

# Committee Agenda



## Epping Forest District Council

### ***Area Planning Subcommittee South Wednesday, 13th February, 2013***

You are invited to attend the next meeting of **Area Planning Subcommittee South**, which will be held at:

**Roding Valley High School, Brook Road, Loughton, Essex IG10 3JA  
on Wednesday, 13th February, 2013  
at 7.30 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

Gary Woodhall (The Office of the Chief Executive)  
Tel: 01992 564470 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 BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 6.30 P.M. IN COMMITTEE ROOM 1 ON THE DAY OF THE SUB-COMMITTEE.**

#### **WEBCASTING NOTICE**

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

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

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

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

**1. WEBCASTING INTRODUCTION**

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

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

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

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

**2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 10)**

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

**3. MINUTES (Pages 11 - 22)**

To confirm the minutes of the last meeting of the Sub-Committee held on 16 January 2013 (attached).

**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 23 - 70)**

(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):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
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.

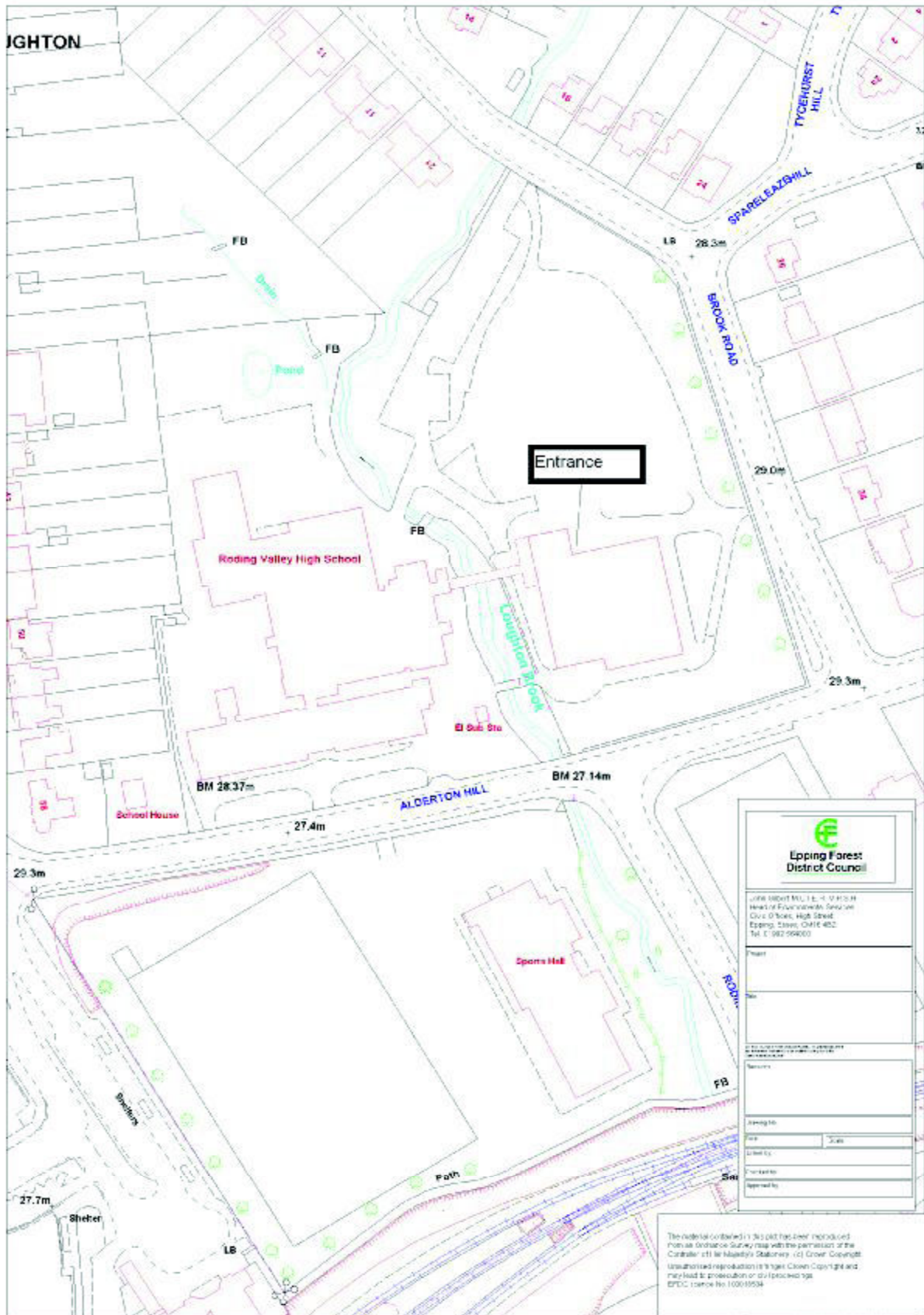
The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow 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:** 16 January 2013  
South

**Place:** Roding Valley High School, Brook Road, Loughton, Essex IG10 3JA **Time:** 7.30 - 9.25 pm

**Members Present:** 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, J Markham, G Mohindra, Mrs C Pond, Mrs T Thomas, H Ulkun, Mrs L Wagland, D Wixley and N Wright

**Other Councillors:** -

**Apologies:** A Lion and B Sandler

**Officers Present:** S Solon (Principal Planning Officer), C Neilan (Landscape Officer & Arboriculturist), S G Hill (Senior Democratic Services Officer), A Hendry (Webcasting Officer) and S Mitchell (Webcasting Officer)

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### 56. 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.

### 57. MINUTES

#### RESOLVED:

That the minutes of the last Sub-Committee meeting on 21 November 2012 be agreed and signed by the Chairman as a correct record.

### 58. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Members Conduct, Councillor Jennie Hart declared a non-pecuniary interest in item 8(4) (site at 162 Queens Road, Buckhurst Hill) of the agenda by knowing the objector. The Councillor indicated that they would leave the meeting for the consideration of the item.

Pursuant to the Council's Code of Members Conduct, Councillor K Angold Stephens declared a non-pecuniary interest in items 8(1), (3), (6) and (7) of the agenda by virtue of being a member of Loughton Town Council who had made representations. The Councillor indicated that he would remain in the meeting for the consideration of the items.

Pursuant to the Council's Code of Members Conduct, Councillor James Hart declared a non-pecuniary interest in item 8(7) (site at 43 Traps Hill, Loughton) of the

agenda by virtue of knowing the applicant. The Councillor indicated that they would remain in the meeting for the consideration of the item.

**59. ANY OTHER BUSINESS**

It was noted that there was no additional business for consideration at the meeting.

**60. CONFIRMATION OF TREE PRESERVATION ORDER TPO/EPF/20/12, 3 LEE GROVE CHIGWELL**

The Committee considered whether to confirm a Tree Preservation Order on an Oak tree in the rear garden of 3 Lee Grove, Chigwell which had been made as the Oak had been threatened with felling. An application (to be considered later in this meeting) had also been received.

It was noted that an objection had been made to the confirmation of the order by the owner and that on subsequent inspection of the tree, it was found to be in good condition with fungal growth and decay. To retain it would require a program of crown reduction. This would diminish its amenity value such that it did not justify the use of planning powers to insist on its retention. The Committee concurred with this view and declined to confirm the Tree Preservation Order.

**Resolved:**

That the Tree Preservation Order TPO/EPF/20/12 not be confirmed.

**61. DEVELOPMENT CONTROL**

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

**RESOLVED:**

That the planning applications numbered 1 – 7 be determined as set out in the attached schedule to these minutes.

**62. 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**

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2009/12
<b>SITE ADDRESS:</b>	10 The Summit Loughton Essex IG10 1SW
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/05/93 T1 - Pine - 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=542560](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=542560)

**CONDITIONS**

- 1 The existing gingko, situated in the rear garden, shall be retained as replacement for the tree to be felled unless this be varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting the gingko be removed, uprooted or destroyed, or dies, or becomes seriously damaged and defective another tree of the same species and of a size to be agreed in writing 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 the works authorised by this notice.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2223/12
<b>SITE ADDRESS:</b>	3 Lee Grove Chigwell Essex IG7 6AD
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/20/12 T1 - Oak - Fell
<b>DECISION:</b>	Grant Permission

**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=543440](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543440)

**CONDITIONS**

NONE

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0378/12
<b>SITE ADDRESS:</b>	39 Traps Hill Loughton Essex IG10 1SZ
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed side and rear extensions, internal alterations and construction of garage/fitness room. (Revised Application)
<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=535442](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=535442)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The materials to be used for the external finishes of the development hereby approved shall be those specified in response to question 11 of the submitted planning application forms for the development, unless otherwise previously agreed in writing by the Local Planning Authority.
- 3 The development hereby approved shall not be commenced until details of proposals to prevent potential excessive overlooking of 41 Traps Hill from the raised patio adjacent to the site boundary with that property have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within 3 months of the substantial completion of the raised patio and thereafter permanently retained.
- 4 Within 3 months of the substantial completion of the development hereby approved, the proposed window openings in the west facing first floor flank elevations and the rooflights in the roofs of the approved side extensions shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 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 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 08.00 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.



**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1921/12
<b>SITE ADDRESS:</b>	Land to rear of 162 Queens Road Buckhurst Hill Essex IG9 5BD
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing garages and erection of 2, two storey, 2 bedroom houses, together with the provision of 4 car parking spaces (one for the flat above the shop at no.162) using existing access on to Queens Road.
<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=542177](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=542177)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development, 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.
- 3 Details of enclosures to be retained or proposed on each boundary of the site shall be submitted to and approved by the local planning authority before any work commences on site. Once approved these details shall be implemented in full.
- 4 Prior to first occupation of the development hereby approved, the proposed first floor stairwell window openings in the north and south elevations shall be fitted with obscured glass with the bottom sash fixed shut, and shall be permanently retained in that condition.
- 5 The proposed development shall not be occupied until such time as the vehicle parking and turning areas indicated on the approved plans have been hard surfaced, sealed, and marked out. These areas shall then be maintained free from obstruction with the site at all times for those sole purposes.

- 6 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 11.456.1 Rev A; TO1; and associated 1/1250 site location plan.
- 7 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 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 08.00 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.

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1981/12
<b>SITE ADDRESS:</b>	225 Lambourne Road Chigwell Essex IG7 6JN
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Row
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective planning application to retain loft conversion involving increase to the ridge of the roof, three front dormers and rear dormer including proposed reduction in size of rear dormer.
<b>DECISION:</b>	Refuse Permission

**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=542437](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=542437)

Members found the proposal did not properly deal with the concerns of the Planning Inspector set out in the decision letter dated 13 August 2012, PINS ref APP/J1535/D/122175651. Members found the reduced proposal would cause substantially the same degree of harm as the existing rear dormer window. Members were advised Planning Enforcement Action would continue.

**REASON FOR REFUSAL**

- 1 The rear dormer to be retained, due to its overall width, size and bulk, it would be detrimental to the visual amenity of neighbouring occupiers and character of the surrounding area. It therefore fails to accord with Adopted Local Plan policies CP2, DBE9 and DBE10.

**POSITIVE & PROACTIVE STATEMENT:**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the Committee Members considers that the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/2021/12
<b>SITE ADDRESS:</b>	Coffee Shop & Patisserie 40 The Broadway Loughton Essex IG10 3ST
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Broadway
<b>DESCRIPTION OF PROPOSAL:</b>	Variation of condition 2 'opening hours' of EPF/0820/07 to increase the opening hours to 8am to 11pm Monday to Sunday (Revised application)
<b>DECISION:</b>	Deferred

**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=542602](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=542602)

Members deferred a decision on this application in order that additional information regarding the general pattern of shop closing times in the evening within the Broadway could be made available to the Committee.

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/2122/12
<b>SITE ADDRESS:</b>	43 Trap's Hill Loughton Essex IG10 1TB
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>DESCRIPTION OF PROPOSAL:</b>	New front boundary wall with a gated entry. (Revised application)
<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=543018](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543018)

The proposal was found by members to be an uncharacteristically tall form of enclosure. The use of solid timber gates and wire mesh fencing would have a poor appearance of themselves, and the provision of landscaping would not necessarily be an effective form of mitigation of their visual impact. A lower and more open form of boundary treatment should be explored with officers, to establish an appropriate design solution.

**REASON FOR REFUSAL**

- 1 By reason of the height and design, the proposed gate and wall/fence would appear incongruous in the street scene to the detriment of the character and appearance of the locality. The proposal is therefore contrary to Local Plan and Alterations policies CP2 and DBE1, which are consistent with the policies of the National Planning Policy Framework.

**POSITIVE & PROACTIVE STATEMENT:**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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## AREA PLANS SUB-COMMITTEE SOUTH

Date

### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/2084/12	3 Woodcote Mews, Loughton, Essex IG10 4QS	Grant Permission	25
2.	EPF/2235/12	4 Woodcote Mews, Loughton, Essex IG10 4QS	Grant Permission	29
3.	EPF/2141/12	Rear of Key West, 120 High Road, Chigwell, Essex IG7 5AR	Grant Permission (With Conditions)	33
4.	EPF/2021/12	Coffee Shop & Patisserie, 40 The Broadway, Loughton, Essex IG10 3ST	Grant Permission (With Conditions)	39
5.	EPF/1911/12	The Way BBQ, 160 Loughton Way, Buckhurst Hill, Essex IG9 6AR	Grant Permission	44
6.	EPF/2031/12	10 Rectory Lane, Loughton, Essex IG10 1NZ	Grant Permission (With Conditions)	47
7.	EPF/2063/12	63 Hainault Road, Chigwell, Essex IG7 5DH	Grant Permission (With Conditions)	54
8.	EPF/2189/12	112 Forest Edge, Buckhurst Hill, Essex IG9 5AB	Grant Permission (With Conditions)	58
9	EPF/2291/12	51 Epping New Road, Buckhurst Hill, Essex IG9 5JT	Grant Permission (With Conditions)	62

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2084/12
<b>SITE ADDRESS:</b>	3 Woodcote Mews Loughton Essex IG10 4QS
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>APPLICANT:</b>	Miss Rebecca Mann
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/04/98 T1 - Poplar - Fell
<b>RECOMMENDED DECISION:</b>	Grant 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=542897](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=542897)

**CONDITIONS**

NONE

*This application is before this committee as any application to fell a preserved tree falls outside the scope of delegated powers.*

**Description of Site**

3 Woodcote Mews is a townhouse on the southern edge of Great Woodcote Park. It has a narrow garden backing onto the open space now owned by the conservators of Epping Forest. The application tree stands on the southern boundary. The conservators have planted a substantial woodland strip along the development's whole southern boundary.

**Description of Proposal**

Fell poplar with no replacement.

**Relevant History**

The TPO was made in 1998 to protect trees across the land in advance of development, including boundary trees in particular that were helpful in screening the site from the adjacent countryside. There have been several consents to reduce these trees, most recently:

EPF/0533/08- reduction to the several trees to the rear of 3, 4, 5 & 6 Woodcote Mews.

**Relevant Policies**

LL9 – Felling of preserved trees.

*'the council will not give consent to fell a tree...protected by a TPO unless it is satisfied that this is necessary and justified.....any such consent will be conditional upon the appropriate replacement of the tree'*

### **Summary of Representations**

Object in principle but would withdraw objection should the Council's Arboriculturist approve the felling subject to appropriate replacement.

### **Issues and Considerations**

The applicant has raised a number of issues of concern. Clearly the tree impacts on her and her partner's enjoyment of their property. The key issue for the LPA however is felt to be how great is the public value of this tree as part of the larger feature, which is the line of poplars retained along the southern boundary of the estate.

The main change since the development was completed has been the rapid growth of the woodland blocks planted by the Corporation of London in the open space of the south. In some places they provide more or less complete screening of the properties in Great Woodcote Park even in winter. In such cases the importance of the poplars is now minimal. In the case of the application property however this is not the case. Here the exterior planting is less well developed so the trees in this area still play some part in screening/ softening. However, there is an adjacent gap in the poplars, to the east, where there is no screening other than that on the Corporation land.

The issues as expressed by the owner are as follows:

- 1) The difficulty caused by the large quantity of leaves shed by the tree in the autumn and the difficulty of maintaining a good lawn;
- 2) Her desire to put decking or a patio at the far end of the garden which she is unable to do because of the presence of the tree. The decking would be less enjoyable should the tree be retained.
- 3) That in the summer the garden is completely in shade, preventing the proper and expected enjoyment of the property.
- 4) The need for the poplars to screen the property has disappeared since the Corporation of London has planted its own screen. The nearest adjacent properties are in any case beyond the adjacent field and have no direct view.

The applicant further asks that no replacement planting condition be applied since her enjoyment of her garden would be diminished by the presence of any other tree and she considers it unnecessary.

In response it is accepted that the tree diminishes enjoyment of the property, although not in such a severe way as suggested.

- 1) Leaf fall is clearly a burden but limited and seasonal. With care a lawn can be grown; establishing good drainage on what is a site with heavy soil is perhaps more of an issue.
- 2) Decking and/or a patio could clearly be established with the tree in place. The tree stands in a dip at the far end of the garden; decking could be put on wooden piles and designed to avoid the tree. On the other hand this would add a little to the expense. The shade would diminish to some extent enjoyment of the facility.
- 3) There will be a great deal of shade in the summer although not in the early morning and not in midsummer; the main loss will be the afternoon sun.
- 4) The original purpose of retention of the poplars was a little wider than suggested, but nevertheless it is agreed that it has largely served its purpose.

**Conclusions:**

The line of poplars as a whole has served its purpose in softening the impact of the new development as seen from the wider landscape. The public amenity of the application tree is now relatively low. Therefore, priority should be given to the wishes of the applicant, even if the issues raised would not be sufficient to justify the removal of a more important public asset. Given the planting to the rear, which will form the long term screening it is not considered that replacement planting is required.

***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:***

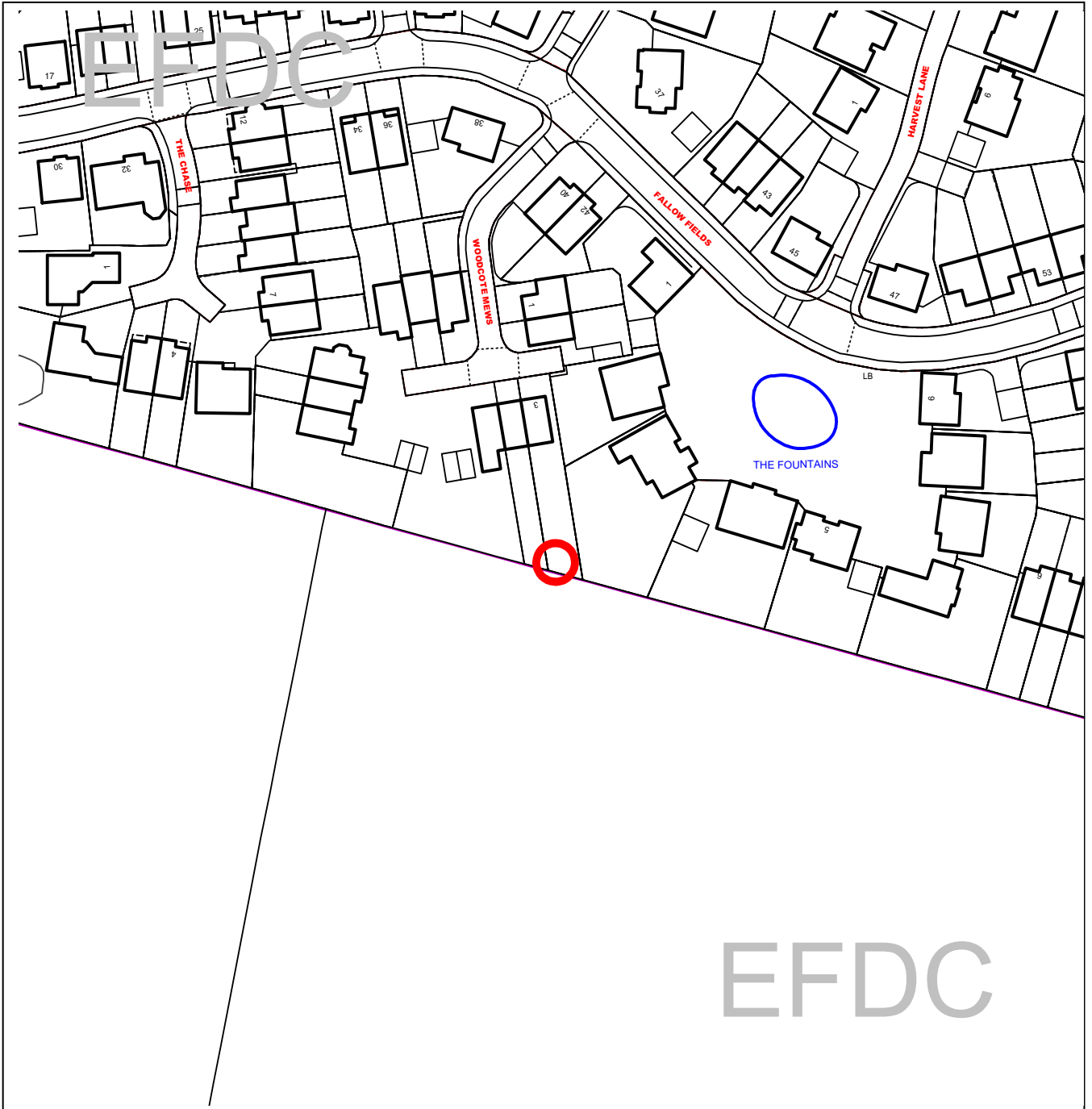
***TPO Application Case Officer: Christopher Neilan  
Direct Line Telephone Number: 01992 564117***

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	1
Application Number:	EPF/2084/12
Site Name:	3 Woodcote Mews, Loughton IG10 4QS
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2235/12
<b>SITE ADDRESS:</b>	4 Woodcote Mews Loughton Essex IG10 4QS
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>APPLICANT:</b>	Mrs Lynda Oram
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/04/98 Poplar - Fell
<b>RECOMMENDED DECISION:</b>	Grant 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=543484](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543484)

**CONDITIONS**

NONE

*This application is before this committee as any application to fell a preserved tree falls outside the scope of delegated powers.*

**Description of Site**

4 Woodcote Mews is a mid terrace townhouse on the southern edge of Great Woodcote Park. It has a narrow garden backing onto the open space now owned by the conservators of Epping Forest. The application tree stands on the southern boundary. The conservators have planted a substantial woodland strip along the development's whole southern boundary.

**Description of Proposal**

Fell poplar with no replacement.

**Relevant History**

The TPO was made in 1998 to protect trees across the land in advance of development, including boundary trees in particular that were helpful in screening the site from the adjacent countryside. There have been several consents to reduce these trees, most recently: EPF/0533/08- reduction to the several trees to the rear of 3, 4, 5 & 6 Woodcote Mews.

**Relevant Policies**

LL9 – Felling of preserved trees.

*'the council will not give consent to fell a tree...protected by a TPO unless it is satisfied that this is necessary and justified.....any such consent will be conditional upon the appropriate replacement of the tree'*

## **Summary of Representations**

LRA: Object in principle but would withdraw objection should the Council's Arboriculturist approve the felling, subject to appropriate replacement.

## **Issues and Considerations**

The applicant has raised a number of issues of concern, arguing that this is an unsuitable tree for its location. The key issue for the LPA however is felt to be how great is the public value of this tree as part of the larger feature, which is the line of poplars retained along the southern boundary of the estate.

The main change since the development was completed has been the rapid growth of the woodland blocks planted by the Corporation of London in the open space of the south. In some places they provide more or less complete screening of the properties in Great Woodcote Park even in winter. In such cases the importance of the poplars is now minimal. In the case of the application property however this is not the case. Here the exterior planting is less well developed so the trees in this area still play some part in screening/ softening. However, there is an adjacent gap in the poplars, to the east, where there is no screening other than that on the Corporation land.

The issues as expressed by the owner are as follows:

- 5) Loss of light to the garden, because of the tree's great height; in the summer the garden is completely in shade, preventing the proper and expected enjoyment of the property.
- 6) The danger of having such a large tree within falling distance of a dwelling- it is too tall for its situation. It would have been appropriate in the countryside, but is no longer so.
- 7) The need for the poplars to screen the property has disappeared since the Corporation of London has planted its own screen.

The applicant further asks that no replacement planting condition be applied since her enjoyment of her garden would be diminished by the presence of any other tree and she considers it unnecessary.

In response it is accepted that the tree diminishes enjoyment of the property, although not in such a severe way as suggested.

- 5) There will be a great deal of shade in the summer although not in the early morning and not in midsummer; the main loss will be the afternoon sun. Clearly not all the shade results from this one tree alone, however it is the only one within the applicant's control;
- 6) It is not accepted that there is a safety issue to be resolved by felling. The safety of the tree could be maintained by occasional reduction, as indeed has been previously undertaken.
- 7) The original purpose of retention of the poplars was a little wider than suggested, but nevertheless it is agreed that it has largely served its purpose.

## **Conclusions:**

The line of poplars as a whole has served its purpose in softening the impact of the new development as seen from the wider landscape. The public amenity of the application tree is now relatively low. Therefore, priority should be given to the wishes of the applicant, even if the issues raised would not be sufficient to justify the removal of a more important public asset. Given the planting to the rear, which will form the long term screening it is not considered that replacement planting is required.

**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:**

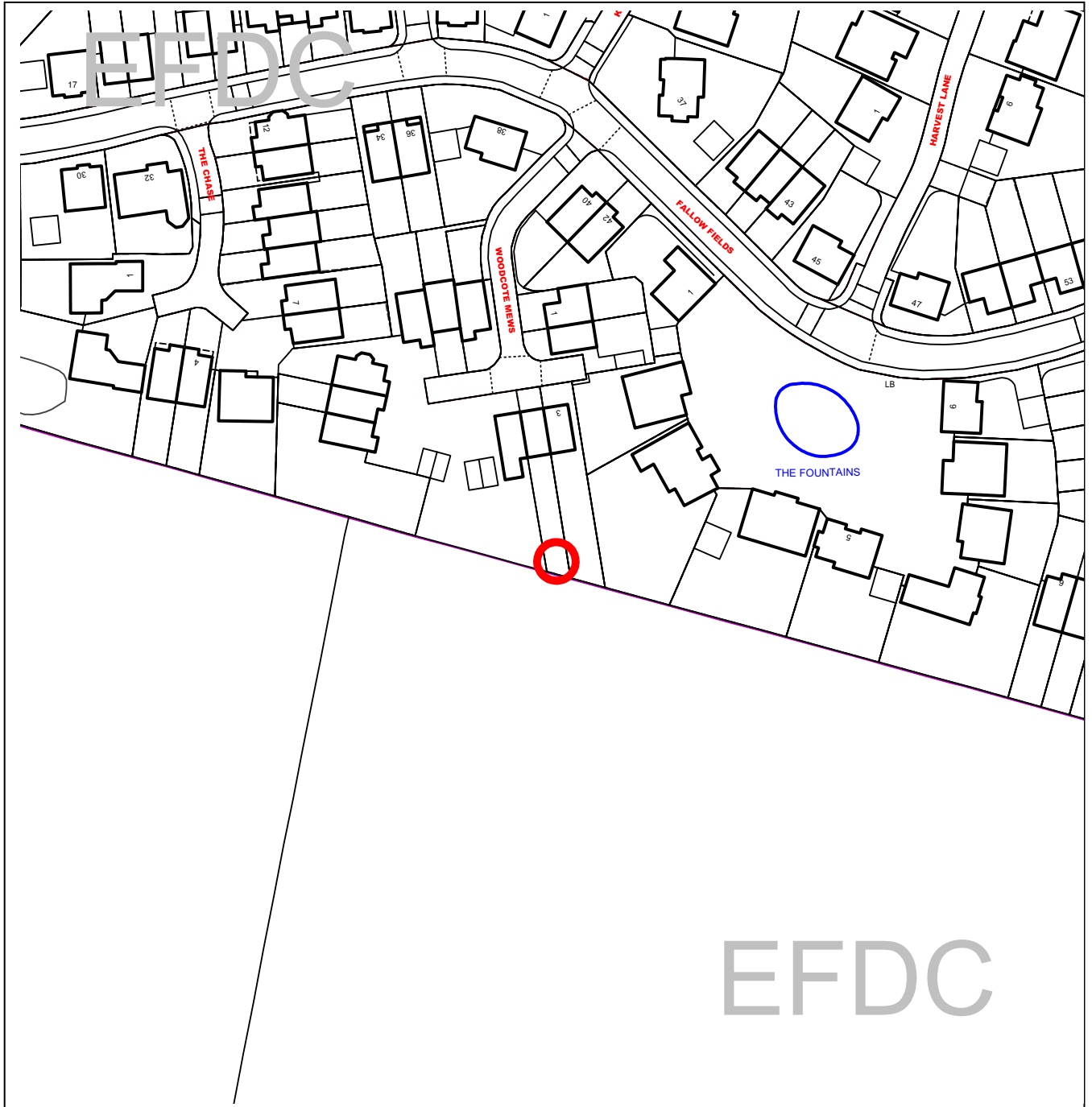
**TPO Application Case Officer: Christopher Neilan  
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# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	2
Application Number:	EPF/2235/12
Site Name:	51 Epping New Road, Buckhurst Hill IG9 5JT
Scale of Plot:	1/1250



**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2141/12
<b>SITE ADDRESS:</b>	Rear of Key West 120 High Road Chigwell Essex IG7 5AR
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Mr Alex Pelican
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of two storey building containing 2 x apartments with parking and access to the development site.
<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=543081](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543081)

**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: 6, 7, 8 and 9A
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 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.
- 5 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.

- 6 Prior to first occupation of the development hereby approved, the proposed window opening in the first floor, north west flank elevation, shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 7 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 8 Prior to first occupation of the development hereby approved, the drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back edge of the carriageway and provided with an appropriate dropped kerb crossing of the verge.
- 9 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

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

**Description of Site:**

The application site is a detached 1960's two storey house situated on a deep, rectangular plot backing onto the Chigwell Golf Course. The house is flat roofed and is in a modernist style. The rear part of the garden which includes a tennis court is located within the Green Belt. The proposed development is outside of the Green Belt located between the house and tennis court. The site is within the built up area of Chigwell and is only some 110m from Chigwell Underground Station. The site is well screened from the High Road by a row of mature trees. The neighbouring property No. 122 is a Grade II listed building and there is a protected tree on the north boundary of the site. There is a dwelling to the rear of No. 122 (122A) to the south of the application site and a residential development currently under construction at 118 High Road, to the north of the application site.

### **Description of Proposal:**

This application seeks planning permission for the erection of a two storey building containing two apartments. The apartments are proposed in a similar style to the main dwelling on the site and will be flat roofed with some design details copied from the modernist style, including the balcony and clean lines.

### **Relevant History:**

EPF/0155/08 – Outline application for the erection of a two storey building containing two apartments – App/Con

EPF/2641/10 - Application for approval of details of design and external appearance reserved by condition 1 of planning permission EPF/0155/08. (Outline application for the erection of a two storey building containing two apartments) – App/Con

EPF/0155/11 – Application for approval of details reserved by condition 3 'landscape scheme' and condition 5 'driveway material' of planning approval EPF/0155/08 (outline application for the erection of a two storey building containing two apartments) – Partial Approval

### **Policies Applied:**

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

CP2 - Protecting the Quality of the Rural and Built Environment

CP3 – New Development

CP7 – Urban Form and Quality

GB7A – Conspicuous Development

DBE1, 3 - Design

DBE 2, 9 – Amenity

DBE8 – Private Amenity Space

LL10 – Adequacy of Provision for Landscape Retention

LL11 – Landscaping

ST4 – Highway Safety

ST6 – Vehicle Parking

### **Summary of Representations:**

CHIGWELL PARISH COUNCIL: The Council STRONGLY OBJECTS to this application because the design is out of keeping with the area. This proposal is inappropriate to this location as the existing property is a large detached house that currently contributes significantly to the existing residential streetscene. The Council believes that should this proposal go ahead it will result in a domino effect whereby other large detached houses in the area will be inclined towards similar design proposals of converting detached homes into apartments.

#### **NEIGHBOURS**

11 neighbours were consulted: No responses received

### **Issues and Considerations:**

This application is for exactly the same scheme applied for previously as an outline permission (2008), with the design then agreed as a reserved matter (2010). This permission is still extant until 4<sup>th</sup> March 2013. As the original outline permission could not be extended, a fresh full application has been submitted. No objections were received for the previous applications and policy has not changed other than the introduction of the NPPF, however this is not an extension

of time application and is a fresh application but the previous permissions, particularly as they are still extant are considered a material consideration.

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

- Impact on neighbouring amenity
- Character and Appearance
- Highways
- Impact on the adjacent Green Belt

### Neighbouring Amenity

The property to the north (No 118) has planning permission (granted at appeal) to be redeveloped into a block of 12 flats, and this is currently well into construction. There is also a relatively newly built, detached dwelling in the rear garden of Chigwell Lodge (the listed building) to the immediate south, which was granted on appeal in July 2006. The boundaries are well screened by trees and given the compact, low nature of the proposal overlooking between these properties is not considered a significant issue.

It is not considered that the proposal will result in any loss of light or outlook to any neighbour (again, particularly given the low height and compact nature), however the proposed first floor window on the north west elevation will need to be obscure glazed to avoid any potential overlooking of the host property. As this is a small secondary window to a bedroom this is considered acceptable.

The scheme is not considered to be visually overbearing to immediate neighbouring occupiers and the amenity space for both the existing and proposed units is acceptable.

### Character and Appearance

The proposal is not a traditional building type with its flat roof, angular style with render, but rather follows a more modern style of building and will form a contemporary addition to the housing stock. The proposal has followed the style of the modernist existing building, which in itself is not a traditional building, but the proposal will be a more contemporary style to this. New development is encouraged to respect their setting and be of a size and design appropriate to their location and functionalities and it is considered that within the context of this backland location the proposal meets this aim.

The other nearest visible neighbour is 122A High Road, a newly built barn style building (within the rear garden of 122), which again is not a common feature within the High Road, where brick built dwellings dominate. As the proposal will not be visible from the High Road, it is not considered that the proposal is out of character with the area and it is considered to add to the architectural diversity of the area.

### Highways

Ample parking is proposed for the two flats and this is considered acceptable in terms of parking policy. The Essex County Council Highways Officer has raised no objection to the scheme subject to conditions.

### Green Belt

The proposal may be visible from the Green Belt to the rear of the site, however it will be viewed within the context of the linear residential development along the High Road. Particularly given the proposal's low height (some 3m lower than neighbouring 122A) the proposal is not considered to

have an excessive adverse impact upon the openness, rural character or visual amenities of the Green Belt in this location.

#### Other Matters

##### *Landscaping*

There are existing trees on the site, including a protected tree on the north boundary. The Tree and Landscape Officer has raised no objection to the scheme, but has requested a tree protection condition and a landscaping condition which is considered acceptable.

##### Comments on representations received

Although the Parish Council have raised the concern *‘that should this proposal go ahead it will result in a domino effect whereby other large detached houses in the area will be inclined towards similar design proposals of converting detached homes into apartments’*; this application is not for the conversion of the existing dwelling, this is to remain as is and there will be no change to the streetscene. In terms of a precedent being set for other houses in the area proposing flats within the rear garden, Key West has an unusually large garden area, therefore notwithstanding the fact that each proposal is taken on its own merits it is unlikely that any other nearby property has a similar plot size.

#### Conclusion:

In light of the above appraisal and given the previous approvals on this site and that local policies have not changed in this time, it is considered that the proposed development is acceptable subject to conditions. 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:***

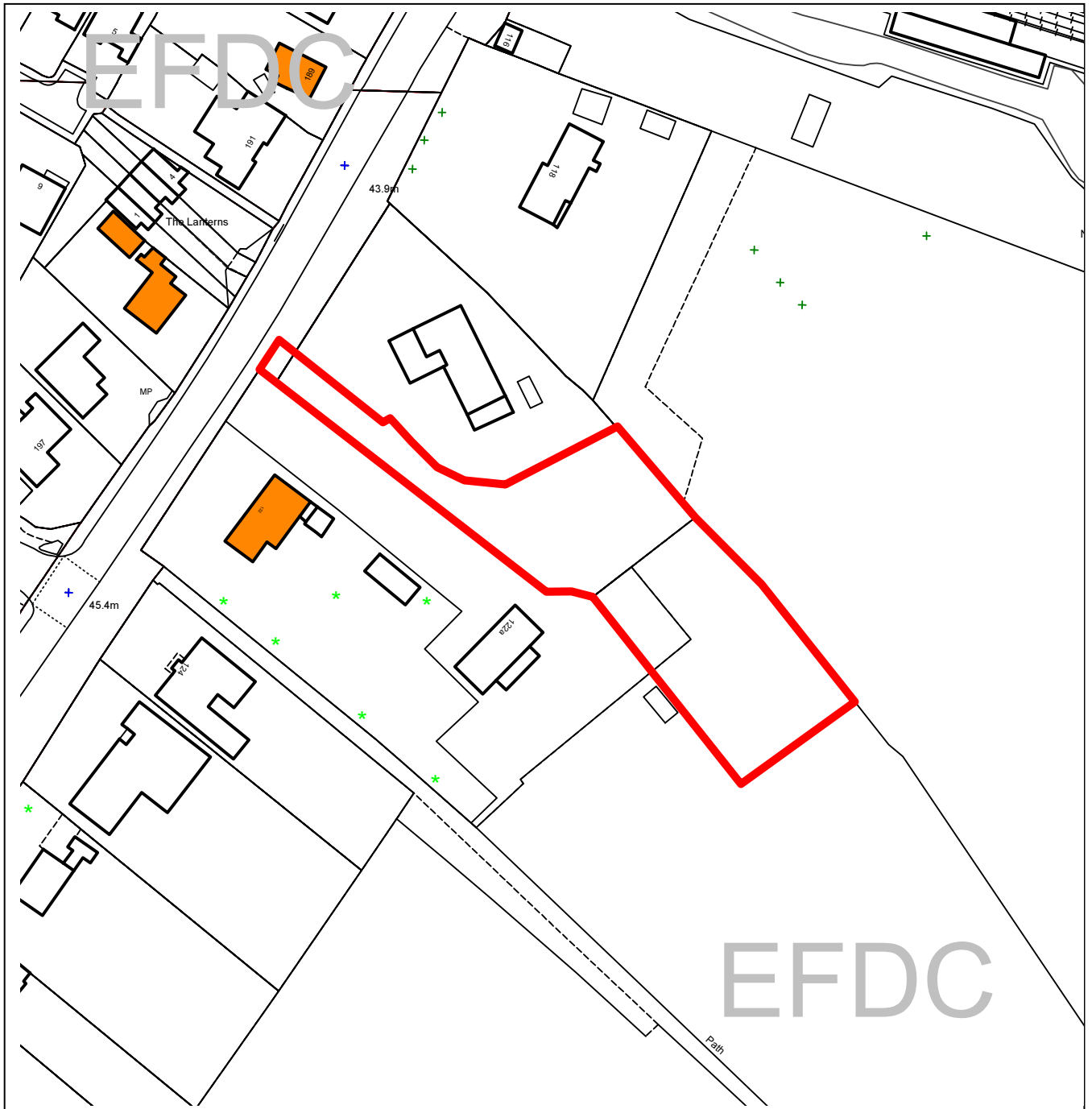
***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564371***

***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/2141/12
Site Name:	Rear of Key West, 120 High Road Chigwell, IG7 5AR
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2021/12
<b>SITE ADDRESS:</b>	Coffee Shop & Patisserie 40 The Broadway Loughton Essex IG10 3ST
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Broadway
<b>APPLICANT:</b>	Mr Abbas Balta
<b>DESCRIPTION OF PROPOSAL:</b>	Variation of condition 2 'opening hours' of EPF/0820/07 to increase the opening hours to 8am to 11pm Monday to Sunday (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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=542602](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=542602)

**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 A3 and A5 use hereby permitted shall not be open to customers / members outside the hours of 0600 - 2300 Monday to Sunday.
- 3 Equipment, the details of which shall be approved by the Council in writing, shall be installed to suppress and disperse cooking/food preparation fumes and smell to a minimum. The equipment shall be effectively operated and maintained for so long as the use continues.  
  
For the avoidance of any doubt, the continued operation of the use in accordance with the details approved under application reference EPF/1506/12 would be in compliance with this planning condition.
- 4 The rating level of noise (as defined by BS4142:1997) emitted from any mechanical plant shall not exceed 5dB(A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:1997.
- 5 Drains serving the kitchens in the development shall be fitted with a grease separator or other effective means of grease removal and shall be retained and maintained while the site is in use.

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

**Background:**

This application was deferred from the January meeting of this committee, in order that further information could be provided regarding the closing times of other premises within The Broadway. The following A3/A5 uses operate from The Broadway:

- Rendezvous Fish Restaurant, 28 The Broadway: Planning permission granted 1953 – no time limit
- Freshwaters, 38 The Broadway: Planning permission EPF/2340/06 – limited to 0800-1600 (advertised closing time is 1500).
- Elkaz Taverna & Restaurant, 67 The Broadway: No planning history (advised closing time is midnight).
- T & J Kelly, 82 The Broadway: No planning history (advised closing time is 1700)
- Café Bengal, 41 The Broadway: No planning history (advertised closing time is 2330 Monday to Saturday and 2300 on Sundays).

It should be noted that the advertised/advised closing times of the above premises could be changed (subject to any planning restrictions) either by the existing (or future) business operating from the units.

**Description of Site:**

Retail unit located in the Broadway, recently rebranded as 'Broadway Fried Chicken and Pizza'.

Upper floors of the three storey building appear to be in residential use.

**Description of Proposal:**

Variation of planning condition imposed limiting hours of use.

Proposed to extend opening hours to 8am to 11pm, seven days a week.

**Relevant History:**

EPF/0820/07. Change of use from A1 to A3 and A5 uses. (ie restaurant/cafe and hot food take away). Approved 07/06/2007 subject to planning conditions including:

Condition 2:

*The A3 and A5 use hereby permitted shall not be open to customers / members outside the hours of 0600 - 1630 Monday to Saturday, and not at all on Sundays or public holidays.*

*Reason:- In order to minimise disturbance to local residents.*

EPF/1505/12. Variation of condition 2 'opening hours' of EPF/0820/07 to increase the opening hours to 8am to 12am Monday to Sunday. Refused 05/10/2012 for the following reason:



*The proposed hours of use, by reason of the proximity of the retail premises in relation to residential properties above, would give rise to excessive noise and disruption to nearby residents, to the detriment of their enjoyment of their property, contrary to policy DBE9 (iv) of the Adopted Local Plan and Alterations.*

EPF/1506/12. Application for approval of details reserved by condition 3 'extraction fan', condition 4 'noise levels' and condition 6 'refuse storage' of EPF/0820/07 (change of use). Approved 10/12/2012.

**Policies Applied:**

DBE9 – Loss of Amenity

**Summary of Representations:**

Notification of this application was sent to Loughton Town Council and to 5 neighbouring properties.

The following representations have been received:

LOUGHTON TOWN COUNCIL. Objection. The Committee OBJECTED to the revised opening hours to 11pm daily and reiterated its comments made for the initial application EPF/1505/12, as members wished to “avoid disturbance to residents in the flats above the premises, but had no objection to the restaurant remaining open until 10.30pm every evening”.

42A THE BROADWAY. Objection. The shop is directly below flats and likely to cause noise and environmental problems. Existing problems of anti-social behaviour are not dealt with, despite being reported to the Council. Since the food shop has opened instances of anti-social behaviour have worsened. At night staff throw fatty grease into the road.

**Issues and Considerations:**

The use of the premises as an A3/A5 premises is already in place and that consent has planning conditions attached to it which can deal with the matter of extraction and odour nuisance. Since the refusal of the previous application, details of grease extract have been agreed by Environmental Health officers – who are monitoring compliance.

This application relates solely to the proposal to extend the permitted opening hours for the premises and the main issue for consideration is the impact of such an extension on the amenities of neighbouring residents – particularly those of the flats immediately above the premises and either side.

The planning condition that was imposed when the consent was granted limited the use to Monday – Saturday, ending at 16.30. This was reasonable, given that those were the opening hours sought and the use has successfully operated in accordance with this limitation. However, longer hours are now sought and this is not particularly surprising, given that it is common for A3 (restaurant) and A5 (take-away) uses to extend later into the evening.

When the previous planning application was refused consent it was on the basis that it was considered that the use of the premises would be such that there would be material harm caused to residents above if the use continued until midnight – the A5 use being likely to be more disruptive than A3 because of the more regular comings and goings of customers. However, within the Officer’s report, it was noted that an extension of time beyond 1630, including some use of a Sunday could be accommodated without causing material harm. Two respondents to that

previous planning application who have not commented in respect of this revised plan, Loughton Residents Association (Plans Group) and the occupiers of 40a The Broadway, had commented that the proposed opening hours could be extended to 11pm and 8/9pm respectively.

Planning Officers consider that the extended opening hours to 11pm would be reasonable and, bearing in mind the mixed commercial and residential character of The Broadway, would not cause undue harm to residential amenity. The objections raised by a resident are noted, however the unfortunate behaviour described cannot reasonably be solely attributed to the extended opening hours of 40 The Broadway. On the basis that the use already lawfully exists and there are other restaurant/take away uses within the locality that open into the evening it is not considered that planning permission may reasonably be withheld.

**Conclusion:**

In light of the above appraisal, it is considered that the proposed relaxation of the planning condition following the revision to the opening hours proposed is acceptable. It is, therefore recommended that planning permission be granted.

As the grant of planning permission will result in the issuing of a new planning permission, it will be necessary to re-impose all necessary planning conditions from the original consent.

***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:***

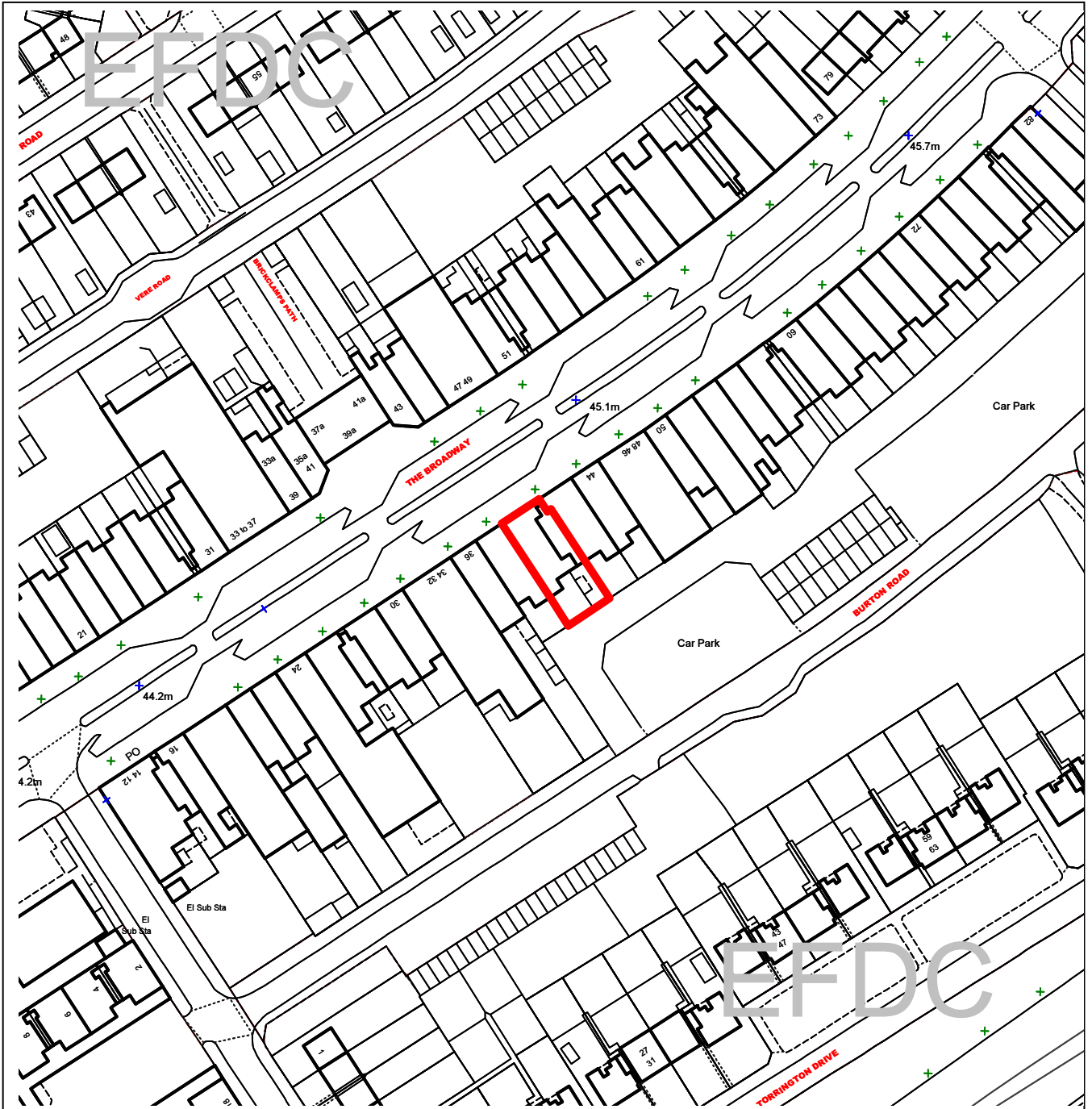
***Planning Application Case Officer: Mrs Katie Smith  
Direct Line Telephone Number: (01992) 564109***

***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>4</b>
Application Number:	EPF/2021/12
Site Name:	Coffee Shop & Patisserie, 40 The Broadway, Loughton, IG10 3ST
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1911/12
<b>SITE ADDRESS:</b>	The Way BBQ 160 Loughton Way Buckhurst Hill Essex IG9 6AR
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill East
<b>APPLICANT:</b>	Mr Hassan Dag
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey extension for new preparation area.
<b>RECOMMENDED DECISION:</b>	Grant 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=542103](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=542103)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.  
Act 1990 (as amended).

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

**Description of Proposal:**

Single storey rear extension to hot food takeaway shop.

**Description of Site:**

A mid terrace shop premises with two floors residential above. It forms part of a local shopping parade of 12 ground floor shop units with residential above, and the terrace is council owned. A wide service access road provides vehicular access and loading space to the rear of the property.

**Relevant History:**

EPF/1615/08 gave approval for change of use from an A1 shop to an A5 takeaway.

EPF/1224/09 gave approval to details of extraction, foul drainage, and refuse storage required by conditions on EPF/1615/08.

### **Policies Applied:**

DBE9 – Loss of amenity.

### **Summary of Representations:**

BUCKHURST HILL PARISH COUNCIL – Object – overdevelopment of the site and concerned as to why such a large area is required for storage and preparation.

NEIGHBOURS – 6 properties consulted and no replies received.

### **Issues and Considerations:**

The proposed extension, width 5.8m by 7.8m in length, with a height of 2.9m to eaves, would be built over most of the rear yard to the shop. These rear yards are mainly obscured from view from the rear service road by high fences and walls. Several of these yards in this terrace have been covered by similar shop extensions to that now applied for, and given that these yards are used for commercial purposes and not domestic gardens, the proposed extension will not have a significant effect on neighbours' amenity.

The extension will have a low angled pitched roof and rendered walls, and it will have an acceptable appearance.

In respect of the parish council objections the extension will provide a 60% increase in floor area. The extension is mainly required to separate dry storage and preparation areas from griddle and cooking areas, and will also provide for a relocated WC, and an improved waiting area for the public. To some degree however, the specific use(s) proposed in the extension is not necessarily a material planning consideration. Overdevelopment is also a concern of the parish council – but the proposed extension is a straightforward and logical extension of the shop premises which will be largely obscured from view, and it will not remove parking or unloading space which is generously provided in the rear service road. In addition many other shops in this terrace have similar extensions. For these reasons the proposal does not constitute overdevelopment of the site.

### **Conclusions:**

Many shops and A3/A5 food and drink premises require larger storage areas to maintain viability and to meet more stringent health regulations. The proposed extension is not of an excessive size, it will have a very limited impact on amenity, and similar extensions occur in neighbouring shops without any obvious adverse impact. The proposal therefore complies with the NPPF and relevant local plan policies, and planning permission is recommended.

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

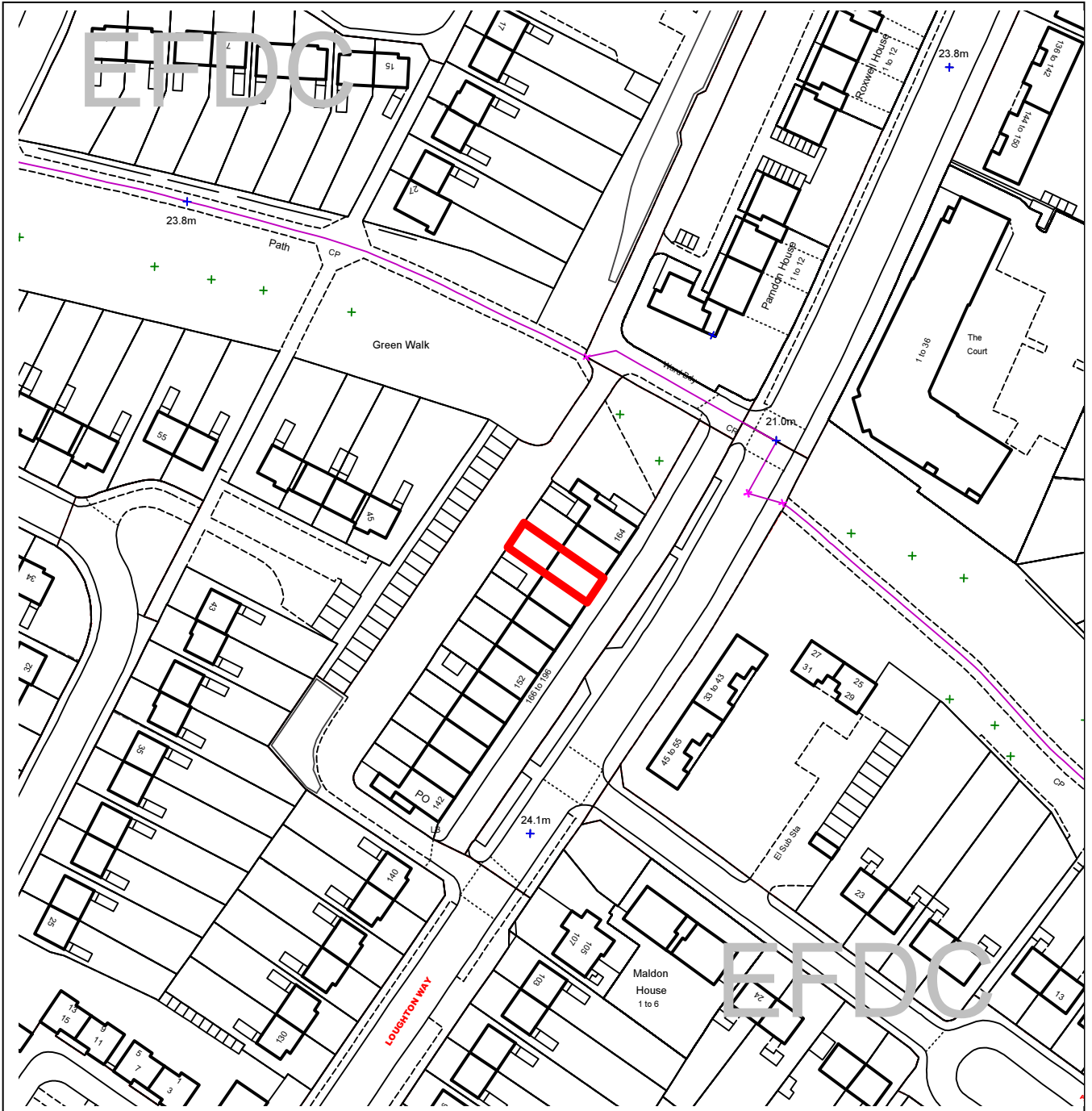
***Planning Application Case Officer: David Baker  
Direct Line Telephone Number: 01992 564514***

***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>5</b>
Application Number:	EPF/1911/12
Site Name:	The Way BBQ, 160 Loughton Way Buckhurst Hill, IG9 6AR
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/2031/12
<b>SITE ADDRESS:</b>	10 Rectory Lane Loughton Essex IG10 1NZ
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns
<b>APPLICANT:</b>	JEDCO Logistics t/a Loughton Metals
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of premises from use for storage purposes (Use Class B8) to use as a scrap yard for the purpose of recycling metals (Sui Generis)
<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=542639](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=542639)

**CONDITIONS**

- 1 No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the times of 07:30 to 18:00 Monday to Friday and 08:00 to 14:00 on Saturday. No such activity shall take place at any time on Sundays, Bank or Public holidays.
- 2 No loading or unloading of vehicles in connection with the use hereby permitted shall take place outside of the building that comprises the application site.
- 3 Other than in a single skip, no open storage of goods or material in connection with the use hereby permitted shall take place in the estate within which the application site is situated.
- 4 No vehicles shall be dismantled within the application site and no vehicles shall be dismantled in connection with the use hereby approved in the estate within which the application site is situated.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four 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).)*

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

### **Description of Site:**

The application site is a unit within a small industrial estate off Rectory Lane that is bounded by a mix of commercial uses and flats. The commercial uses include offices and other uses within Use Class B1 fronting Rectory Lane and shops fronting Goldings Hill with a mix of office, storage and residential above. Residential properties include flats at Milners Court, The Croft, whose south elevation primarily looks to offices at Buckingham Court, Rectory Lane, but also looks obliquely to the site from a distance of 30m. A further concentration of residential properties near the site is upper level flats at Peterson Court, 1-4 Lower Road.

The industrial estate comprises of a factory producing machinery, Press Parts, an MoT testing station/vehicle repair business and a metal recycling facility/scrap yard, Loughton Metals (the application site). All the uses are carried out within buildings, although the MoT testing station/vehicle repair business includes a yard area. There are two main buildings at the industrial estate, one accommodating the application site and the MoT testing station/vehicle repair business at the southern end and, at its northern end, a second building used as a machinery factory. Both buildings are single storey, although the application site includes a mezzanine office. A parking area separates the two buildings.

The industrial estate is accessed off Rectory Lane via an access that also serves offices at Buckingham Court. Loughton Town Council's offices are in Buckingham Court.

### **Description of Proposal:**

The application proposes the use of the site as a scrap yard for the purpose of recycling metals. Such use does not fall within any Use Class and therefore is treated as being in a class of its own (sui generis).

The use has been continuing since June 2010 following the completion of works to refurbish and fit out the building. For the avoidance of doubt, the application site only includes the building and unannounced inspections of the building have found the use, including all loading and unloading, takes place within the building, which has a large vehicular access point in its west facing elevation. Ancillary parking of vehicles takes place in the common parts of the industrial estate, normally alongside the application building.

All substantive activity carried out in connection with the use takes place within the building. The main activities include weighing of goods received and product recovered, stripping of cables to recover metal, sorting, cutting, baling and storage of recovered metal. All ancillary office activity is carried out within the building. A large skip for the ancillary temporary storage of metal the business cannot use prior to disposal is normally stationed alongside the application building. Machinery used within the building is generally small, the largest being a fork lift for moving bales of material.

No motor vehicles are dismantled at the premises in connection with the use carried out. The business employs 8 full time staff at the site. Its operating hours are 07:00 to 17:00 Monday to Friday and 07:00 to 12:00 on Saturdays. It does not operate on Sundays or Bank/public holidays.

### **Relevant History:**

The planning history for the site is that for the industrial estate as a whole. It includes planning permissions given in the 1950's and 1960's for the erection of a factory, workshops and engineering shops in connection with a general industrial use carried out by firms known as Bangold Ltd and Abbey Plastics Ltd. The only planning permission given since was in 1995 and



relates to the erection of a vehicle storage building in the yard of the MoT testing station/vehicle repair business adjoining the application site.

A combination of planning and Valuation Office records show the building that is the application site was fully occupied by a company trading as James Green & Nephew since at least 1989 until November 2008, when the company started to move to other premises and only operated from half of the building until September 2009. There is no record of any other company occupying the building or any part of it between its occupation by James Green & Nephew and Loughton Metals. James Green & Nephew are suppliers of catering and kitchen equipment to the restaurant trade and an informal enquiry to the company found their use of the application site was primarily as a warehouse (Use Class B8).

A planning enforcement investigation was started into the use of the site when a member of the public reported the use in October 2012, investigation ref ENF/0541/12. The use was found to be operating without planning permission and an application was invited. This application was received in November 2012.

**Policies Applied:**

E4A	Protection of Employment Sites
RP5A	Adverse Environmental Impacts
DBE9	Loss of Amenity

NPPF

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

Number of neighbours consulted. 70

Site notice posted: Yes, on Rectory Lane adjacent to access.

Responses received:

3 MILNERS COURT, THE CROFT, LOUGHTON:

“Activity seems to have increased recently with increased noise and vibration levels.

The times for the activity should be commencement at 8am - not 7am.

There is no reference to potential dust or other air pollution measures. Will there be sound insulation or dust and any smoke control. Is there to be a limit on vehicle deliveries in both numbers and delivery hours?”

175 HILLYFIELDS:

“The business has been operating for a little while and does not seem to cause significant problems. They do, however, make some noise occasionally which I think is the result of unloading and moving skips. If planning permission is granted for this proposal, I would ask that a condition should be imposed restricting the hours when this can be done to, say, 9am to 6pm. As far as I am aware, the previous use of the premises did not have an hours restriction, so a “blanket” hours restriction would not seem appropriate, but the particularly noisy activity of unloading and moving skips should be controlled.”

LANDLORD OF 2 BUCKINGHAM COURT:

My tenants say they will relocate if the scrap yard is given planning consent. This is due to the noise and heavy goods vehicles travelling in and out of the site, which causes considerable disruption.

I understand the scrap yard has been trading without planning permission for the past 2 years and that Epping Forest District Council have received complaints from tenants at Buckingham Court regarding their concerns over noise and parking.

HERN & COMPANY, 3 BUCKINGHAM COURT:

Loughton Metals have been trading in breach of their current planning usage since 2010 and should not now be allowed to seek to change of use based on past inappropriate trading.

A complaint was made to the Councils Environmental Health Department in April 2011. A proposed investigation for causing a statutory nuisance did not proceed and a formal complaint was decided against. However, since that time the noise level has not abated and at times is excessive for all neighbours.

The access to the site has been painted with hatching to set out a No Parking area as a consequence of the number of large vehicles being used by Loughton Metals in an endeavour to reduce the risk of any accident to vehicles or pedestrians accessing Buckingham Court.

BASE LONDON LTD, 4/6 BUCKINGHAM COURT:

"...our offices are directly next to the premises. I wish to strongly object to the proposed change of use.

The immediate area is made up of a mix of residential properties and office use. A scrap yard is therefore totally inappropriate in what is otherwise a very quiet and peaceful area.

The noise from the existing premises is already at completely unacceptable levels and I would therefore object to any development at the site."

NETCO UK LTD, 6 BUCKINGHAM COURT:

Identical letter to that of Base London Ltd submitted setting out objection.

LOUGHTON RESIDENTS ASSOCIATION (PLANS GROUP):

"We object to this application – it is an inappropriate use on this site, which on one side is bounded by residential properties (flats).

If nevertheless the Council is minded to approve the application, we ask for a condition limiting working hours to normal business hours."

LOUGHTON TOWN COUNCIL:

"The Committee deplored the retrospective application and OBJECTED to the proposal, which was in contravention of the established use. Members were concerned the change of use to a scrap yard, along with vehicular movements of deliveries and collections of scrap metal would cause noise nuisance and disturbance to adjacent properties in Goldings Hill, Lower Road and Buckingham Court."

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

The application site is situated within a long established employment site that originally was used entirely for general industrial purposes without limitation. The estate itself was subsequently subdivided and the use of the building that comprises the application site was changed to use for storage purposes. No planning permission exists for that but it is unlikely consent would have been withheld. Following a period of vacancy the current use of the building started in 2010. There is no doubt the use is an employment use and the activities carried out in connection with the use are appropriate to an employment area. Those activities are contained within the existing building and the vehicle movements generated do not appear to have led to any conflict with any other use on the estate. Moreover, use for general industrial purposes, the original lawful use of the site, could easily generate a similar or greater level of vehicle movements. On that basis it is found the particular use carried out over the past 2 years is an appropriate one within the estate and that it accords with relevant policies in respect of employment areas.

The main issue raised by the proposal therefore is whether noise generated by it would cause excessive harm to the amenities of the occupants of neighbouring business and residential premises and, if that is the case, whether it could be properly mitigated by planning conditions. It is alleged noise from vehicle movements and loading and unloading interferes with the operation of adjacent businesses at Buckingham Court. The business premises at Buckingham Court are nearer to the site than nearby flats, but such premises are less sensitive to noise disturbance. In this case the occupants of nearby residential properties have generally not commented on the use, the only comments received from local residents concern possible conditions that could be applied to safeguard living conditions.

In order to clearly assess the consequences of noise from the use for nearby business and residential uses the Environment and Street Scene Directorate of the Council has taken noise readings from the site. The main noisy activity was found to be from customers depositing metal onto the scales within the building. Whilst loud on the boundary of neighbouring businesses, the noise was found to be of very limited duration and unlikely to cause a significant loss of amenity within the business premises when their windows are closed. While there may be an issue with windows open, the Directorate's advice is that is unlikely to cause any excessive harm.

On that basis the Environment and Street Scene Directorate recommends the imposition of a condition limiting activity outside the site to 07:30 to 18:00 Monday to Friday and to 08:00 to 14:00 on Saturday.

Having regard to the advice of the Environment and Street Scene Directorate it is concluded the degree of harm caused by noise from the use is not of an order that amounts to excessive harm to either the living conditions of nearby flats or sufficient to interfere with the operation of neighbouring businesses. However, in view of the proximity of noise sensitive premises it is necessary to deal with the potential for intensification of the use to the extent it could cause such harm. This can be achieved through the imposition of planning conditions restricting specific activity to within the building, prohibiting specific activity and limiting the times potentially noisy activity can take place. Such conditions would be enforceable.

### **Conclusion:**

The particular way in which the existing use operates – entirely within a building and without dismantling vehicles – gives it an intensity that is appropriate to its location within a long established industrial estate. The use has the potential to cause harm to amenity but it is possible to properly safeguard against such harm by the imposition of suitable conditions on any planning permission granted. It is therefore recommended that conditional consent 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:**

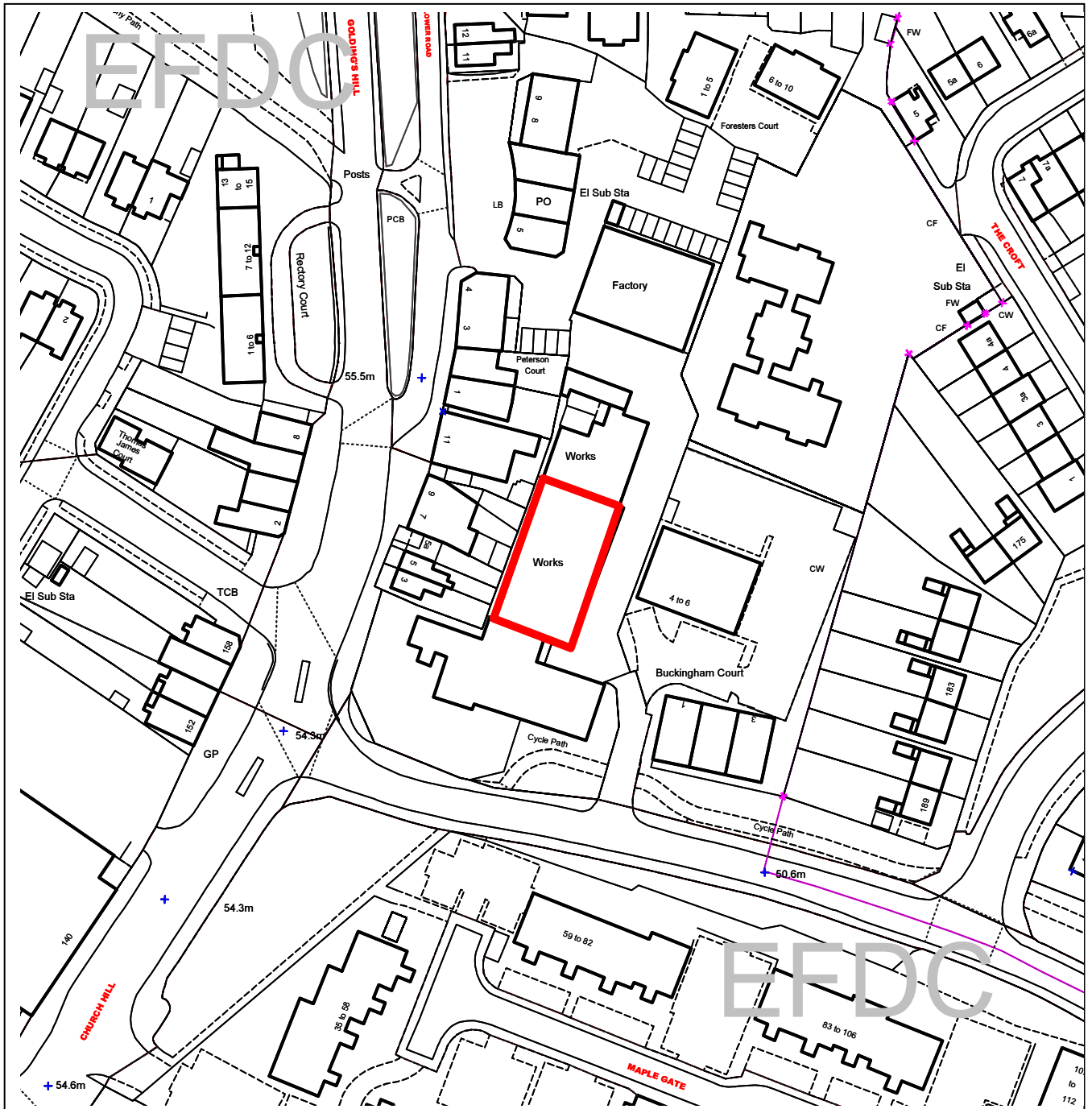
**Planning Application Case Officer: Stephan Solon  
Direct Line Telephone Number: 01992 564018**

**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>6</b>
Application Number:	EPF/2031/12
Site Name:	10 Rectory Lane, Loughton IG10 1NZ
Scale of Plot:	1/1250

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/2063/12
<b>SITE ADDRESS:</b>	63 Hainault Road Chigwell Essex IG7 5DH
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	Mr Surinder Chopra
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of an outbuilding in rear part of rear garden (building partly constructed)
<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=542822](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=542822)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall be the same as those specified on the approved plans, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Once the new house to be erected on this site has been occupied the outbuilding hereby approved shall only be used for domestic purposes incidental to the single family dwelling on the site, and it shall not be used as primary residential accommodation, for example, as a bedroom, living room, or kitchen.

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

**Description of Site:**

The site of a bungalow that has been demolished to make way for a new two storey dwelling, with basement, to be constructed. Plots on this west side of Hainault Road are large and invariably accommodate substantial 2 storey dwellings.

**Description of Proposal:**

Erection of rear outbuilding in rear part of rear garden (building partly constructed).

### **Relevant History:**

EPF/2194/11 gave approval for the demolition of the existing bungalow, erection of new house with basement, and new front gates and fence. Extensive ground excavation works have taken place recently on the site in readiness for construction of this dwelling.

EPF/1224/09 gave approval to details of materials and glazed screen required by conditions on EPF/2194/11.

### **Policies Applied:**

DBE9 – Loss of amenity.  
National Planning Policy Framework.

### **Summary of Representations:**

CHIGWELL PARISH COUNCIL – Object because it would appear to be in keeping with a residential dwelling rather than a temporary outbuilding as stated.

NEIGHBOURS – 4 properties consulted and no replies received.

### **Issues and Considerations:**

The outbuilding has been constructed in the rear corner of the site but it has not yet been finished eg roof tiles have not been applied. It measures 10m in length by 5m in width, and is 2.6m to eaves and 3.8m to a central ridge. It is located 1m from the side boundary (a hedge) with number 61 Hainault Road, it stands on the site of a former outbuilding, and it will be some 17m away from the new house to be built. The outbuilding will have rendered walls and a clay tiled roof. By reason of its rearward position and modest height the outbuilding gives rise to a very limited impact on the amenity and outlook of the neighbouring number 63, and this neighbouring property also has a very similar outbuilding at the rear of its garden.

In respect of the parish council objection it is unusual that an outbuilding has been built before the new house on the site has been erected. However, the application clarifies that the first use of the outbuilding will be as a tea room, office, W.C and store for builders on the site, and 'on completion of the house the internal partitions will be removed and the outbuilding used in conjunction with the house'. The applicant has confirmed that the outbuilding will be used for domestic purposes eg games room once the new house has been completed, and a condition is proposed ensuring that its use can only be for incidental purposes.

### **Conclusions:**

Often a temporary cabin style building is provided on a construction site for builders to use during the construction period. In this instance a more permanent building has been built at the rear of the site and its interim use as builder's tea room and store etc does not give rise to any particular planning issues. The appearance, size and location of this domestic outbuilding is acceptable, and neighbours have not submitted any comments on this outbuilding proposal. The development complies with the NPPF and relevant local plan policy, and conditional planning permission is recommended.

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

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

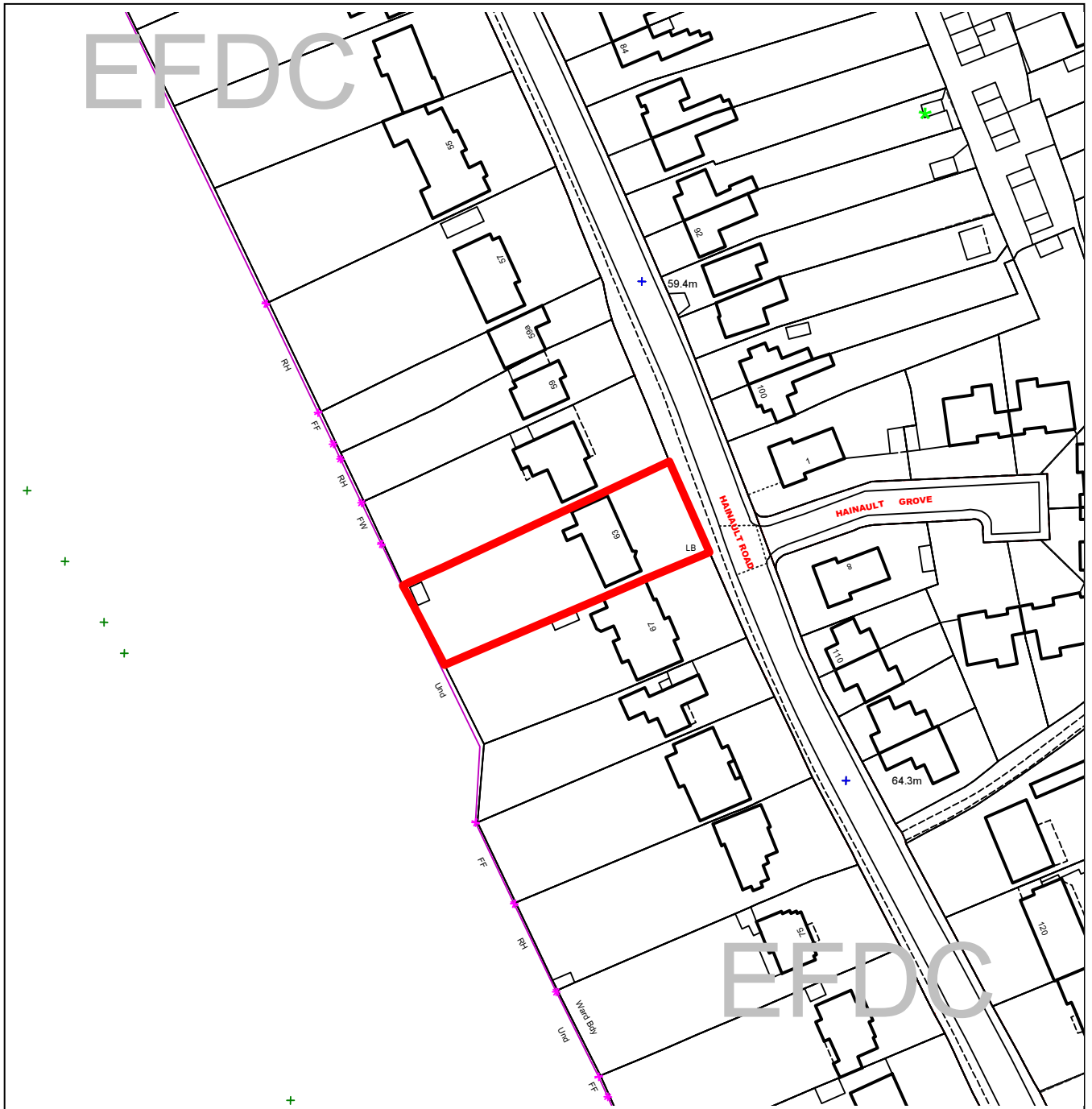
**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**





# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	7
Application Number:	EPF/2063/12
Site Name:	63 Hainault Road, Chigwell IG7 5DH
Scale of Plot:	1/1250

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/2189/12
<b>SITE ADDRESS:</b>	112 Forest Edge Buckhurst Hill Essex IG9 5AB
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>APPLICANT:</b>	Mrs Handan Ibrahim
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed two storey side/rear extension, single storey rear and front extensions and loft conversion including rear facing dormer window and roof lights in the front roof slope. (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=543284](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543284)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

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

**Description of Site:**

The application site is a semi detached dwelling located in Forest Edge, Buckhurst Hill. The adjoining semi has been extended (planning reference EPF/0294/07) and as a result has a gable end. The neighbouring dwelling (110) is set back in relation to the application dwelling. To the rear of the site is the railway line.

**Description of Proposal:**

This application seeks planning permission for the erection of a two storey side extension, a single storey rear extension, a front extension and a loft conversion. The proposed two storey side extension would abut the side boundary of the site and would, in part, be quite considerably

recessed from the main front elevation (by 4 metres). The side extension would bring the existing hipped roof up into a gable to match the adjoining semi. The side extension would project to the rear of the dwelling by 3.6 metres. The proposed front extension would involve a 0.8 metre deep extension to the existing hall/garage, which would bring them forward to the same depth as the existing bay. The single storey rear extension would sit next to the rear projection of the side extension and span the remaining width of the dwelling. The loft conversion would involve the insertion of roof lights in the front roof slope and the erection of a flat roofed dormer in the rear roof slope (5.55 x 1.9 x 2.6 metres).

### **Relevant History:**

EPF/0850/01. Single storey side extension to rear of existing garage. Approved 18/06/2001

EPF/0959/11. Proposed two storey side extension, single storey rear and front extensions and loft conversion. Refused 18/07/2011 for the following reason:

*The proposed side extension, due to the detailing of the proposed recessed section of the flank (in particular the height to eaves level of the front wall) would result in an incongruous addition which would be detrimental to the character and appearance of both the existing dwelling and the wider street scene, contrary to policies CP2 and DBE10 of the Adopted Local Plan and Alterations.*

Appeal subsequently dismissed.

### **Policies Applied:**

CP2 - Protecting the Quality of the Rural and Built Environment

DBE2/9 – Residential Amenity

DBE10 – Residential Extensions

### **Summary of Representations:**

Notification of this application was sent Buckhurst Hill Parish Council and to 2 neighbouring residents.

The following representations have been received:

BUCKHURST HILL PARISH COUNCIL. Objection. Reference is made to comments on the previous application regarding the street scene and there appears to be no significant difference on the revised application.

CITY OF LONDON. No objection.

### **Issues and Considerations:**

The main issues in this case are the impacts of the proposed development on the character and appearance of the area and on the amenities enjoyed by the occupiers of neighbouring dwellings.

#### **Design and Impact on Character and Appearance**

The proposal to erect a gable end to the dwelling would be of considerable visual benefit, as it would be in keeping with the alterations to the adjoining dwelling and would balance the pair of dwellings as a result.

The proposed side extension addresses the concern raised in respect of the previous application, regarding the design of the roof of the extension (which previously proposed a monopitched roof with a height to eaves at the front almost comparable with the roof height of the main dwelling).

The proposed rear and front extensions would have an acceptable appearance and the proposed rear dormer, due to its limited visibility from any public vantage point, would not cause any material harm to visual amenity.

### Neighbouring Amenity

The proposed extensions due to their size and location and the position of the dwelling in relation to neighbouring dwellings, would not have a detrimental impact on neighbouring amenity.

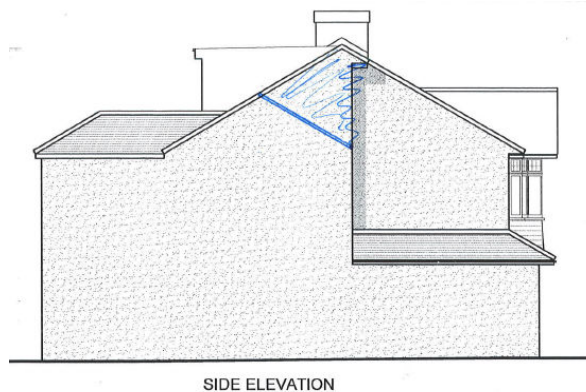
### Conclusion:

In light of the above appraisal, it is considered that the development now proposed has address the previous areas for concern. It would now have an acceptable appearance and there would be no material harm caused to neighbouring amenity. It is, therefore recommended that planning permission be granted.

### Positive and Proactive Actions

The previous planning application (EPF/0959/11) was refused on design grounds and a subsequent planning appeal was dismissed. The Officer's Delegated Report contained a suggested 'Way Forward' for resolving the design concerns, as follows:

*It is considered that a suitable way of overcoming this harm would be to add a simple pitched roof to the top of the recessed part of the extension, which would be less bulky and dominant due to its subordinate height. A sketch plan detailing the suggested amendment is attached below:*



**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:**

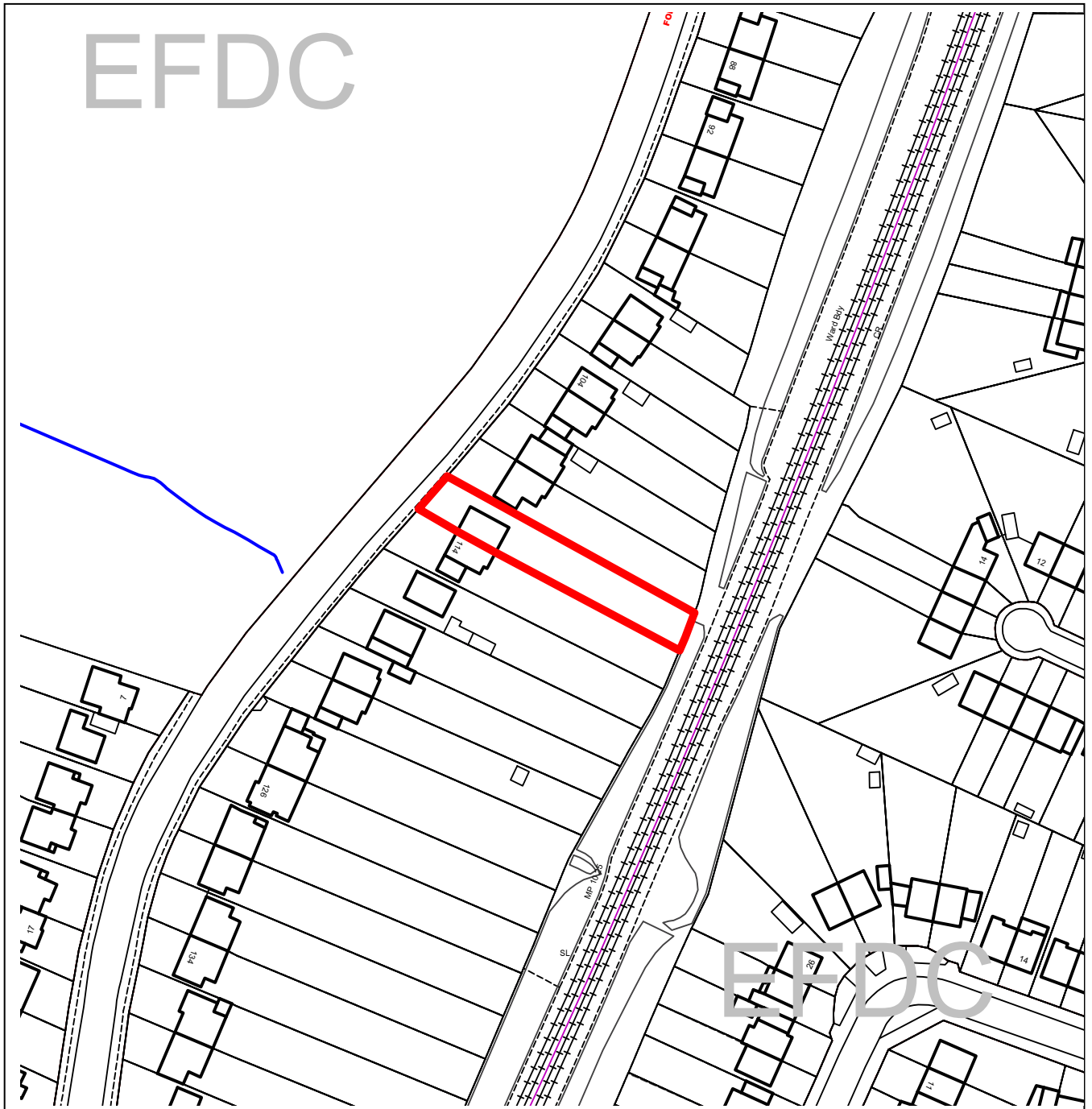
**Planning Application Case Officer: Mrs Katie Smith  
Direct Line Telephone Number: (01992) 564109**

**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>8</b>
Application Number:	EPF/2189/12
Site Name:	112 Forest Edge, Buckhurst Hill IG9 5AB
Scale of Plot:	1/1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/2291/12
<b>SITE ADDRESS:</b>	51 Epping New Road Buckhurst Hill Essex IG9 5JT
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>APPLICANT:</b>	Hillcote Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Extension of time limit on EPF/0822/09 (Demolition of existing property and erection of 2 x 1 bedroom and 8 x 2 bedroom flats with underground parking) Allowed at appeal
<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=543744](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543744)

**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: All prefixed 2053\_SK:  
06-1C, 06-2D, 06-3E, 06-6A, 13-1G, 13-2F, 13-3F, 13-5G, 13-7A, 14G, 15, 16 and 17A
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 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.
- 5 Prior to first occupation of the development hereby approved, the proposed window openings on the first floor east elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 6 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.

- 7 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 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 08.00 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 No gate or other barrier to the free flow of vehicles shall be erected across any vehicular access to the highway.
- 10 No development hereby permitted, including any works of demolition or site clearance, shall take place 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 demolition and 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 any 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 restriction on any burning of materials on site
- 11 Before the first occupation of the building hereby permitted 1.5 metre x 1.5 metre sight lines shall be provided at each side of each vehicular access to the site in accordance with plans which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, nothing exceeding 0.6metres in height shall be placed within the sight lines thereby approved.
- 12 The vehicle access to the underground car park shall be constructed at a gradient not exceeding 4% for the first 6 metres measured from the carriageway edge.

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

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

**Description of Site:**

The application site is a large detached dwelling situated at the corner of Epping New Road with Stag Lane. The land rises steeply up to the east along Stag Lane. The surrounding area is mainly residential with a mix of housing types and styles although there are flatted developments at the top of Stag Lane and on the opposite side of Epping New Road. The site is not within a Conservation Area or the Metropolitan Green Belt.

**Description of proposal:**

Consent is being sought for an extension of time limit on EPF/0822/09 for the demolition of existing property and erection of 2 x 1 bedroom and 8 x 2 bedroom flats with underground parking and access from Stag Lane. This application was allowed at appeal and the consent will expire on the 4<sup>th</sup> March 2013.

**Relevant History:**

EPF/0187/96 - Conversion into two flats – App/Con  
EPF/2080/07 - Demolition of house and erection of 14 flats - Refused  
EPF/0354/08 - Demolition of house and erection of 13 flats - Refused  
EPF/0422/09 - Demolition of house and erection of 10 flats – Withdrawn  
EPF/0822/09 - Erection of 2 x 1 bedroom and 8 x 2 bedroom flats with underground parking – Refused (Allowed at appeal)

**Representations Received:**

Buckhurst Hill Parish Council: OBJECTION Traffic has increased since the original application was submitted. The proposals would represent an over-development of the site. The Council also reiterates the comments it made on the application which were: 1) Overdevelopment 2) Inadequate car parking spaces 3) Elevations to Epping Road creates a false impression of the bulk of the building 4) Impact of the traffic flow on Stag Lane

22 Neighbours consulted and a site notice erected:

55 EPPING NEW ROAD – Objection – road safety, increase in parking

44 FOREST HEIGHTS, EPPING NEW ROAD – Objection increase in parking

53 EPPING NEW ROAD – Objection – insufficient parking, increase traffic congestion, road safety concerns, impact on utilities, noise and damage during construction, out of character with the area, loss of privacy, loss of sunlight, proposal is overbearing and bulky

16, IG9 5TF – Objection – insufficient parking and not in keeping

NO ADDRESS Provided: Application will further increase traffic and cause further parking problems, inappropriate for area.

**Policies Applied:**



DBE1 - New buildings  
DBE2 - Neighbouring Amenity  
DBE6 - Car Parking  
DBE8 - Amenity space  
DBE9 - Neighbour Amenity  
H4A - Dwelling Mix  
ST4 - Parking  
ST6 – Highway Safety  
CP4 & 5 - Sustainable buildings

### **Issues and Considerations:**

The original planning application was refused by Committee, as although the proposed design and amenity issues were considered acceptable, the Committee considered the parking provision (15 spaces) to be inadequate and the application was refused on the following grounds:

*The proposal would represent an overdevelopment of the site for which inadequate on-site parking is to be provided. This would lead to further on-street parking in the vicinity of a site located on a busy road junction with A104 road, resulting in increased hazards for traffic negotiating this junction. It would therefore be contrary to policy ST4 of the adopted Local Plan and Alterations.*

Following the refusal the application was appealed and the application was allowed by the Planning Inspectorate. The Inspector considered that 1.5 spaces per dwelling was acceptable, particularly given the relatively sustainable location of the application site. Furthermore, the Inspector gave regard to the possible increased demand for on-street parking on Stag Lane, but considered that parking on this road is in *'itself limited by private accesses and parking restrictions at the junction'*. The full appeal decision for EPF/0822/09 is copied below.

Essex County Council Highways had no objection to the previous scheme or this current scheme.

Local Plan policies relating to this application have remained unchanged since this previous approval and it is not considered that there have been any other material alterations in or around the site to alter the previous decision. The Council has not seen any evidence to demonstrate that traffic within the vicinity of the site has increased since the determination of the planning appeal in March 2010 and this matter has not been raised as an issue by the Highway Authority.

### **Conclusion:**

Due to the above it is not considered that there have been any significant changes to alter the previous decision by the Planning Inspectorate with regards to this proposal. As such the extension of time limit is recommended for approval.

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

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

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

## Appeal Decision:



# Appeal Decision

Site visit made on 23 February 2010

by **Stuart Hall BA(Hons) DipTP FRTPI**  
**MCIHT**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@pins.gsi.gov.uk

Decision date:  
4 March 2010

### Appeal Ref: APP/J1535/A/09/2115530 51 Epping New Road, Buckhirst Hill IG9 5JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Hillcote Ltd against the decision of Epping Forest District Council.
- The application Ref PL/EPF/0822/09, dated 17 February 2009, was refused by notice dated 24 June 2009.
- The development proposed is demolition of existing property and construction of 2 x 1 bed and 8 x 2 bed flats with underground parking (1.5 spaces per flat).

#### Decision

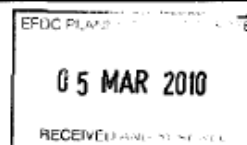
1. I allow the appeal, and grant planning permission for demolition of existing property and construction of 2 x 1 bed and 8 x 2 bed flats with underground parking (1.5 spaces per flat) at 51 Epping New Road, Buckhirst Hill IG9 5JT in accordance with the terms of the application, Ref PL/EPF/0822/09, dated 17 February 2009, subject to the conditions in the attached schedule A.

#### Main Issue

2. The main issue in this appeal is the effect of the proposed car parking provision on the interests of highway safety.

#### Reasons

3. Epping New Road forms part of the A104, a busy radial route fronted by a variety of dwelling types with individual vehicle accesses to the road. The appeal site occupies a corner position at the junction with Stag Lane, a short, relatively narrow residential street that links the A104 with the broadly parallel A121 road. I am aware that 2 earlier proposals for flats on the site have been dismissed on appeal (ref: APP/J1525/A/08/2073204 & 2076296), and I have had regard to that Inspector's reasoning in coming to my decision.
4. Like that Inspector, I saw that some on-street parking occurs on Stag Lane. This impedes moving traffic, and can cause delay and potential risk to highway safety at the junction. The incidence of delay and potential risk is increased by through traffic on Stag Lane. A significant increase in on-street parking close to the junction could materially increase the risk to highway safety. However, the scheme before me would provide 15 off-street parking spaces at a ratio of 1.5 spaces per flat. In this respect, whether measured in relation to the number of flats or the number of bedrooms, the proposed parking provision is substantially greater than in the 2 earlier schemes.



5. The provision would fall short of the requirements of *Parking Standards Design and Good Practice*. However, it is not clear whether this Essex County Council document has been duly adopted as Supplementary Planning Guidance by the District Council. Further, it seeks minimum levels of provision. This conflicts with advice in *Planning Policy Guidance Note 13 Transport* (PPG13) that policies should set maximum levels, and with the thrust of the County Council's 2001 *Vehicle Parking Standards*, previously adopted by the District Council. Therefore, I accord it limited weight.
6. Some 6 minutes walk from the nearest bus stop, and a good half hour walk from shops at Woodford Green, future residents and visitors would be likely to retain a strong degree of reliance on use of the private car. Conversely, however, this suburban location offers some viable public transport alternatives, for example for trips to central London, suggesting to me that an exceptional minimum car parking requirement above the proposed level would not be justified.
7. Whilst some increased demand for on-street parking on Stag Lane may arise, the scope to accommodate it is itself limited by private accesses and parking restrictions at the junction. I find no substantive grounds on which to conclude that increased demand would be so great or persistent as to have a material impact on highway safety, having regard to the proposed on-site provision. Accordingly, I conclude that the scheme would not conflict with saved Policy ST4 of the *Epping Forest District Local Plan Alterations*, adopted in 2006, which seeks to prevent excessive congestion and detriment to highway safety.
8. I have had regard to representations from interested persons relating to the impact of the scheme on the character and appearance of its surroundings and on local services. However, I consider the scale of the proposed building would be in keeping with that of several large buildings on Epping New Road, and there is no substantive evidence to support the latter concerns. I also give weight to evidence that the scheme would contribute to the need for smaller dwellings in the area, helping to create a more mixed and balanced community.
9. These other matters do not outweigh my conclusion on the main issue in this case. It follows that the appeal should succeed. Therefore, I turn to consider conditions suggested by the Council, having regard to advice in *Circular 11/95 The Use of Conditions in Planning Permissions*. Where appropriate, I amend the wording to reflect more closely that advice.
10. In the interests of appearance, it is appropriate for the Council to control the choice of external materials, and the carrying out and short-term maintenance of landscaping. As no permitted development rights would attach to flats, it is not necessary to prevent the formation of a roof enclosure or balcony, or of windows other than those shown on the approved plans. Conditions controlling the hours of building and other operations in the course of demolition and construction, finished site and floor levels, and the form of a 1<sup>st</sup> floor window on the eastern elevation, would help to safeguard neighbours' living conditions.
11. Highway safety interests would be served by conditions relating to pedestrian visibility and free flow of vehicles at the proposed accesses. The suggested Transport Information and Marketing Scheme, including vouchers for free bus travel, is imprecise as to its intended scope. Further, bearing in mind my

conclusion on the scheme's compliance with the thrust of national and local policy on car parking, I do not consider such a condition necessary to render the scheme acceptable.

12. Appropriate controls over the removal of excavated material, wheel washing facilities and other aspects of highway safety and neighbours' living conditions can be most readily amalgamated by reference to an approved Construction Method Statement. However, the prevention of development until unspecified local highway improvements are carried out would be imprecise and unreasonable in the absence of any evidence of need, or of intention on the part of the local highway authority.

*Stuart Hall*



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>9</b>
Application Number:	EPF/2291/12
Site Name:	51 Epping New Road, Buckhurst Hill IG9 5JT
Scale of Plot:	1/1250

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