **Description of Site:**

The application site comprises two distinct areas, located within the much larger Chigwell School Site. The application sites include an existing car park located to the rear of the drama block and a second area to the north-west, connected by a tree-lined track. The second site is presently occupied by Sandon Lodge (a boarding house), the School caretaker's bungalow and the buildings which make up the existing grounds maintenance yard (including a barn, sheds and storage containers). The grounds maintenance part of the site is hardsurfaced. To the north east, in fairly close proximity to the site, lie residential properties in Bramble Close.

To the rear of the site, at lower ground level, is the all weather sports pitch.

The application site lies within the Metropolitan Green Belt, but outside the Chigwell Row Conservation Area. None of the buildings within, or adjacent to, the site are listed.

#### **Description of Proposal:**

This application seeks planning permission for the demolition of existing buildings within the site (with the exception of Sandon Lodge which would be retained) and the erection of a pre-prep school.

The school building would cover a cross shaped footprint of approximately 31 x 46 metres maximum dimensions. It would be of contemporary appearance, having a timber clad and glass front entrance feature, with the remainder of the building being rendered with glazing. The roof of the entrance feature would be flat, with the side projections of the building having shallow pitched roofs. The roof would contain photovoltaic panels and two wind turbines – to generate energy and heat for use on site.

An outside play area would be created to the side of the school, to the rear of the outside amenity area surrounding Sandon Lodge. This area would retain a number of existing trees.

Two parking bays for disabled users would be located at the front of the school, accessed by the track. The remainder of the car parking will be provided within the main school site. Vehicular drop off/pick up for parents will take place at the existing 37 space drama centre car park which will be reconfigured/extended to provide an additional 20 spaces. Children will be walked to school by their parents along the access track and the application states that School staff will enforce that the track is only used by vehicles needing to access the disabled parking bays.

**Relevant History:**

**Grange Court, High Road, Chigwell**

EPF/1406/10. Conversion of Grange Court, Chigwell School from a boarding house to a Pre-Prep School, including a new single storey extension, internal and external refurbishment and associated landscaping works. (Revised application). Refused 15/11/2010 for the following reasons:

- 1 *The proposed development would depend on a Traffic Regulation Order (TRO) being secured and implemented to prevent vehicles waiting, loading or unloading within the vicinity of the site. Since the TRO has not been secured and as it would have to be considered in the light of a separate public consultation exercise, it is not clear whether it could be secured. Furthermore it is also not clear whether a TRO actually secured would be adequate. The applicant does not have control over the process of securing a TRO therefore it is not appropriate to deal with this matter by way of a condition on the grant of planning permission. In the circumstances, it is premature to consider this application in advance of a TRO being secured since that is key to an assessment of the consequences of the proposal for the safe and free movement of pedestrian and vehicular traffic on the High Road as required by policy ST4 of the adopted Local Plan and Alterations.*
- 2 *The planning application does not include sufficient information regarding the management and enforcement of the proposed walking bus and arrangements for collecting and dropping off of pupils. The proposal is therefore inadequately developed and fails to demonstrate the walking bus and arrangements for collecting and dropping off of pupils could be operated safely and in a manner that would not exacerbate traffic congestion on the High Road at peak travel times. Accordingly the proposal does not adequately address the matters of the safe and free movement of pedestrian and vehicular traffic on the High Road as required by policy ST4 of the adopted Local Plan and Alterations.*

Subsequent appeal dismissed.

EPF/1408/10. Grade II\* listed building application for the conversion of Grange Court, Chigwell School from a boarding house to a Pre-Prep School, including a new single storey extension, internal and external refurbishment and associated landscaping works. (Revised application). Refused 15/11/10 for the following reason:

- 1 *By reason of their inappropriate and unsympathetic design, the proposed additions to the building would appear incongruous and consequently fail to preserve the special architectural and historic interest of Grange Court. That interest is in part derived from its situation within the Chigwell Village Conservation Area which comprises the*

*historic core of the village. Since the works would harm the special interest of an important and prominent building in the Conservation Area, they would also fail to preserve the character and appearance of the Chigwell Village Conservation Area contrary to policies HC6, HC7 and HC10 of the adopted Local Plan and Alterations.*

Subsequent appeal dismissed.

Planning permission (reference EPF/0835/12) has recently been given for the relocation of the existing grounds maintenance yard within the site to the adjacent Old Chigwellians Sports Club.

**Policies Applied:**

**National Planning Policies:**

*National Planning Policy Framework (NPPF)*

In particular, paragraphs: 14, 17, 72, 79, 87, 88, 89

**Local Planning Policies:**

*Adopted Local Plan and Alterations*

GB2A- Development within the Green Belt  
CP2 - Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
DBE 1, & 4 - Design  
DBE 2, 9 - Amenity  
LL1 – Landscaping  
LL10 – Retention of Landscaping  
LL11 – Landscaping Schemes  
NC4 - Nature Conservation  
ST4 - Highway Safety  
ST6 – Vehicle Parking

**Summary of Representations:**

Notification of this application was sent to Chigwell Parish Council and to 33 neighbouring residents.

The following representations have been received:

CHIGWELL PARISH COUNCIL. Support. The Council SUPPORTS this application as it is an enabling project consistent with Green Belt use and not contradictory to policy, the Committee were therefore a little puzzled to hear a suggestion that it would have to go to DDCC.

A number of letters of support have been received by the School (and included within the application pack) from prospective parents for the proposed pre-prep school.

**Issues and Considerations:**

The main issues in this case are the impacts of the proposed development on the Green Belt, neighbouring amenity, the character and appearance of the area, trees and landscaping, highways and ecology.

## Green Belt

Policy GB2A of the Local Plan identifies types of development which can be considered as 'not inappropriate' within the Green Belt. All other types of development within the Green Belt are inappropriate and will, therefore, be unacceptable unless it is found that there are very special circumstances which justify the development. The construction of a new school is inappropriate. In addition to the need to provide very special circumstance for permitting the inappropriate development, the recently published NPPF (at para. 88) also identifies a need for any other harm to the Green Belt to be outweighed by very special circumstances.

Local Plan policy must be considered in the context of its conformity with the NPPF. The NPPF states the redevelopment of previously developed sites in the Green Belt (such as the application site), which would not have a greater impact than the existing development on the openness of the Green Belt and the purpose of including land within it, is not inappropriate. On this basis, the Applicant contends that the proposal may not be inappropriate development. However, despite the removal of existing buildings within the site, the School building would be substantially larger and as such will have a considerably greater impact upon the openness of the Green Belt, albeit set within the context of existing development.

Accordingly, contrary to the view of the Applicant and Chigwell Parish Council, it is the opinion of planning officers that the development is inappropriate within the Green Belt and will impact on openness. Therefore, it may only be approved if very special circumstances exist which outweigh this harm.

The applicant presents a case for very special circumstances, the key point of which is the demand for additional school places within the local area, which they state is reflected in the (57) letters of support that the school has received for the proposal. The Applicant explains that they had previously sought the conversion of an existing building (The Grange, High Road, Chigwell) outside of the Green Belt to meet this need, but that proposal was determined to be unacceptable by both Epping Forest District Council and the Planning Inspectorate.

The applicant also refers in their case for very special circumstances to para. 14 of the NPPF, which contains the presumption in favour of sustainable development. However, this presumption must be considered in the context of material planning considerations, which includes Green Belt policy. Accordingly whilst some weight must be given to the presumption in favour of permitting the development, it is not a determining factor which overrides Green Belt policy.

Although not raised by the Applicant, para 72 of the NPPF is also considered relevant. This states '*The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.*'

It is the view of officers that substantial weight should be given to the encouragement in national planning policy for greater provision/choice in relation to school places. The expression of support for the development received by the School supports there being a local need for the proposal, which is not countered by any objection to the proposal. Whilst the school would offer private places, this may indirectly free up some existing places within local state schools, thereby providing greater choice for parents. The proposal is that the pre-prep would be part of Chigwell School and accordingly options for its location are limited geographically. Substantial weight is to be given to the fact that a site outside of the Green Belt which would have made use of an existing building has been considered through the planning application process and deemed unacceptable. The current site, although located within the Green Belt, is previously developed and would be viewed within the context of existing buildings and the all weather pitch and somewhat screened by existing/retained vegetation.



On balance, it is considered that the need for this development and the suitability of the site selected constitutes very special circumstances which outweigh the harm caused to the Green Belt by reason of the matters of inappropriateness and harm to openness.

The proposed car park extension would also be an inappropriate development within the Green Belt, but one which is necessary to facilitate the proposed school and therefore justified by the same very special circumstances as set out above. Careful consideration should be given to the surfacing of the car park to minimise its impact on openness – the application proposes a paving grid system which would be acceptable and may be secured by the imposition of a planning condition. The car park, when in use, would be fairly conspicuous – but this harm may be mitigated to some extent by sympathetic landscaping – this may also be controlled by a planning condition.

### Neighbouring Amenity

The site is located in excess of 25 metres from the nearest residential property and the outdoor play area would be on the far side of the building. However, the proposed development could potentially cause some additional noise in comparison with the existing use of the site, which may impact the level of amenity enjoyed by the occupiers of nearby dwellings in The Brambles. Notwithstanding that, any increase in noise would not be material when compared to the existing use and noise arising from the use of the all weather sports pitch.

### Character and Appearance

The proposed building would be of contemporary design, in terms of its form, the materials used and the incorporation of sustainable technologies. This would appear in contrast to the traditionally designed Sandon Lodge, built circa 1870. However, the fairly low scale of the proposed school building (approx 5.5m high) in relation to Sandon Lodge (11.5m high to ridge) and positioning is such that it would not appear overly dominant. The site lies outside the conservation area and Sandon Lodge, although attractive and historic, is not a listed building.

It is, therefore considered that the design of the proposed building is acceptable.

### Trees and Landscaping

The proposed development will require the loss of 20 trees which presently stand within the proposed footprint of the building. Of those trees, 5 are identified within the tree survey as being of poor quality with the remainder being graded as either low, or medium quality.

The Council's Arboricultural Officer has been consulted on this planning application. He has confirmed that the proposal has been carefully looked at to minimise landscape/tree impact and to provide an acceptable landscape context. He further confirms that the indicative landscaping shown on the proposed plans is broadly acceptable. He has raised concern in respect of the impact of the proposed hard play surface on two nearby yew trees. He recommended a revision to the position of the hard surface to locate it further from the trunks of those trees. The plans have been amended to show this revision to the play area. It has resulted in the loss of an oak tree – however, the arboricultural officer has confirmed that the oak is in a poor condition and he therefore raised no objection to its loss.

Subject to the imposition of planning conditions to require the planting, retention and protection of trees/landscaping, it is considered that the proposal is acceptable.

### Highways

Essex County Council has been consulted on this planning application and raise no concerns in respect of the proposed access/dropping off arrangements.

They do, however, raise concern in relation to the adequacy of the submitted Travel Plan. In particular they are concerned that it does not go far enough in terms of promoting alternative, more sustainable forms of transport, bearing in mind the proximity of the School to local bus services and a tube station. The County Council would accordingly like to work with the School to improve the content of the Travel Plan and to assist in the monitoring of the document. However, their resources allow them to provide this service only if a financial contribution of £3,000 is made to fund the work. The Applicant has confirmed that they are not prepared to make such a contribution and it is, therefore considered that this matter cannot reasonably be dealt with by the imposition of a planning condition.

Further concern has been raised in respect of the proposed provision for cycle parking. The Essex standard identifies a maximum of 37 cycle spaces and the application proposed 10, contained within a covered area. It is the view of Officers at County Highways that this provision is inadequate. Furthermore, in addition to Officers considering that additional spaces are required, they consider that due to the age range of the children attending the school, the provision should be flexible to provide storage for either bicycles or scooters. If considered necessary, additional storage may be secured by the imposition of a planning condition.

Consideration must be given as to whether or not the improvements to the Travel Plan are necessary and therefore whether in the absence of those improvements being delivered it is reasonable to withhold planning permission. On balance, it is considered by Officers that it is evident to parents of children attending the School that those public transport options exist (whether or not they choose to utilise them). Accordingly subject to greater provision of bicycle/scooter facilities being provided to enable a greater number of users to travel by foot/bicycles it is not considered that it would be reasonable to withhold planning permission.

To ensure that adequate provision is made for parents parking within the site whilst dropping off/collecting children it is necessary to require the provision of the car park extension prior to the first use of the school.

### Ecology

The application is accompanied by ecological surveys, which have identified both existing and potential bat roosts within the site. Surveys were also undertaken in respect of great Crested Newts, but none were located.

The Council's Countrycare section has reviewed the submitted documents and concurs with the recommendations contained within the submitted Ecological Appraisal, Nocturnal Bat Roost Surveys (Preliminary Report 2012) and Daytime Bat Inspection Survey Report. In addition, they require the installation of at least 5 bird and 5 bat boxes within the site.

### Other Matters

*Contaminated Land* – Whilst there is no evidence of potentially contaminating activities having taken place on the site in the past, education uses are particularly sensitive to contamination, should any exist. It is, therefore recommended that if consent is granted it is subject to a planning condition which requires mitigation to take place, if any contaminated land is discovered during construction.

Procedure – Contrary to comments received from Chigwell Parish Council, this proposal is an inappropriate development in the Green Belt and as such is a departure from Local Plan policy. Accordingly if the Committee is minded to grant planning permission, the application will need to be referred for consideration by the District Development Control Committee (DDCC). However, the scale of the development is not such that the application would then need to be referred to the Secretary of State and accordingly the DDCC would be able to grant a planning permission, if it were so minded.

**Conclusion:**

In light of the above appraisal, it is considered on balance that this is an acceptable development for which very special circumstances exist that outweigh the usual policy of restraint within the Metropolitan Green Belt. The application has been carefully considered, in order that it has an acceptable design and does not raise any unacceptable impacts in relation to ecology or landscaping. Highway access arrangements are considered acceptable and there would not be any material loss of amenity to the occupiers of nearby residential properties. Subject to the need to refer the application to DDCC as a departure from Local Plan policy, it is recommended that planning permission be granted.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

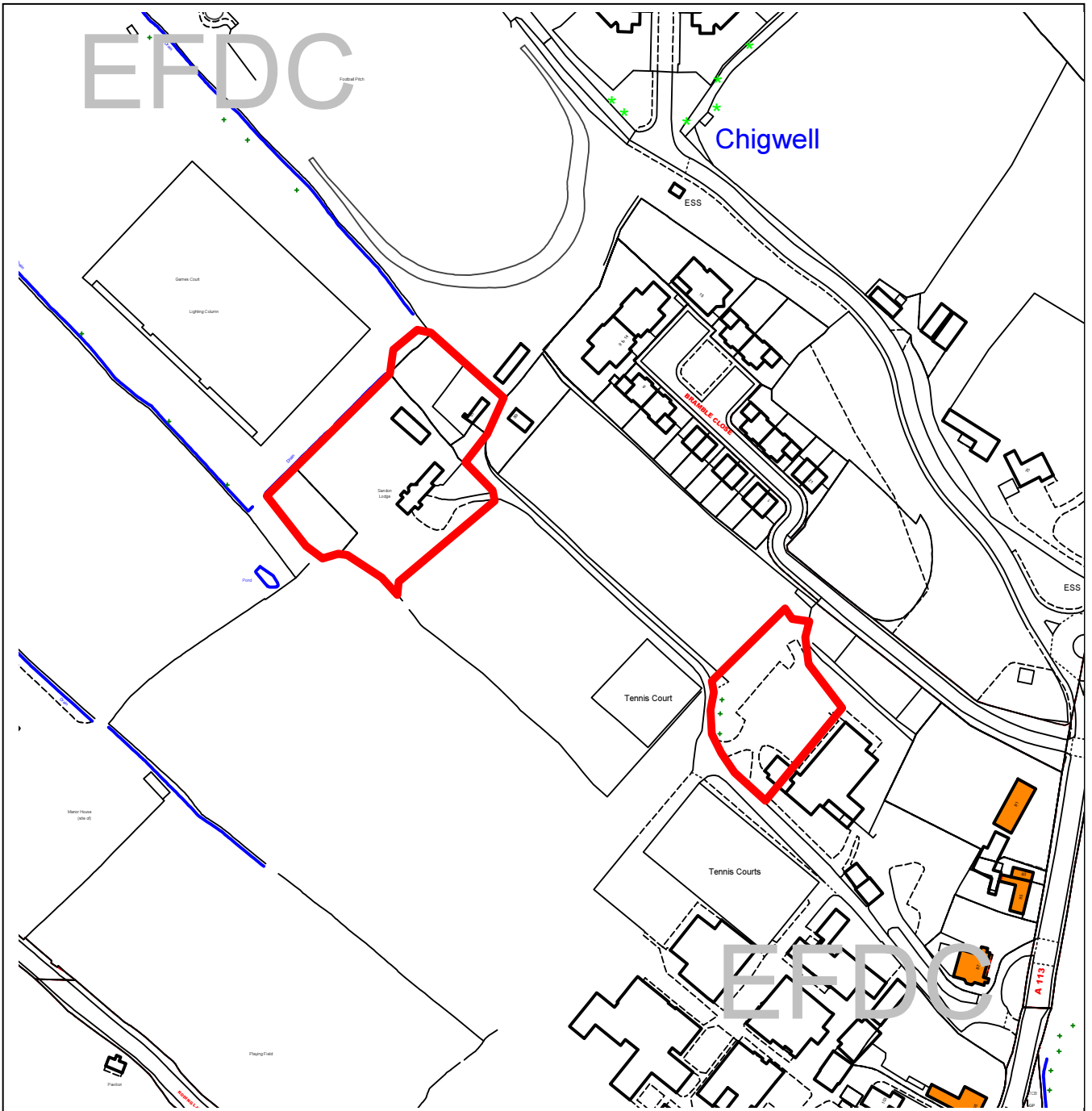
***Planning Application Case Officer: Mrs Katie Smith  
Direct Line Telephone Number (01992) 564109***

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



# Epping Forest District Council

## Area Planning Sub-Committee



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<b>Agenda Item Number:</b>	<b>10</b>
Application Number:	EPF/1016/12
Site Name:	Chigwell School, High Road Chigwell, IG7 6QF
Scale of Plot:	1/2500