

Committee Agenda



Epping Forest District Council

AREA PLANNING SUBCOMMITTEE SOUTH **Wednesday, 2nd October, 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, 2nd October, 2013**
at **7.30 pm** .

Glen Chipp
Chief Executive

**Democratic Services
Officer**

Jackie Leither (The Office of the Chief Executive)
Tel: 01992 564756 Email:
democraticservices@eppingforestdc.gov.uk

Members:

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

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

WEBCASTING/FILMING 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. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

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.

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 or otherwise indicate to the Chairman before the start of the meeting.

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 broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

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

This may infringe your human and data protection rights and if you wish to avoid this you should speak 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 - 18)

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

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

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

6. ANY OTHER BUSINESS

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

of which the statutory period of notice has been given) may be transacted.

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

7. DEVELOPMENT CONTROL (Pages 19 - 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):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

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

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed

to exclude the public and press.

- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

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

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

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

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

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

When and where is the meeting?

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

Can I speak?

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

Who can speak?

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

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

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

What can I say?

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

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

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

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

How are the applications considered?

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

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

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

Further Information?

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

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Area Planning Subcommittee South 2013-14
 Members of the Committee:



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

Committee: Area Planning Subcommittee **Date:** 11 September 2013
South

Place: Roding Valley High School, Brook Road, Loughton, Essex IG10 3JA **Time:** 7.30 - 8.20 pm

Members Present: J Hart (Chairman), N Wright (Vice-Chairman), K Angold-Stephens, G Chambers, K Chana, Mrs T Cochrane, L Girling, Ms J Hart, J Knapman, L Leonard, A Lion, J Markham, Mrs C Pond, B Sandler, Mrs T Thomas, H Ulkun, Ms S Watson and D Wixley

Other Councillors:

Apologies: R Cohen, H Mann, G Mohindra and Mrs L Wagland

Officers Present: S Solon (Principal Planning Officer), M Jenkins (Democratic Services Assistant), P Tredgett (Information Assistant) and G J Woodhall (Democratic Services Officer)

22. 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.

23. COUNCILLOR COLIN FINN

The Chairman announced, with regret, the recent death of Councillor Colin Finn, late member of Area Plans South Sub-Committee. Councillor Finn had served as a County Councillor from 2001 – 09 and as an LRA District Councillor from 2010. The Chairman, on behalf of the Sub-Committee, expressed his condolences to Councillor Finn's family.

24. MINUTES

RESOLVED:

That the minutes of the meeting held on 7 August 2013 be taken as read and signed by the Chairman as a correct record.

25. DECLARATIONS OF INTEREST

There were declarations of interest made pursuant to the Member's Code of Conduct.

26. ANY OTHER BUSINESS

Councillor N Wright made a personal statement regarding the last meeting of the Sub-Committee.

27. DEVELOPMENT CONTROL

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

RESOLVED:

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

28. 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

APPLICATION No:	EPF/1472/13
SITE ADDRESS:	Braeside School 130 High Road Buckhurst Hill Essex IG9 5SD
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
DESCRIPTION OF PROPOSAL:	TPO/EPF/20/90 T21 - Holly - Fell
DECISION:	Granted 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=551675

CONDITIONS

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.
- 2 Prior to the felling hereby agreed, the details of the replacement tree, or trees, of a number, species, size and in an appropriate position shall be approved in writing by the Local Planning Authority. The tree or trees shall then be planted within one month of the implementation as agreed, unless varied with the prior written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Report Item No: 2

APPLICATION No:	EPF/1054/13
SITE ADDRESS:	10 Coolgardie Avenue Chigwell Essex IG7 5AY
PARISH:	Chigwell
WARD:	Chigwell Village
DESCRIPTION OF PROPOSAL:	Erection of gable end roof extension, rear dormer with juliet balcony, together with permitted development garage conversion.
DECISION:	Refused 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=549831

REASON FOR REFUSAL

- 1 By reason of its bulk and unsympathetic design, the proposal fails to complement the design of the existing house and, as a consequence, would be harmful to the appearance of the house and the character and appearance of the locality. Accordingly, the proposal is contrary to policies CP2(iv) and DBE10 of the Adopted Local Plan and Alterations, which are consistent with the policies of the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

Members found the design of the proposal so unsympathetic it would cause serious harm to the visual amenities of the locality. In view of the degree of harm that would be caused they found it appropriate to give little significant weight to a potential fall back position. As a way forward, Members recommended a major redesign that ensured the proposal retained the character of the house, particularly key elements of the roof form.

Report Item No: 3

APPLICATION No:	EPF/1201/13
SITE ADDRESS:	225 Lambourne Road Chigwell Essex IG7 6JN
PARISH:	Chigwell
WARD:	Chigwell Row
DESCRIPTION OF PROPOSAL:	Retrospective Planning Application to retain loft conversion involving increase to the ridge of the roof, and construction of three front dormers and a rear dormer with proposed removal of side addition and reduction in size of dormer (revised application)
DECISION:	Granted 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=550452

CONDITIONS

- 1 The works to the rear dormer hereby approved, together with the removal of the side addition, shall be carried out within 6 months of the date of this permission and carried out strictly in accordance with the plans hereby approved.
- 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.
- 3 External soil pipes, waste water pipes and rainwater pipes on the rear elevation shall be a colour that matches that of adjacent brickwork and roof tiles. They shall be routed to minimise their impact on the appearance of the house.

Report Item No: 4

APPLICATION No:	EPF/1260/13
SITE ADDRESS:	28 Sunnymede Chigwell Essex IG7 6ES
PARISH:	Chigwell
WARD:	Chigwell Row
DESCRIPTION OF PROPOSAL:	Demolition of existing rear conservatory and construction of two storey side and rear extension. (Revised application)
DECISION:	Granted 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=550631

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.
- 3 No part of the roof over the projecting section of the ground floor extension hereby approved shall be used as a roof terrace.
- 4 The side facing roof light windows in the first floor rear extension hereby approved shall be fitted with obscured glazing, and no parts of these windows shall be openable within a height of 1.7m above the floor level of the room they serve.

Report Item No: 5

APPLICATION No:	EPF/1266/13
SITE ADDRESS:	165 Manor Road Chigwell Essex IG7 5QA
PARISH:	Chigwell
WARD:	
DESCRIPTION OF PROPOSAL:	Use of garage building for purposes within Use Class B1(a) as an office and associated alterations to its external appearance.
DECISION:	Granted 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=550651

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: 3330/01 and 3330/02

Report Item No: 6

APPLICATION No:	EPF/1423/13
SITE ADDRESS:	2 Scotland Road Buckhurst Hill Essex IG9 5NR
PARISH:	Buckhurst Hill
WARD:	
DESCRIPTION OF PROPOSAL:	Two storey side extension.
DECISION:	Granted 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=551453

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.

AREA PLANS SUB-COMMITTEE SOUTH

2 October 2013

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/1708/13	23 Forest Lane Chigwell Essex IG7 5AF	Grant Permission (With Conditions)	21
2.	EPF/1833/13	30 Church Hill Loughton Essex IG10 1LA	Grant Permission (With Conditions)	25
3.	EPF/1413/13	Royal Oak PH 148 Forest Road Loughton Essex IG10 1EG	Grant Permission	29
4.	EPF/1428/13	96 Swanshope Loughton Essex IG10 2NB	Grant Permission (With Conditions)	33
5.	EPF/1448/13	Sainsburys Supermarkets Ltd Old Station Road Loughton Essex IG10 4PE	Grant Permission (With Conditions)	37
6.	EPF/1585/13	Green Owl Cafe 44 Queens Road Buckhurst Hill Essex IG9 5BY	Grant Permission (With Conditions)	43
7.	EPF/1605/13	24 Stradbroke Drive Chigwell Essex IG7 5QY	Grant Permission (With Conditions)	48
8.	EPF/1704/13	The Willow Paddock Chase Lane Chigwell Essex	Grant Permission (With Conditions)	54
9	EPF/1728/13	94 Lawton Road Loughton Essex IG10 2AA	Grant Permission (With Conditions)	60
10	EPF/1808/13	102 Manor Road Chigwell Essex IG7 5PQ	Grant Permission (With Conditions)	65

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Report Item No: 1

APPLICATION No:	EPF/1708/13
SITE ADDRESS:	23 Forest Lane Chigwell Essex IG7 5AF
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr Neil Cottrell
DESCRIPTION OF PROPOSAL:	TPO/EPF/01/88 G1 - 3 Cypress, 1 Oak & 1 Hornbeam - Fell
RECOMMENDED DECISION:	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=552810

CONDITIONS

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

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

Description of Site :

The application site is an existing detached property fronting Forest Lane. The road is characterised by large detached properties of individual design, set back from the road. The front gardens contain many important veteran oak and hornbeam trees which are protected by Tree Preservation Orders.

Description of Proposal :

Cypress x 3, Oak x1 and Hornbeam x1 protected by TPO/EPF/01/88

Relevant History :

There are no recent records of pruning or removing trees at this site.
EPF/0064/06 – demolition of existing property and erection of replacement detached dwelling.

Relevant Policies :

LL9 : Felling of preserved trees. The Council will not give consent to fell a tree(s) protected by a TPO unless it is satisfied that this is necessary and justified. Any such consent will be conditional upon appropriate replacement of the tree(s).

Summary of Representations :

CHIGWELL PARISH COUNCIL – were consulted. At the time of the report being written no comments had been received. These will be reported verbally at the Committee.

Issues and Consideration

Introduction

This group of trees are along the side boundary with 25 Forest Lane. Due to the proximity of the building this has resulted in these trees occupying a very small space which will limit their future growth and suitability for long term retention. The majority of the roots supporting these trees are now likely to be in the adjacent garden, 25 Forest Lane.

There has recently been approval on the adjacent site, 25 Forest Lane (EPF/0535/13) to demolish the existing and replace it with two new dwellings. It was during the site visit for this application that the proximity of the trees to 23 Forest Lane, together with their general health and the ability to retain them in the long term with the redevelopment of 25 Forest Lane became apparent.

The application has been made by the developers following discussions with the tree owners who have no objections to the removal of these trees.

Key issues

The key issues to be considered are –

- The value of the trees in terms of the local amenity that they provide.
- The health of the trees and their safe useful life expectancy.
- The feasibility of replacement planting in the garden

Dealing with each of these in turn:

The value of the trees

Only the hornbeam has limited visibility from the street due to its height, once the new dwellings are constructed it will no longer be visible. The other trees have no public amenity value in that they can only be seen by the owners of 23 and 25 Forest Lane.

The health of the trees

The proposal is to fell 5 trees. The Oak is in severe decline and due to its condition, technically would be considered exempt from the need for a formal application. However, as it was included within the application it is reported here for completeness. The group of 3 cypresses are also in decline and provide very little amenity value as they are barely visible when viewed from the street. The hornbeam is a 9 metre tall, ivy clad tree. Its location between these two properties will restrict its long term retention due to limited space within which it can grow. Essentially, this is the wrong tree for this location.

The safe useful life expectancy for these trees is estimated to be less than 10 years.

The feasibility of replacement planting in the garden

The rear garden of this property is well stocked with trees, and it is recommended that the requirement of tree replacement is waived in this instance.

Conclusion

These trees provide a very limited public amenity. They have been compromised by the development of 23 Forest Lane, and as a result the health of all of these trees is in decline. Although the applicant has demonstrated that the development at 25 Forest Lane could be implemented whilst retaining the trees, given their position the long term future for the cypresses and the hornbeam is expected to be untenable. It is therefore considered appropriate to remove these trees prior to construction of the new dwellings, as their removal post development will be a more complex and costly operation.

Should Members approve the removal of these trees it is recommended that the condition requiring replanting be waived in this instance, due to the abundance of tree cover within the grounds.

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

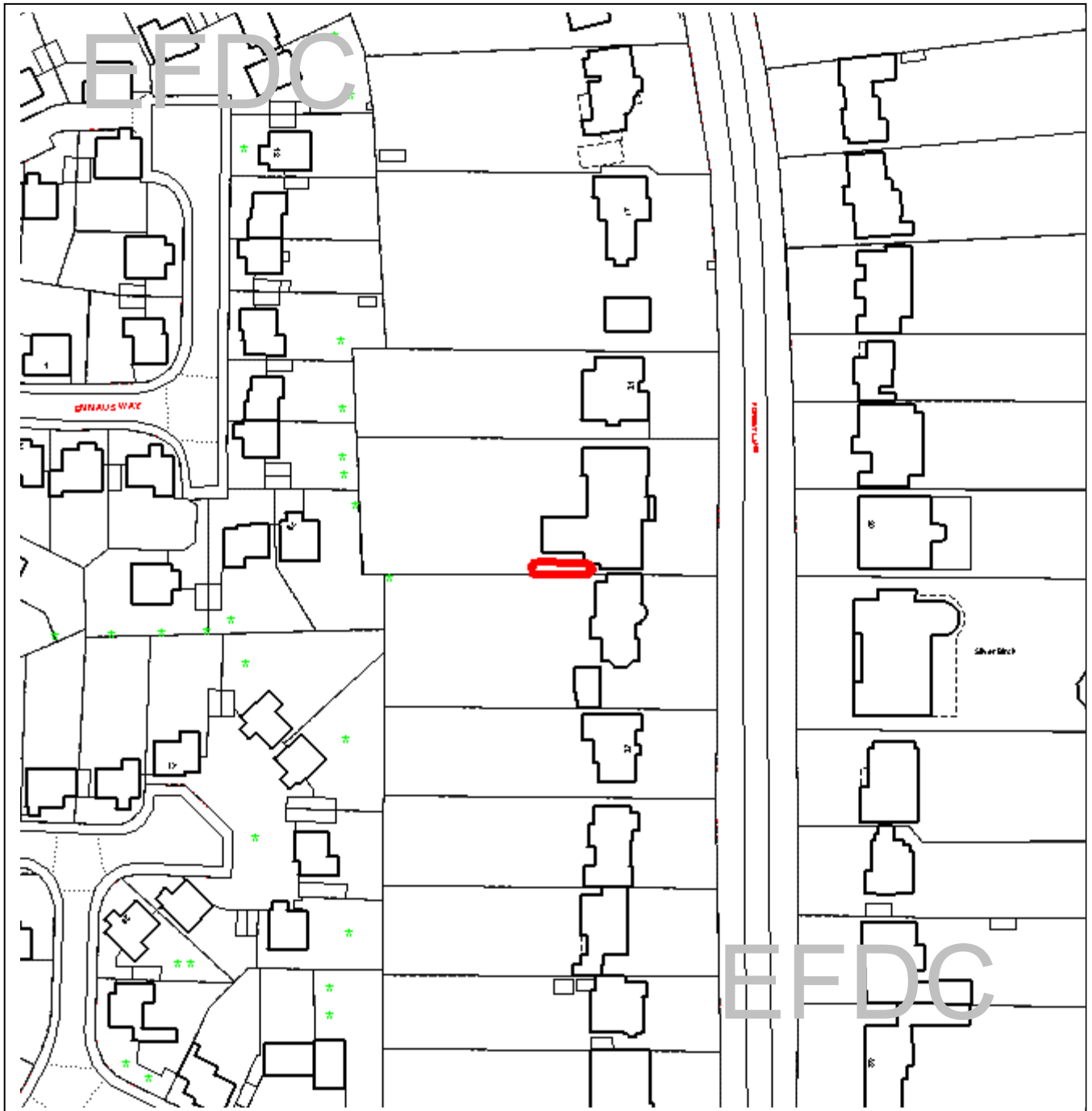
***Planning Application Case Officer: Melinda Barham
Direct Line Telephone number 01992 564120***

Or if not direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	1
Application Number:	EPF/1708/13
Site Name:	23 Forest Lane, Chigwell IG7 5AF
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1833/13
SITE ADDRESS:	30 Church Hill Loughton Essex IG10 1LA
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Mr Michael Page
DESCRIPTION OF PROPOSAL:	TPO/EPF/19/03 T5 - Horse chestnut - fell
RECOMMENDED DECISION:	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=553270

CONDITIONS

- 1 The replacement tree shall be a Thuja plicata 'Zebrina', it shall be at least 3 metres in height at time of planting. The tree shall be planted within three months of the felling agreed, unless varied with the prior written agreement of the Local Planning Authority. If within a period of five years from the date of planting the replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 2 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

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

Description of Site :

The application site is a new development of apartments and shops at ground floor level adjacent to the busy High Road which passes through Loughton. The tree which is the subject of this report cannot be seen from the High Road. It is situated along the rear boundary of the site and is visible by several properties within Queens Road.

Description of Proposal :

Horse chestnut (protected by TPO/EPF/19/03) - fell

Relevant History :

There are no recent records of pruning applications for this tree.

Relevant Policies :

LL9 : Felling of preserved trees. The Council will not give consent to fell a tree(s) protected by a TPO unless it is satisfied that this is necessary and justified. Any such consent will be conditional upon appropriate replacement of the tree(s).

Summary of Representations :

LOUGHTON TOWN COUNCIL – were consulted. At the time of the report being written no comments had been received. These will be reported verbally at the Committee.

Issues and Consideration

Introduction

Planning permission was granted in May 2009 for the demolition of the existing buildings and the erection of 24 apartments with 3 retail units at ground level. The proposal included car parking and a landscaped area to the rear of the site.

Following a recent visit to the site to discuss landscaping with the Developer, the condition of the horse chestnut tree was noted.

Key issues

The key issues to be considered are –

- The value of the tree in terms of the local amenity that it provides.
- The health of the tree and its safe useful life expectancy.
- The feasibility of replacement planting in the garden

Dealing with each of these in turn:

The value of the tree

This is a 15 metre tall, mature tree. Its location on the rear boundary makes it an important green screen to the properties in Queens Road to the rear. If it were in good health it would have a high amenity value.

The health of the tree

A tree report undertaken prior to the redevelopment of the site noted that the tree has sustained significant damage in the past, possibly as a result of a fire. This has resulted in the death of over 50% of the tree. That part of the tree which is still alive is suffering from bleeding canker and leaf miner, both of which are contributing to the ongoing decline of the tree.

The safe useful life expectancy for this tree is estimated to be less than 5 years, and that part of the tree which is already dead is likely to begin to collapse, potentially causing a safety issue.

The feasibility of replacement planting in the garden

The rear garden of this property has been well landscaped. There is, however, sufficient space for replanting. The proposal is to plant three trees, two *Thuja plicata* 'Zebrina' and one *Ginkgo biloba*. This will provide a replacement tree for the horse chestnut and two additional trees to enhance the tree screen between the new development and the properties in Queens Road.

Conclusion

This tree is partially dead and the remainder is in decline. Given its condition and remaining safe useful life expectancy we would recommend that the tree is felled and replaced. The proposed replacement trees are suitable replacements given the development of the site and the new use of this area as private amenity space.

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

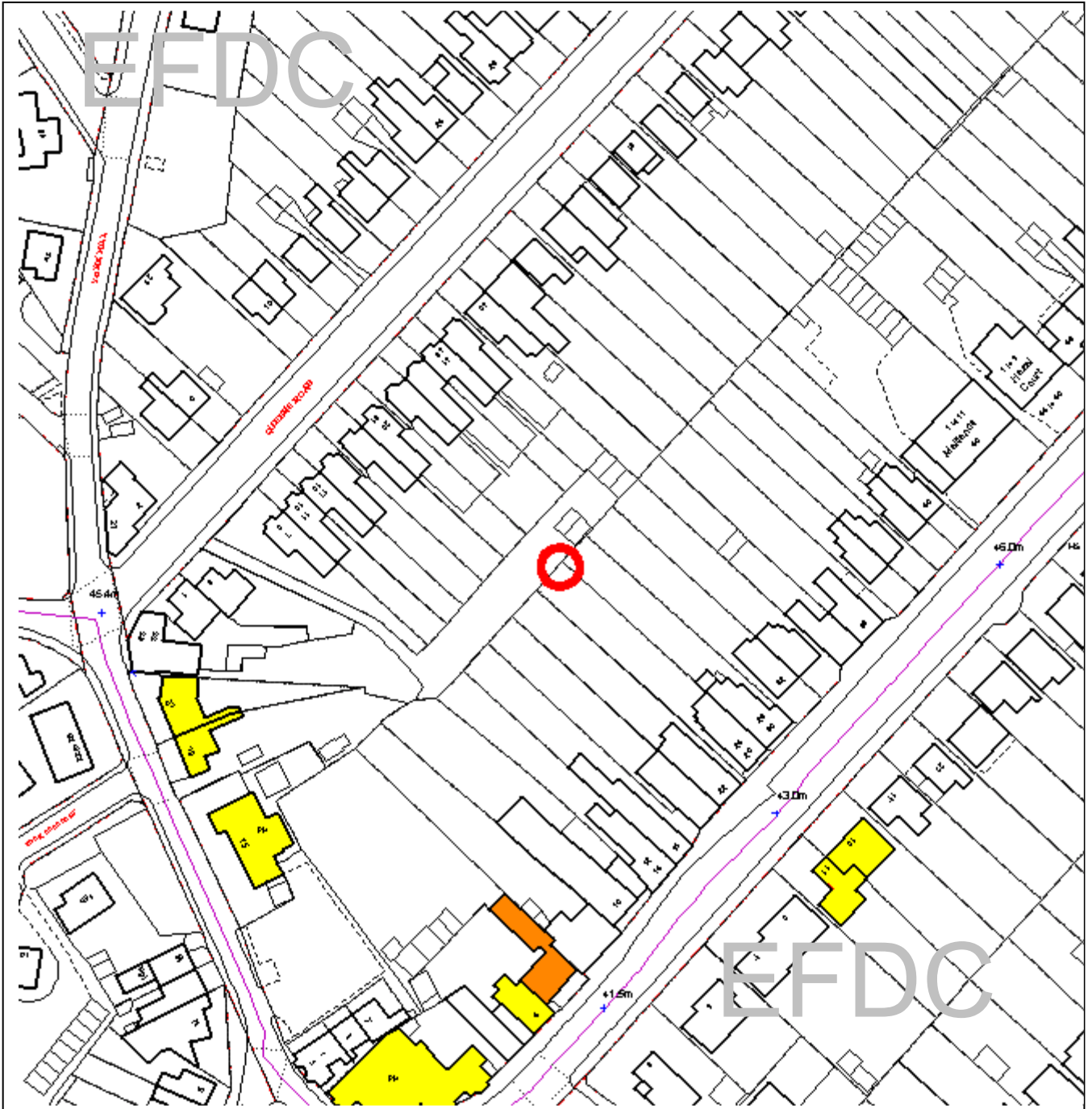
***Planning Application Case Officer: Melinda Barham
Direct Line Telephone number 01992 564120***

Or if not direct contact can be made please email; contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	2
Application Number:	EPF/1833/13
Site Name:	30 Church Hill, Loughton IG10 1LA
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/1413/13
SITE ADDRESS:	Royal Oak PH 148 Forest Road Loughton Essex IG10 1EG
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Mr William Newman
DESCRIPTION OF PROPOSAL:	Retrospective application for the installation of driveway gates to private car park.
RECOMMENDED DECISION:	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=551396

CONDITIONS

NONE

This application is before this Committee since it has been 'called in' by Councillor James Hart (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h))

Description of site

The Royal Oak Public House is located within the built up area of Loughton. The existing building is a large detached property which is a locally listed building. The surrounding area is mainly residential use; however the Victoria Tavern Public House is located adjacent to the application site. Historically the pub driveway has been used as a short cut from Forest Road onto Smarts Lane although there is no public right of way for this to exist. The application site is not located within the boundaries of the Metropolitan Green Belt and it is not located within a conservation area.

Description of proposal

This application is for the retention of 2m high wrought iron gates on the driveway of the Public House.

Relevant History

None relevant to this application

Policies Applied

CP2 – Protecting the Quality of the Rural and Built Environment

DBE1 – Design of new buildings.
DBE9 – Impact on amenity
ST4 – Highway Safety

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

Consultation carried out and summary of representations received

6 Neighbours consulted –

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP – OBJECTION – For many years residents have used the pub driveway as a shortcut between Forest Road and Smarts Lane. The landlord justifies the gates by the traffic to and from the car park and the children's playground making the area unsuitable for non patrons. However as anyone can walk into the pub the reference to the children's playground seem specious. No evidence of any actual problem is given.

148 FOREST ROAD – OBJECTION – The driveway has been a public right of way for over 30 years for vehicles and pedestrians. When the gates are shut it is a hazard as cars reverse out onto Forest Road when there is no way through. Due to the lack of parking and the narrow approach it must remain as a one way system.

115 FOREST ROAD – OBJECTION – I totally disagree with the gates being closed during opening hours. Cars cannot get through the shortcut, wait outside and at unsociable hours cause disturbance in the residential area.

111 FOREST ROAD – OBJECTION – However if pedestrian access were to be retained in some form there is no objection to the application .It is fully appreciated why public vehicular access should be restricted. Wear and tear repair costs being borne by the owners of the property, but more importantly the safety aspect, as there are those who use it as a cut-through without due care and attention to either customers or pedestrians on the property or the egress onto a busy public road. Many parents and children pass this exit at school times, so a restriction would be of benefit to public safety.

LOUGHTON TOWN COUNCIL – No objection to closing the gate to vehicles but would prefer the gate to allow pedestrian access.

Issues and Considerations

The main issues to consider are the design of the gates in relation to the existing building and its setting and the potential harm to public safety. Neighbour amenity is not harmed by this application given that residential units are located some distance away. The development is located on private property and is not a public right of way.

Design

There are not many examples of any similar development within the local street scene, however the site and its relationship to the neighbouring Public House resulting in a link from Forest Road to Smarts Lane is very unusual. The gates are set back 8.4m from the public carriageway and are therefore not a prominent feature within the street scene. Furthermore they do not have a detrimental impact on the character or appearance of the locally listed building given their simple design and their position at the rear of the property (the front being the primary elevation). A large and well established tree exists on one side of the gates and several others on the other side and

behind. This somewhat softens their appearance and reduces their prominence within the street scene. Therefore the gates comply with policy CP2 and DBE1 of the adopted local plan and alterations.

Public Safety

Since the gates are set back 8.4m from the public carriageway they comply with the current highway standard of 6m. Therefore the gates comply with policy ST4 of the adopted local plan and alterations

Comments on representations

In the design and access statement the applicant refers to concerns about public safety with regards to a children's play area. The play area concerned is situated in the south west corner of the site and is surrounded by fencing separating it from the vehicle access. There is no compelling evidence that this causes risk to public health and safety and therefore this reason does not justify the erection of the gates. The LRA has stated that the driveway has been used for many years by neighbours. While that may be the case it is unsubstantiated and is in any event a civil matter that is not relevant to the planning merits of this development.

Conclusion

The gates cause no harm to the living conditions of neighbouring properties. They will not be overly prominent within the street scene and therefore cause no design issues. Public safety is maintained and therefore this application complies with the relevant policies of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.

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:

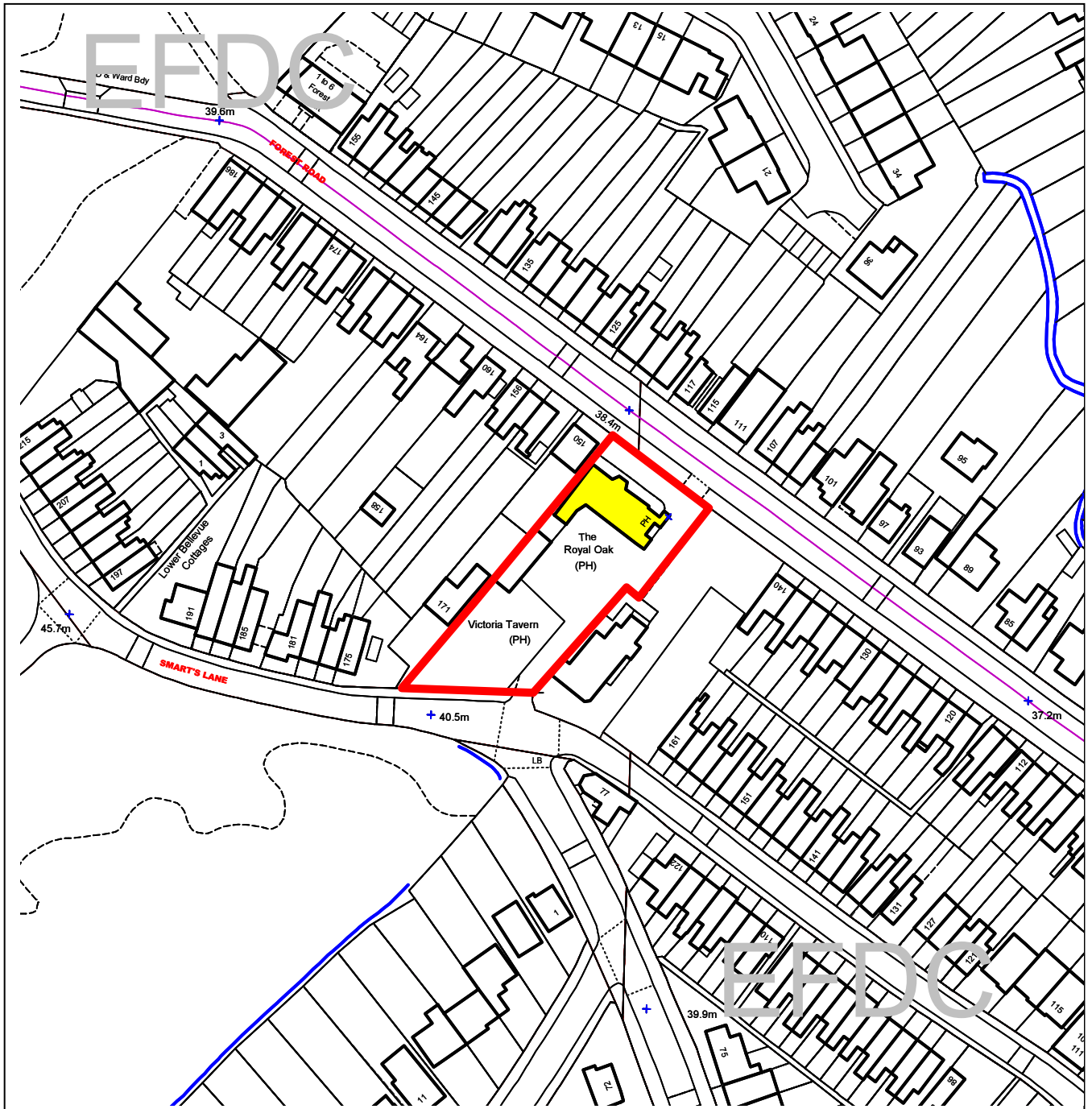
**Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 103**

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	3
Application Number:	EPF/1413/13
Site Name:	Royal Oak PH, 148 Forest Road Loughton, IG10 1EG
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/1428/13
SITE ADDRESS:	96 Swanshope Loughton Essex IG10 2NB
PARISH:	Loughton
WARD:	Loughton Fairmead
APPLICANT:	Mr Martin Ford
DESCRIPTION OF PROPOSAL:	Double storey side extension.
RECOMMENDED DECISION:	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=551474

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

Swanshope forms part of the built up area of Loughton. The existing building is an end terraced property within a relatively large triangular plot. The surrounding area is characterised by terraced housing. The property has an existing outbuilding which is currently used as a garage. Many of the properties along Swanshope have been extended to the rear. The application site is not located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

The proposed development is for a part two storey part single storey side extension. The two storey element will be 3.5m wide and 6.4m high. The single storey element will be 2m wide, have an eaves height of 2.3m and a maximum height of 3.8m. The extensions are set 1.5m from the building line at the front and will be 5.6m deep.

Relevant History

No relevant history

Policies Applied

CP2 – Protecting the Quality of the Rural and Built Environment

DBE10 – Design of Residential Extensions

DBE9 – Impact on amenity

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

Consultation carried out and summary of representations received

8 Neighbours consulted – No comments received

LOUGHTON TOWN COUNCIL – OBJECTION – The application will have an adverse effect on neighbouring properties on Colebrook Lane. However if permission were to be granted then the Committee asked for a planning condition to be imposed requiring the planting of a replacement tree.

Issues and Considerations

The main issues to consider when assessing this application are the effects of the proposal on the amenities of neighbours and the design of the proposal in regards to the existing building and its setting

Neighbour amenity

The single storey element of the extension leaves a gap of 1m at the site boundary which backs onto neighbouring properties along Colebrook Lane. Furthermore boundary treatment on the boundary will screen the majority of the single storey extension.

The two storey part of the extension is set against the backdrop of the existing dwelling and does not increase its profile at all from the perspective of neighbouring properties on Colebrook Lane. This two storey extension is set a minimum of 1.4m from the site boundary with the rear gardens serving neighbouring houses on Colebrook Lane. The greater part of it is set approximately 2m from the boundary. Having regard to the degree of separation from the rear elevation of houses on Colebrook Lane and from the site boundary there will not be any significant harm caused to the outlook of the adjacent neighbours on Colebrook Lane.

The extension is subordinate to the existing house and will not cause significant undue harm to the living conditions of neighbouring properties. As such this application complies with the objectives of the National Planning Policy Framework and the objectives of the adopted local plan and alterations.

Design

The extension significantly widens the frontage of this property. However the majority of the development will only be obliquely visible from the public access due to the single storey garage in the front garden. Furthermore the access that leads to Swanshope is not a public highway but a

shared driveway for residents and visitors. As such the potential harm to the street scene is minimal

The combined impact of the existing dwelling, the proposed extension and the existing garage will give a somewhat cramped feel to part of the site. However that would only be appreciated within the site as the majority of the development is screened from view and it is set back 1.5m from the front of the property. In the circumstances it will not harm the visual amenity of the street scene.

Although the extension increases the built form of the site, this proposal complies with the National Planning Policy Framework and with the objectives of the Adopted Local Plan and Alterations.

Conclusion

The proposed development is of a conventional design that respects the existing building and its setting. The living conditions of the neighbours on Colebrook Lane are not significantly harmed. Therefore this proposal complies with the relevant policies of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.

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:

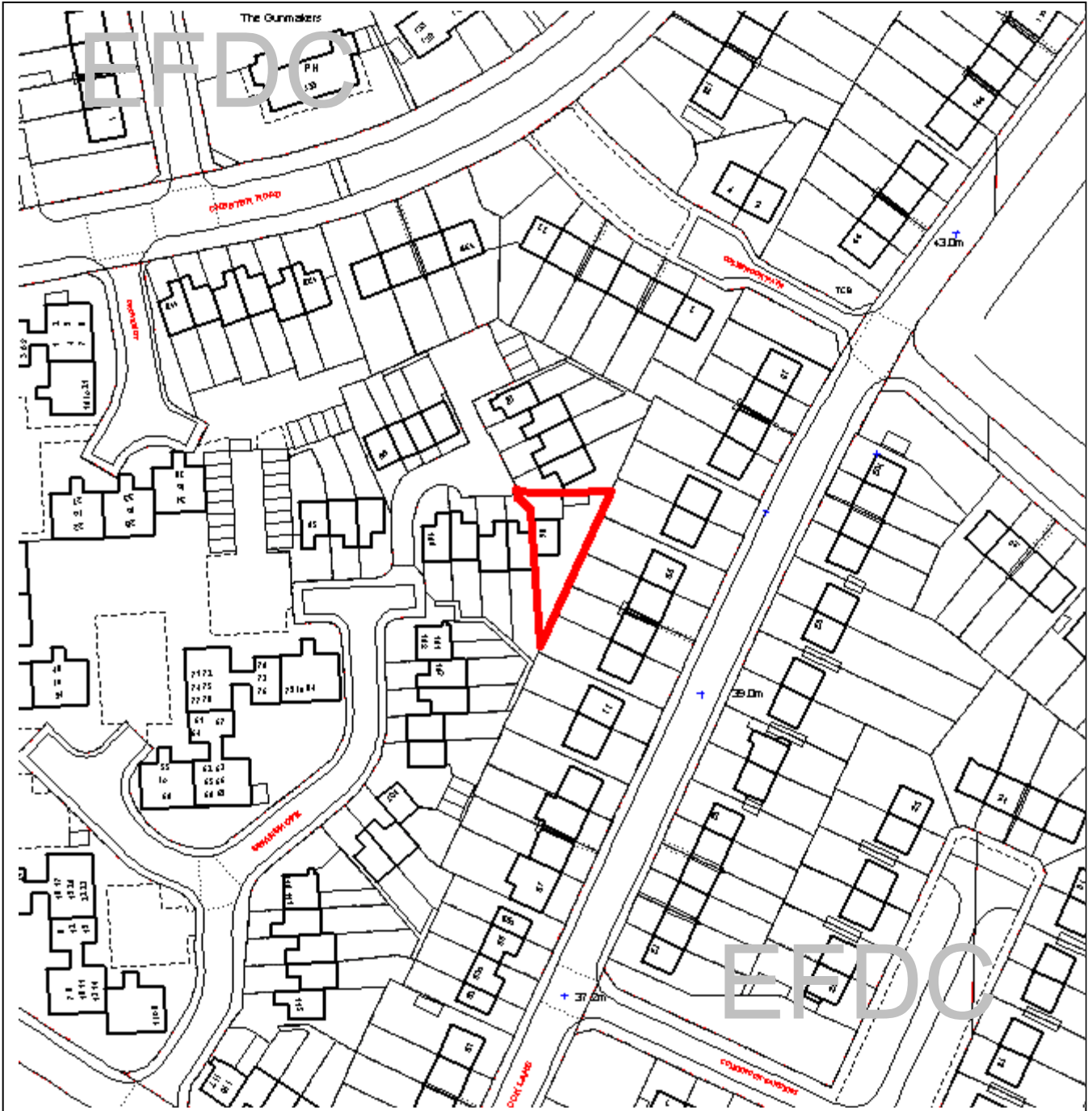
**Planning Application Case Officer: James Rogers
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Agenda Item Number:	4
Application Number:	EPF/1428/13
Site Name:	96 Swans Hope, Loughton IG10 2NB
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/1448/13
SITE ADDRESS:	Sainsburys Supermarkets Ltd Old Station Road Loughton Essex IG10 4PE
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Mr David Lazenby
DESCRIPTION OF PROPOSAL:	Variation of condition 17 of EPF/0400/00 to revise delivery hours to 6.00am to 11.00pm Mondays to Saturdays and 8.00am to 10.00pm on Sundays.
RECOMMENDED DECISION:	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=551591

CONDITIONS

- 1 No trade deliveries shall be taken at or despatched from the store outside the period 6.00 a.m. to 11 p.m. Mondays to Saturdays or 8.00 a.m. to 10 p.m. on Sundays. Reversing alarms on delivery vehicles shall be switched off outside store opening times. Any refrigerated lorry visiting the site shall be provided with an electrical hook up to the store, and that hook up shall be used to power the refrigerated units.

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:

Application site is a large supermarket within the Loughton Town Centre. The supermarket takes access off Old Station Road via a mini roundabout for customers into a main car park, and via a separate access closer to the High Street for delivery vehicles.

Opposite the delivery access is the Fire Station, Nu Bar, and the Medical Centre. On the same side of the road as the access, the immediate neighbours are a printing premises, offices and a fitness company. Further along Old Station Road is an Estate Agents, Pre School and the garden of number 27 Station Road. The closest residents to the delivery area are numbers 23, 25 and 27 Station Road.

The delivery yard is bounded on the remaining sides by the Sainsbury's building and the customer car park.

Description of Proposal:

Application for the variation of Condition 17 attached to EPF/0400/00.

Condition 17:

No trade deliveries shall be taken at or despatched from the store outside the period 6.00 a.m. to 9.30 p.m. Mondays to Saturdays or 9.00 a.m. to 5.00 p.m. on Sundays. Reversing alarms on delivery vehicles shall be switched off outside store opening times. Any refrigerated lorry visiting the site shall be provided with an electrical hook up to the store, and that hook up shall be used to power the refrigerated units.

The application seeks an additional hour and half Mon-Sat in the evenings to allow deliveries to continue to 11pm. An additional hour Sunday morning (Starting at 8am) and an additional 5 hours on Sunday evening (to 10pm).

For ease of reference the current store opening hours, current delivery hours and proposed delivery hours are surmised below.

	Opening hours	Current delivery	Proposed delivery
Monday	7.30am - 9pm	6am - 9.30pm	6am – 11pm
Tuesday	7.30am - 9pm	6am - 9.30pm	6am – 11pm
Wednesday	7.30am - 9pm	6am - 9.30pm	6am – 11pm
Thursday	7.30am - 10pm	6am - 9.30pm	6am – 11pm
Friday	7.30am - 10pm	6am - 9.30pm	6am – 11pm
Saturday	7.30am - 9pm	6am - 9.30pm	6am – 11pm
Sunday	10am - 4pm	9am - 5pm	8am – 10pm

Relevant History:

EPF/1529/06 – Variation of condition 17 of EPF/400/00 to revise delivery hours to 4.00am to 9.30 pm Monday to Saturday and 7.00am to 5.00pm on Sundays. – Refused.

Reason for refusal:

The extended delivery hours, into the early hours of the morning, will cause unacceptable disturbance to local residents living in the vicinity of the site, from delivery vehicles, employees arriving on the site and in surrounding streets, and unloading the delivery vehicles when the area is quieter than during normal working hours. Therefore the proposal is contrary to Polices RP5A and DBE9 of the Adopted Local Plan.

The Inspector dismissed an appeal regarding this application on the grounds of the unsocial hours sought the level of background noise was minimal even in an urban location. The Inspector had concerns regarding the noise assessment and details not included such as opening and closing of doors and voices and considered that the proposed 4am start would impact on residential amenity to an unacceptable degree in addition to disturbances that presently exist. The Inspector considered the noise impacts to be cumulative at 4am in addition to any disturbance already experienced from 6am.

Policies Applied:

Adopted Local Plan and Alterations

The following policies have been found to be compliant with the NPPF.

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Amenity Considerations

RP5A – Noise and Other Forms of Pollution

ST4 – Road Safety

Also relevant are the policies and planning principles contained within the National Planning Policy Framework ('The Framework').

Summary of Representations:

77 neighbouring properties were notified due to the number of neighbouring properties.

LOUGHTON TOWN COUNCIL: No Objection to this application but asked for conditions that deliveries be limited to Sainsbury's own vehicles, and that a condition be imposed to carry out the practices as laid out in their noise assessment survey.

3 Objections were received as follows:

23, 25 AND 27 STATION ROAD have supplied the same letter:

Strongly Object. The hours proposed are totally unreasonable to neighbours. The store regularly receives deliveries at 6am during the week and the associated noise of crates being moved is intolerable. Complaints to store have had no effect. Staff arrive before 6am to be prepared for deliveries and the noise from vehicles and voices wakes neighbours up. Late night deliveries would have same concerns, 11pm is unacceptable, we are in bed at this time. Sainsbury's were aware of the residential area and considered this when modelling for the store originally. Unfair to ruin quiet enjoyment for Sainsbury's business pressures.

Issues and Considerations:

The main issues here relate to the potential impact on the neighbouring properties and highway safety. As a variation of condition relating to delivery hours, there are no physical works, therefore no visual impacts to assess.

An application was submitted in 2006 that sought to overcome stocking issues by receiving deliveries earlier in the morning before opening, however this application was refused due to unacceptable disturbance to local residents living in the vicinity of the site. This disturbance was from delivery vehicles, employees arriving on the site and in surrounding streets, and unloading the delivery vehicles when the area is quieter than during normal working hours. This decision was upheld at appeal. This revised application now primarily seeks to permit deliveries later in the day as opposed to in the early hours of the morning. Background noise is greater in the evening hours than in the early hours of the morning.

Need for the variation

The site is located in close proximity to the High Street and in a busy part of Loughton. The area is busy with vehicular and pedestrian traffic between the High Street, the underground station and Alderton Hill.

The application seeks to have deliveries an hour earlier (from 8am) on a Sunday. Having regard for purchasing trends (more customers shop at weekends), current delivery schedules and time taken to restock, Sainsbury's are having difficulty restocking shelves and clearing aisles in time to keep up with purchases made. Stocking shelves is possible during trading hours but this is more difficult and disruptive, particularly at weekends. Thus 8am is sought for a delivery start time. This is not considered unreasonable.

For similar reasons Sainsbury's also seek an additional hour and a half for deliveries through the week and 5 hours later on a Sunday to restock for the Monday. This is related not only to store opening times but the agent suggests this also relates to dispatch times from local distribution centres. Current opening and delivery times mean that Sainsbury's has to make a stock order from

Waltham Abbey Distribution Centre around 1.30/2pm, this is very early in trading hours and around the start of the peak trade times. For this reason orders are very speculative in nature, but it does allow for the order to be picked, loaded, dispatched and delivered to store within the delivery time allowed. Staff then have to try to restock shelves in time for opening, with the speculative order, which understandably does not always match the purchases made.

The extension of delivery hours would provide Sainsbury's with the ability to place the order later in the trading day. This order would to some extent still be speculative, but the accuracy of orders would be greater around 3/3.30pm, the orders could still reach store the same day and potentially be unloaded before the next day's trade. At weekends this would be particularly relevant, over busy seasonal periods and especially on a Sunday. Raising an order at 1.30-2pm on a Sunday is clearly difficult and Mondays are identified as being particularly tricky for the applicant. These considerations are for stock rotation only. When consideration is given to fresh produce, the supply and storage requirements and the short shelf life, it is clear to see whilst functioning, the current delivery times are causing difficulties.

The NPPF sets out in paragraph 19 that planning decisions should support sustainable economic growth and the applicant alleges this variation to delivery times would assist Sainsbury's increased trade. This is given significant weight when considering this application.

Neighbouring Impacts

The nearest residential properties likely to be impacted upon are in Station Road, namely numbers 23, 25 and 27, all of whom have responded to this consultation. Properties in Meadow Road are less likely to suffer any impacts as these properties are separated by the length of the gardens and the mass and form of the superstore itself. The impacts likely to arise from the proposed variation are noise and disturbance at a later hour than presently exists, and earlier on a Sunday. This additional noise must be considered in the context of this busy Town Centre location. The applicants have provided a noise assessment that demonstrates that noise created would not be unacceptable in the context of existing background noise. The neighbouring properties have responded to highlight that existing delivery times are disruptive and to extend these would be unacceptable.

Noise is a concern but should be considered in the context of the prevalent background noise. At 8am on a Sunday in a Town Centre Area it is not considered unreasonable to have a degree of noise and movement associated with business. Similarly the evening hours requested should be considered in the context of the night time economy in the Town Centre, in particular the Nu Bar and Lux bar close by and movements taking place between the High Street, station and Alderton Hill.

The Council's Environmental Health team have considered the application and acoustic report. Whilst they are not convinced by the detail of the acoustic report, which appears to be over complicated, provide some irrelevant data and draw conclusions based on average noise levels rather than the short term impact of discrete events. They are also not convinced that the proposed variation in delivery hours in this particular case will cause a significant loss of amenity to local residents. They believe that an increase in hours will inevitably cause some additional noise in the vicinity of the site but the level of the noise is unlikely to cause a significant loss of amenity. On that basis they have no objection to the proposed variation.

Road Safety

In terms of road safety, Highways have been consulted and have no objections.

Conclusion:

The proposed extension of delivery hours is considered acceptable in light of the background noise that will be prevalent at the times sought due to the proximity to the Town Centre and the limited number of residential properties in close proximity. Officers note the noise created will be audible, but that it would not have a significant adverse impact on amenity sufficient to justify refusal in the context of encouraging business in the Town Centre.

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:

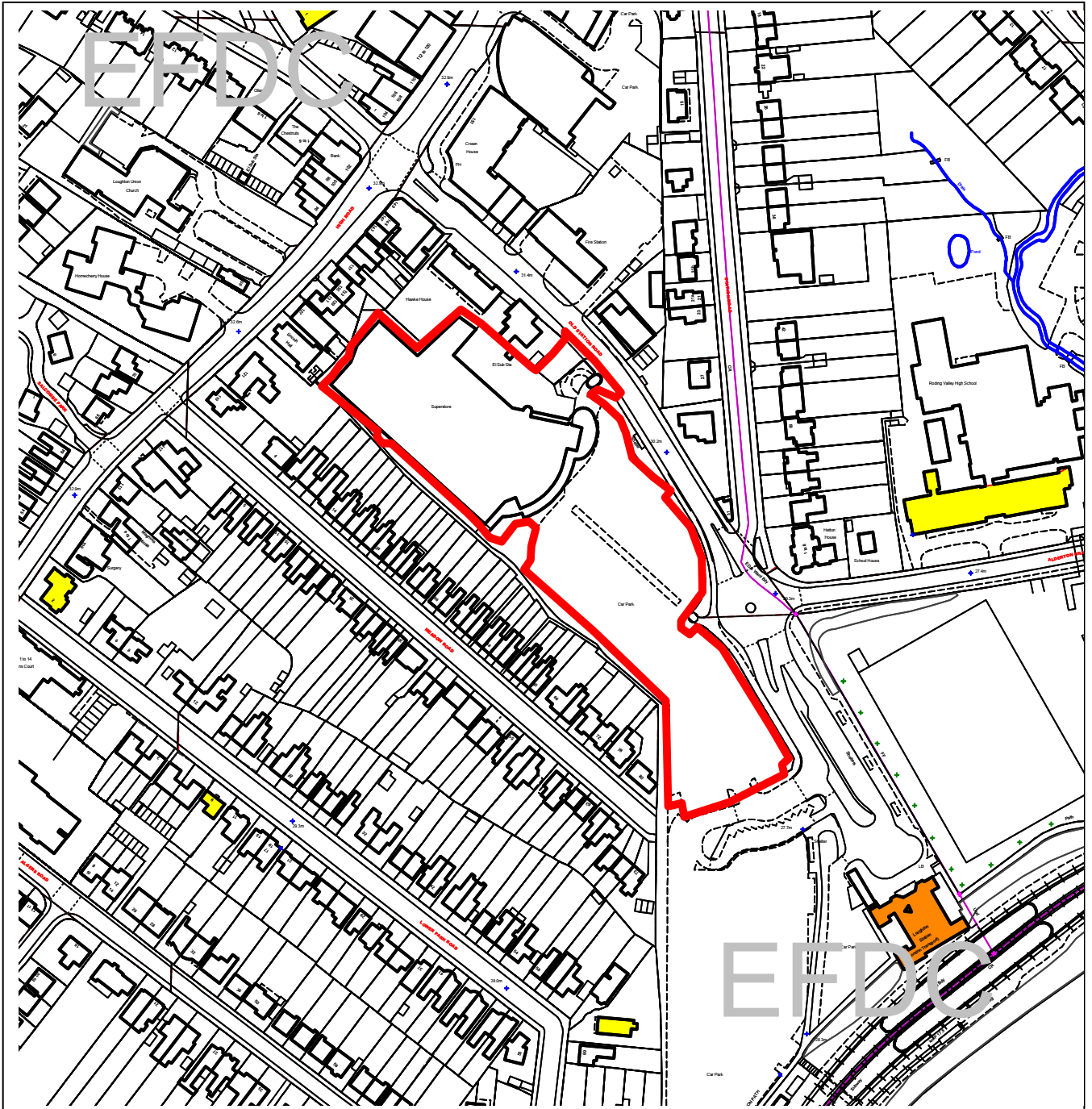
***Planning Application Case Officer: Jenny Cordell
Direct Line Telephone Number: (01992) 564481***

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Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	5
Application Number:	EPF/1448/13
Site Name:	Sainsburys Supermarkets Ltd, Old Station Road, Loughton, IG10 4PE
Scale of Plot:	1/2500

Report Item No: 6

APPLICATION No:	EPF/1585/13
SITE ADDRESS:	Green Owl Cafe 44 Queens Road Buckhurst Hill Essex IG9 5BY
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr Marc Linch
DESCRIPTION OF PROPOSAL:	Variation of condition 2 on planning permission EPF/1093/01 to allow A3 (cafe and restaurant) use to open till 11.30 pm.
RECOMMENDED DECISION:	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=552152

CONDITIONS

- 1 No live music or entertainment shall be played or take place in the rear outside seating area of the premises. No amplified music or sound shall be played in the rear outside seating area of the premises after 21:30 or before 08:00.
- 2 No children's play equipment or structures shall be installed or erected in the rear garden area of the property without the written prior approval of the Local Planning Authority.

This application is before this Committee since the recommendation for approval is contrary to a) more than 2 objections received which are material to the planning merits of the proposal and b) 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(f) and (g).

Description of Site

A café on the ground floor with a flat over in a recessed first floor. The property is located within the key shopping frontage of the Buckhurst Hill district shopping centre. The property is not listed nor does it lie within a conservation area.

Description of Proposal:

Variation of condition 2 on planning permission EPF/1093/01 to allow the existing A3 café and restaurant use to open till 11.30pm. Currently, condition 2 of EPF/1093/01 requires the closing time of the premises to be 9.30 pm.

Relevant History:

EPF/1093/01 - Approval granted for the lengthening of trading hours, extension of restricted A3 use into front section of shop, and variation of conditions 2 and 3.

EPF948/13 – Approval granted for variation of condition 2 of EPF/1093/01 to allow opening of café at 8am rather than 9am.

Policies Applied:

DBE9 – Loss of amenity.

TC3 – Town centre function.

Policy DBE9 is compliant with the NPPF, and policy TC3 is partially compliant – unlike the Local Plan the NPPF does not state that proposals resulting in a dead frontage should be refused.

Summary of Representations:

BUCKHURST HILL PARISH COUNCIL – Object – would cause harm to the amenity of residents with regard to noise pollution and particularly the use of the garden after 7pm.

NEIGHBOURS – 28 properties consulted and 5 replies received:-.

11, PRINCES ROAD - the removal of the condition that currently restricts opening hours of the business will have a detrimental impact on the peaceful enjoyment of our home and garden. We are a family with 2 children and the business will be a noise nuisance if allowed to operate later on in the evenings.

21, PRINCES ROAD – object - the layout of our section of Princes Road, together with the ones they back onto in Queens Road, and the large brick wall of the Buckhurst Hill social club some 3 doors away, creates an auditorium type of effect and noise is carried into the properties in Princes Road. The new owners have been recently granted a licence for the sale of alcohol and recorded music till 11.30pm. If the planning restriction on opening hours is removed there is nothing to stop the venue operating more in the style of a bar rather than a restaurant and the garden being used in the manner of a beer garden. The combination of people drinking alcohol and using the garden till 11.30 pm would result in significant noise disturbance to those living in flats above shops in Queens Road and those of us in Princes Road. If the variation to the planning condition is removed then under recent changes to the 2003 Licensing A there will be nothing to stop them playing live amplified music in the garden until 11pm 7 nights a week. Even if the current owners do not intend to use the venue in this manner a new owner might and the only protection we have as residents is the current planning condition restricting the hours of use. The application states that the variation is sought so that the premises can operate in line with other restaurants along Queens Road. We are not aware of any other restaurants in Queens Road with a garden that backs on to residential properties that operate from 8am to 11.30pm. The only other restaurants or cafes located on the same side of the road on the stretch of Queens Road between Kings Place and Princes Road are Legends Café, and Costa Coffee, both of which are closed by 7pm. Those opposite or further up the hill either do not back on to residential properties or do not have a garden. The condition restricting the hours was imposed in the past to protect the amenities of residents, and extending the hours that the premises is allowed to open will result in a loss of amenity to local residents, and will have a detrimental impact on the peaceful enjoyment of our property.

19, PRINCES ROAD - object on grounds very similar to the above letter from no 21. They conclude that the combination of music, people drinking, and using the garden from 8am until 11.30 pm is unacceptable in a residential area such as this and they ask that planning permission be denied.

25, PRINCES ROAD – object to the removal of the condition that currently restricts the operating hours. If they plan to operate until 11.30 pm 7 days a week with music playing, as there are 2 speakers in the garden, there will be the same nuisance and noise as we have experienced most of last year with Costa Coffee just 2 doors away. Residents in Princes Road will have no peace in their gardens/homes from 8am till 11.30pm approx. every day as the noise travels.

27, PRINCES ROAD – object – it would not be appropriate for the café to open till 11.30pm because the length of time of opening would not be in keeping with other café/restaurants in that part of Queens Road, and the existing opening time should be maintained. We are concerned at any excessive noise which might emanate from the café caused by customers leaving and also from the garden which could disturb local residents. We trust that there will be a time limit on the use of the garden beyond 7pm. We are also concerned that already the tables and chairs outside the café have severely encroached upon the pavement and restricted its use by pedestrians. Clearly there will be dangers if pedestrians are forced to walk in in what is already a heavily used road by traffic.

Issues and Considerations:

The main issues raised by this application are whether the proposed opening of this café/restaurant for 2 hours more to 11.30pm, along with the associated use of the rear garden, would unduly detract from the amenities of neighbours.

This is a predominantly commercial shopping area, with some flats on first floors. As befitting a district shopping area other restaurants and cafes are located in the locality, and in principle opening of this café/ restaurant in this type of locality until 11.30 pm is not excessive. Some residents to the rear in Princes Road fear that if later opening is allowed, and with the owner having a premises licence to serve alcohol till 11.30pm, then the premises will be used as a bar or pub. However a bar or pub use is a materially different use within Use Class A4 rather than Use Class A3. Planning permission would be required for the change in use and it is acknowledged that a pub or bar form of use would be more likely to create noise and disturbance.

In terms of noise emanating from the rear of the restaurant there are no restaurant tables positioned next to rear of the premises .Instead, at the rear of the ground floor lies part of the kitchen, toilets, and a passageway leading to the rear garden - consequently noise emanating from the rear of the restaurant will be limited.

In respect of the rear garden the applicant does use this for outside seating. He does not feel that it would be fair for him not to be able to use this garden in the 2/3 months of the summer period at night time. However, he is prepared to accept conditions requiring that any music played in the rear garden shall be background music only, and that this music will be turned off in the garden at 9.30pm. This rear garden lies a fair distance of some 50m away from the rear of houses in Princes Road, although it is acknowledged that sound can travel at night when ambient noise levels are low. However, given that use of the rear garden will be limited to warm nights in just a 2 to 3 month period in summer, and given that background music will be stopped at 9.30, it is not considered that use of outside tables late at night would cause a significant loss of amenity to nearby residents. It is also noted that 3 doors away at the rear of no.50 Queens Road, lies the large 2 storey Buckhurst Hill Social Club, a club building occupying a back garden position. This club closes at 12.30am at weekends and has a licence to play live music to 11.30pm. While the existence of this social club is not a justification of itself to grant extended opening hours to the Green Owl Café, this latter use is a much smaller and restaurant based use which is appropriate to this locality.

Currently, later evening use of the café has not yet commenced. The applicant wishes to be able to open at nights to keep his options open, and he has had many enquiries about whether he will

open in the evening. He stresses that he and his wife's skills and interests are based on cooking and food preparation and he has no interest in opening up a bar type of use in the evenings. He states that the Green Owl Café is an independent trader competing with national chains such as Costa Coffee and Prezzo's, who have premises nearby, and that he needs flexibility in his opening hours to be able to compete. The café currently gives employment to 10 people in full and part time jobs.

Comments on representations received.

While valid concerns have been raised about possible noise and nuisance clearly the problems caused in the last year or so by outside use of the rear garden of Costa Coffee - by children playing on play structures - have also been a background factor in shaping the comments received from neighbours and the Parish Council on this application. The applicant has stated that he is not interested in providing such a child friendly establishment, but in any event a condition is proposed prohibiting play equipment being provided without the prior approval in writing of the Council.

Comments have also been received relating to the premises licence the applicant has obtained to be able to serve alcohol till 11.30. However all restaurants need such a licence if they wish to be able to provide alcohol with meals, and as mentioned above a fresh planning permission would need to be obtained in order to use the premises as a pub or bar. Although a licence has been agreed for playing of recorded music in the premises and garden, this does not mean that conditions cannot be imposed on any planning permission – and the applicant has agreed to a condition requiring only background music being played in the rear garden until 9.30pm.

Regarding tables and chairs at the front of the café on the pavement, at the planning officer's site visit these were positioned close to the shop front and were not causing a particular obstruction. It was noted also that outside tables at Costa Coffee, two doors away, also had a similar restrained layout

Conclusions:

This property is located in a commercial shopping area where use of a café /restaurant until 11.30pm is acceptable. Use of outside tables at the rear to 11.30pm is also acceptable given that this use will be limited to warmer summer days only, and by only background music being played but switched off by 9.30pm. As such noise nuisance should not be significant, and in this shopping centre locality it would be unreasonable not to allow any late evening use of this outside area. It is therefore recommended that conditional 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:

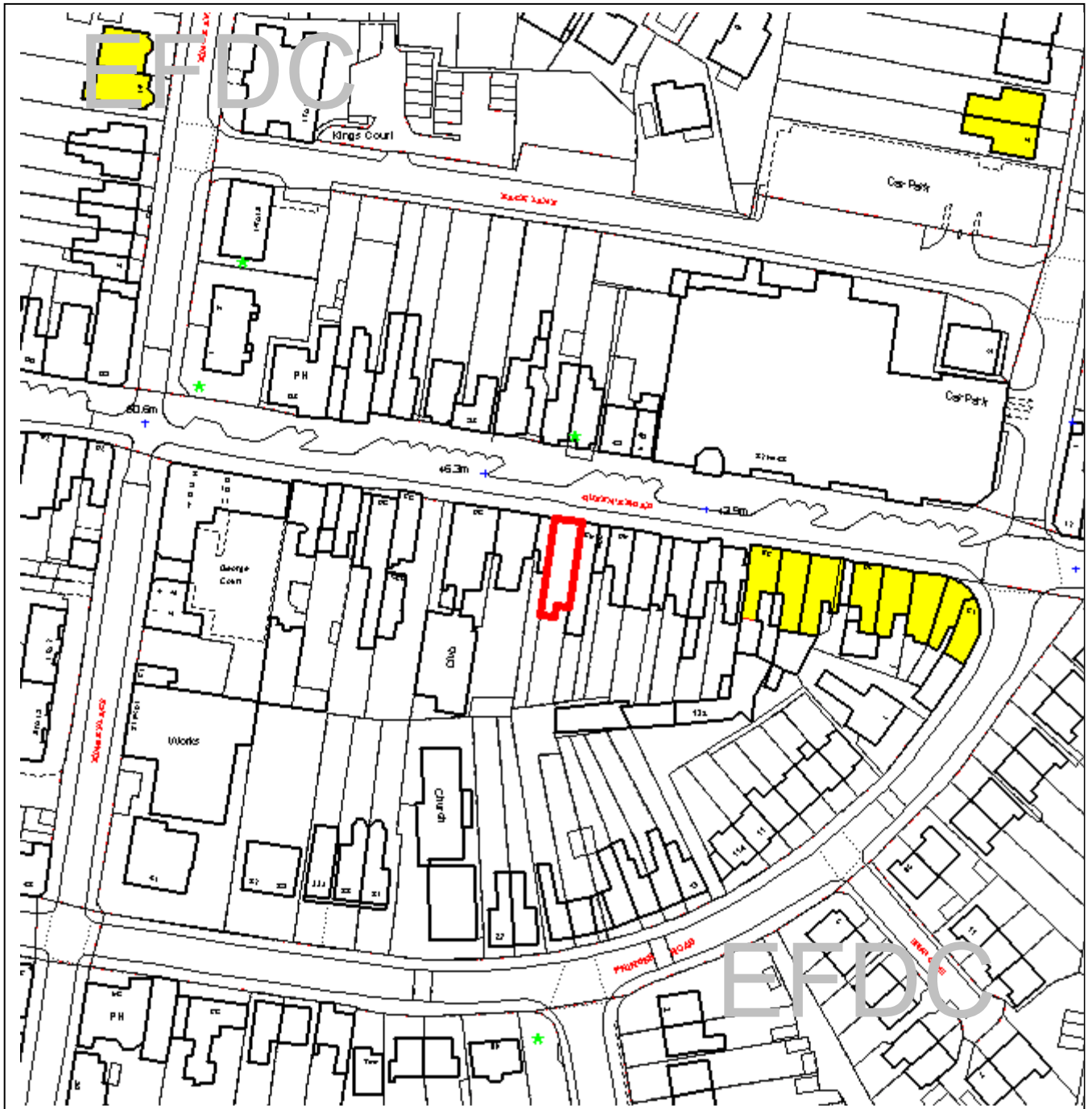
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	6
Application Number:	EPF/1585/13
Site Name:	Green Owl Café, 44 Queens Road Buckhurst Hill, IG9 5BY
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/1605/13
SITE ADDRESS:	24 Stradbroke Drive Chigwell Essex IG7 5QY
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Forte Enterprises South East Ltd
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling house and construction of new dwelling. (Revised application)
RECOMMENDED DECISION:	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=552294

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: A100 Rev 1, A101 Rev 1, A102 Rev 1, A103 Rev 1, A104 Rev 1, A105 Rev 1, A106 Rev 1, A106a Rev 1, A112 Rev 1, A150 Rev 2, A151 Rev 1, A200 Rev 1 and A201 Rev 1
- 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 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

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

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

- 5 Prior to first occupation of the development hereby approved, the proposed first floor window openings in the flank elevations 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 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.
- 7 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 9 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.
- 10 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 11 No development shall take place until details of levels have been submitted to and approved in writing 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.

- 12 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

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 large, detached dwelling situated in a wide, deep plot on the north side of Stradbroke Drive within the built up area of Chigwell. Stradbroke Drive is characterised by large detached properties, in large plots, varying in style and design, many of which have been rebuilt in recent years, often to the extent of the side boundaries. The existing property has a main two storey section, with a slightly lower two storey element to the east side which includes garaging at ground floor. The property is situated to the east of the plot, and therefore is located some 10m from the west boundary. The property to the west is unusually orientated and is angled towards No. 24. There is ample parking to the front of the property. There is a protected tree to the front of the property. The application site is not within the Green Belt or a Conservation Area.

Description of Proposal:

The application seeks consent for a replacement house. The proposed house will have 4 storeys and will include rooms within the roof space and a large basement addition. The proposed house will appear as a 2 and a half storey dwelling to the front, although 3 and half storey to the rear due to the basement addition with large light well/sunken garden to the rear. The proposal will fill the width of the plot with a minimum of 1.5m set in from the side boundaries. The proposal has a total width of 31m, depth of 17.5m and maximum height of 11.5m. The first floor element is set in from the flank ground floor wall by 1.6m at either side. The basement element extends into the rear garden by a maximum of 17m on the eastern side of the dwelling beyond the proposed main rear wall and the basement will be facilitated by a large light well/sunken garden to the rear.

Relevant History:

EPF/1540/06 – Demolition of existing property and erection of two detached dwellings (revised application) – App/Con
EPF/0757/07 – Demolition of existing single dwelling and erection of two replacement dwellings (revised application) – App/Con
EPF/ 0832/10 – Extension of time limit on planning permission EPF/0757/07 (which gave approval to the demolition of existing single dwelling and erection of two replacement dwellings) – App/Con
EPF/0144/13 – Demolition of existing dwelling house and construction of new dwelling – Refused
EPF/0911/13 – Extension of time limit on planning permission EPF/0832/10 (which gave approval to extend a previous consent for the demolition of existing single dwelling and erection of two replacement dwellings) – App/Con

Policies Applied:

Epping Forest District Local Plan and Alterations
CP2 – Protecting the Quality of the Rural and Built Environment
CP7 – Urban Form and Quality
DBE1 - Design of New Buildings
DBE2/9 – Neighbouring Amenity

DBE8 - Private Amenity Space
LL10 - Retention of Landscaping
ST4 – Road Safety
ST6 - Vehicle Parking

The above policies are compliant with the National Planning Policy Framework (NPPF).

Summary of Representations:

CHIGWELL PARISH COUNCIL: The Council OBJECTS to this application on the grounds that the proposal is bulky, over-height and knowing the area are concerned about the depth of the proposal and the affect to underground waterways.

Neighbours: 9 neighbours consulted: No responses received

Issues and Considerations:

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

- Design
- Impact on Amenity
- Impact on the Protected Tree and Landscaping

Design

The proposal does result in a wide fronted house, very different from the property it replaces which is set in from the western side by some 10m. However, it follows a very similar design approach to other properties within Stradbroke Drive with a more classical, Georgian style and although resulting in a wide property is considered an acceptable design which is well proportioned and a design that does not disrupt the appearance of the streetscene in this location. As stated above there are other houses of similar appearance within Stradbroke Drive and many of these are fully two-storey up to the side flank walls. This proposal is set in at first floor level (in addition to the set in from the side boundary at ground floor level) and this provides an acceptable level of separation between this and the neighbouring properties. It also removes a large amount of bulk from the roof area as the first floor is set in.

Although taller than the two neighbouring properties, the height of the proposed replacement dwelling is broadly in line with the newer replacement properties within the road. In addition, due to the set in from the side boundaries and the relatively low eaves height with the side roofs hipped in, the increase in height is not considered unduly marked. Additionally, with the retention of the protected tree and the implementation of a robust landscaping scheme to the front of the property this will retain and enhance the relatively sylvan nature of the area whilst softening the appearance of the proposal.

The previous application for a replacement property was refused partly on the grounds of the design due to the *'unsympathetic design, particularly in terms of its width and height, relationship to neighbouring properties and the inclusion of the side chimneys'*. This proposal has been altered with the set in at first floor, the removal of the dominant side chimneys, the removal of the prominent balustrade parapet at first floor and the removal of side dormers. Although the height of the proposal has remained the same it is considered that the other alterations to the design create an acceptable proposal that overcomes the previous reason for refusal.

In addition to the above discussion, the extant approval for two dwellings on this site is a material consideration and if implemented this would result in two dwellings of the same overall width as the proposed replacement dwelling (albeit with a 2.4m gap between the two properties).

Amenity

The previous scheme for a replacement property on this site was also refused in part due to impact on amenity 'by reason of its overall depth, height and proximity to the shared boundaries with No. 22 and 26 Stradbroke Drive would result in a detrimental overbearing impact on the occupiers of these properties'.

As stated above this revised proposal has been set in at first floor by 1.6m, moving the bulk of the proposal away from the side boundaries and therefore from the neighbouring properties. In addition the overall depth of the proposal has been reduced from 21m to 17.5m, which results in the two-storey element extending 4m and 2.5m beyond the rear wall of 22 and 26 respectively. Given that the two-storey element will be set in some 3.1m from the side boundaries this revised proposal with reduced depth is considered to overcome the previous reason for refusal and is considered an acceptable scheme.

Although a substantially larger house than the existing property, as with the previous scheme it is not considered that loss of privacy is a significant issue, particularly as there are only two side facing windows proposed and as these either serve a bathroom or are a secondary window it is considered reasonable that these are obscured glazed.

In addition to the above there is a good level of screening provided by existing vegetation at the rear boundaries and this will be retained as part of the application.

Impact on the Protected Tree

The Tree and Landscape Officer has no objection to the proposal as it has been shown by the submitted tree reports that the proposal could be implemented without a detrimental impact to the trees. Therefore subject to various conditions to ensure the trees to be retained are protected and that a landscaping scheme is submitted the proposal is considered acceptable with regards to tree and landscape policy.

Other Issues

Groundwater Issues

Concern has been raised by the Parish Council with regards to the potential impact of the basement works on groundwater. As with other similar cases in the locality, an informative would be added to any permission granted advising the applicant that they could be liable for any impact or effects on neighbouring properties and suggest that they thoroughly investigate the implications of the development prior to commencement.

Conclusion:

The proposed amendments to this scheme are considered sufficient to overcome the previous reasons for refusal. This is a large replacement property, however it is within a street characterised by large dwellings and is considered to respect both the streetscene and neighbouring amenity. The previous objections have been overcome and it does have planning permission for two houses. It is considered an acceptable scheme and recommended to approve.

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:

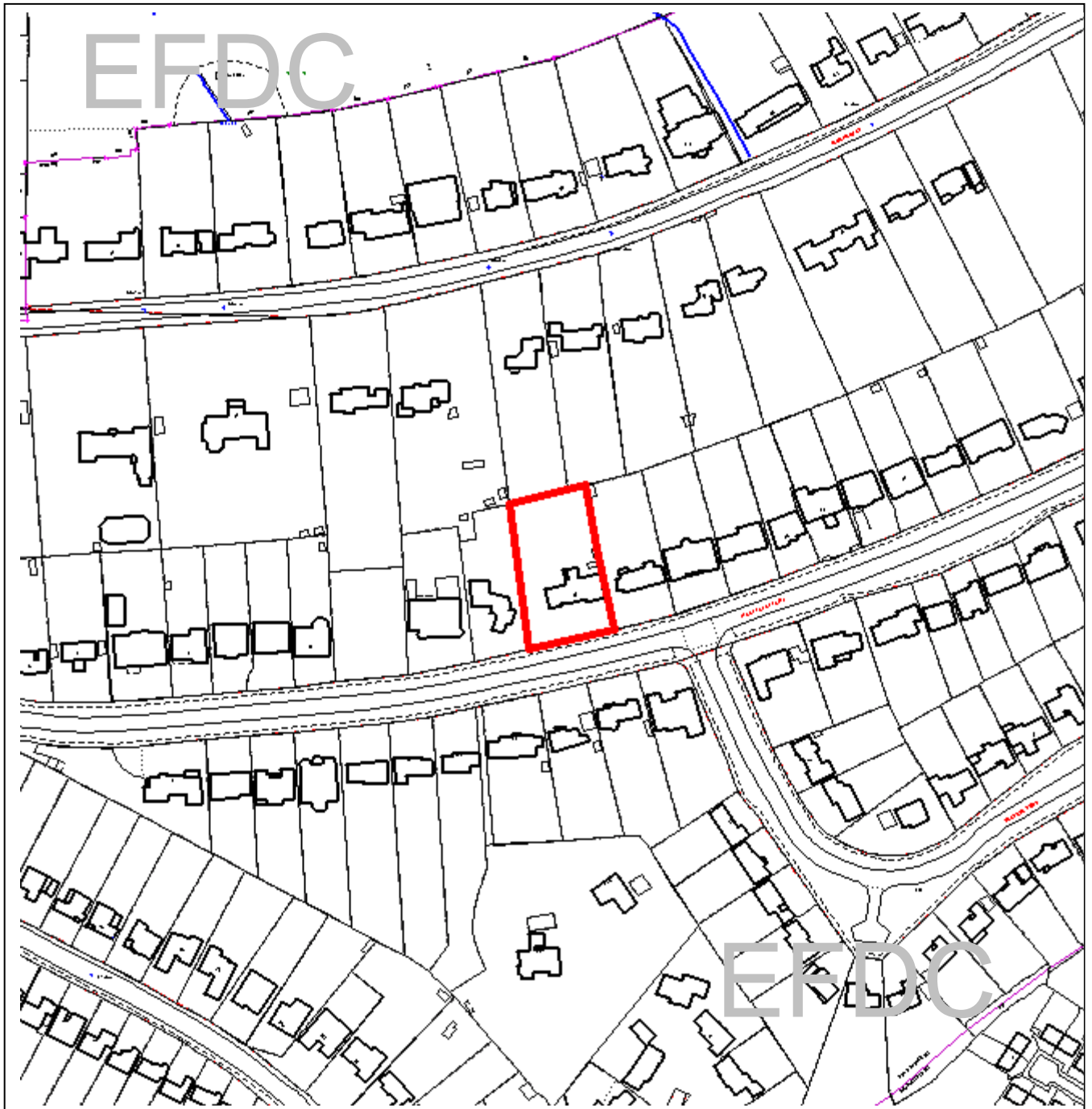
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	7
Application Number:	EPF/1605/13
Site Name:	24 Stradbroke Drive, Chigwell IG7 5QY
Scale of Plot:	1/2500

Report Item No: 8

APPLICATION No:	EPF/1704/13
SITE ADDRESS:	The Willow Paddock Chase Lane Chigwell Essex
PARISH:	Chigwell
WARD:	Chigwell Row
APPLICANT:	Mrs Linda Plaster
DESCRIPTION OF PROPOSAL:	Change of use of part of agricultural paddock land for the purpose of enlarging adjoining gardens.
RECOMMENDED DECISION:	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=552797

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved site location plan.
- 2 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class E shall be undertaken without the prior written permission of the Local Planning Authority. For the avoidance of doubt, this condition means that no buildings or structures may be erected on the extended garden area without planning permission from the Local Planning Authority.
- 4 The occupation and primary use of the additional garden plots shall be limited to the property to the front of the plot only as indicated on the site location drawing submitted with the application this decision relates to.

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)) and 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 parcel of farmland/paddock 1.76ha. The land is situated between Willowmead, Maypole Drive and Lambourne Road/Crosby Court.

The areas of the field sought for change of use are an area to the rear of number 8 Crosby Court and an area between an existing stable and to the rear of 10-14 Willowmead and a property known as The Manse.

The site is within the Green Belt.

Description of Proposal

The application seeks permission to change the use of the agricultural field/paddock to residential use. The intention being for the southern corners of the field to be changed to residential use for gardens.

This is a revised proposal, the original having been refused earlier this year. This application has the support of the residents wishing to purchase the land and relates to an area reduced in size. The applicant has indicated that they would be willing to accept conditions restricting the construction of buildings on the land.

The land would remain in the Green Belt.

Relevant History

EPF/0138/13 – Change of use of parts of agricultural/paddock land to residential – Refused

Reason for refusal:

The proposed change of use of land is unacceptable in principle, the proposed additional garden areas would detract from the open character of the Green Belt and in the absence of any very special circumstances being demonstrated, the proposals are contrary to policies GB2a and GB4 of the Adopted Local Plan and Alterations which are consistent with policies contained within the National Planning Policy Framework.

Policies Applied

The following policies have been found to be compliant with the NPPF.

CP2 – Protecting the quality of the built environment

GB2A – Development in the Green Belt

GB4 – Extension of residential curtilages

GB7A – Conspicuous development in the Green Belt

DBE4 – Design in the Green Belt

DBE9 – Neighbours amenity

Summary of representation:

37 letters were sent out to neighbouring occupiers, a site notice was displayed at Crosby Court and Willowmead. 8 properties have responded as follows:

20 MAYPOLE DRIVE: Strongly object due to sustainability and loss of view. View could be spoilt by buildings, allotments or fences and negative economic impact to property.

19 MAYPOLE DRIVE: Strong objection. Concerned with sustainability and loss of view, property value and privacy. Previous views quite clear, this is not acceptable.

16 MAYPOLE DRIVE: Strongly object to use of agricultural field for enlarging gardens.

12 MAYPOLE DRIVE: Object. Note the application site is not directly behind Maypole Drive, however objections from previous application still apply. Concerned a precedent will be set, with

eventual development for housing. Previous letter was concerned regarding loss of Green Belt, partial uptake from residents creating pockets of unmaintained land, vermin issues, loss of rural aspect and requesting reassurances that land could only be sold to the property to the front to minimise impacts to primacy and a condition preventing buildings.

14 MAYPOLE DRIVE: Object. Wish to keep land as agricultural land.

6 CROSBY COURT: Object due to impacts to views and privacy.

2 CROSBY COURT: Strong objection. Loss of view, overlooking and additional noise.

14 WILLOWMEAD: Object. Currently views from property are across fields, if change of use were permitted this view would be of gardens. Willowmead properties are town houses so living areas are at first floor. Users of the new gardens would look directly into living and bedroom areas.

13 WILLOWMEAD: Strongly object. Some properties have built high standings in gardens and extra garden would encourage more of this resulting in further loss of privacy.

7 WILLOWMEAD: Object as per previous application. No interest in purchasing additional land. Concerned others may purchase the area to the rear of the property which would have adverse impact to privacy.

FAIRVIEW: Acknowledge not directly affected but has general concerns. Address is misleading, land is Green Belt. Concerned about future application for residential use of remainder of field and accesses formed elsewhere. What happens should land not be purchased by the intended homeowners? A condition should tie the purchase and use to the property to the front only (as intended). The land could be used as a small holding with associated issues. Where does profit from sale go to. Also raises concerns in relation to historic disputes with the applicant and trees elsewhere on site.

CHIGWELL PARISH COUNCIL: Objects to this application on the grounds that the change is unacceptable in principle, the proposed additional garden areas would detract from the open character of the Green Belt and in the absence of any special circumstances being demonstrated the proposals are contrary to policies GB2A and GB4 of the Adopted Local Plan and Alterations which are consistent with policies contained within the NPPF.

Issues and Considerations

The main issues for consideration are whether the proposals are acceptable in the Green Belt and whether the proposals would adversely impact upon neighbouring amenity. The previous reason for refusal should also be considered.

Since the previous application the proposed change of use has been significantly reduced to confined areas of land and those properties clustered together with an interest in purchasing additional land only. The result being there is no longer any land included in the application that backs onto Maypole Drive, only a single plot at the end of Crosby Court and a cluster of properties on the south eastern corner of Willowmead.

Green Belt

Policy GB4 permits extension to residential curtilages subject to the following tests;

- i) It would not have adverse impact on open character of the landscape.
- ii) It would relate well to the curtilages of adjoining dwellings
- iii) It would not be excessive in size.

The supporting text also details that extensions of curtilage are likely to alter the character and appearance of the Green Belt, however special circumstances may exist to justify an exception to normal policy.

The proposals are not accompanied by very special circumstances, however assessment of the application reveals that as well as being reduced in scale, the proposals would provide additional garden area for residents in Willowmead who have quite small gardens for modern living conditions. In addition the application is now supported by statements of interest from residents interested in purchasing the plots applied for. The application would also provide a more generous garden for a property in Crosby Court.

Given the reduced scale of the application and the clear intention to implement now provided Officers consider the reduced scheme would not be unacceptable in Green Belt terms. The fencing and enclosure of the land into plots would not require consent, and indeed the plots could be sold off without consent. However, the use for residential gardens does require permission as the level of cultivation and planting is likely to differ from that of an agricultural plot. The revised scheme is positioned in the corners of the existing field, would be screened in part by existing stabling and equestrian uses. As a result of the reduction in scale of the proposals, the change of use would also have a reduced impact on the Green Belt. The proposed use now relates well to the adjoining curtilages and would not be excessive in size, therefore Officers consider the revised, reduced scheme now adheres to the requirements of policy GB4. Furthermore throughout the District gardens in the Green Belt are not uncommon and concerns regarding potential structures or buildings can be mitigated with a condition restricting permitted development.

Previously there was significant concern about the uptake of the proposed change of use, leaving a poorly articulated Green Belt boundary and pockets of poorly maintained land across the highly visible sides of the field/paddock. The revised scheme has overcome this concern by reducing the scale to those purchasers declaring an interested, clustered on the corners of the field.

Neighbouring amenity

The addition of extra garden area to a property would not alter the existing relationship between neighbours if these additional plots were restricted to use by the property to the front only as indicated on the plan. Were restrictions not in place to prevent use by other neighbours then potentially gardens could 'wrap around' the end of the neighbouring gardens potentially resulting in loss of privacy. A planning condition would achieve the required restriction.

Other matters

The address provided as part of the application is correct, however it is understood confusion could arise, hence site notices were erected in relevant locations in addition to neighbours being notified. The loss of a view and potential house value is noted, however these are not material planning considerations.

In terms of future use and development, each application is considered on its own merits and the proposals would not allow development of the field for housing. Access works referred to in neighbour letters are outside of the application site and not related to this application. Tree issues are not relevant to this application.

Conclusion

The revised application for the change of use is considered acceptable. The scale and location of the change is such that no significant adverse impacts would arise that cannot be mitigated by condition. Furthermore, the proposals would not differ significantly from what can take place without consent, the sale and enclosure of land, therefore approval is recommended with conditions.

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: Jenny Cordell

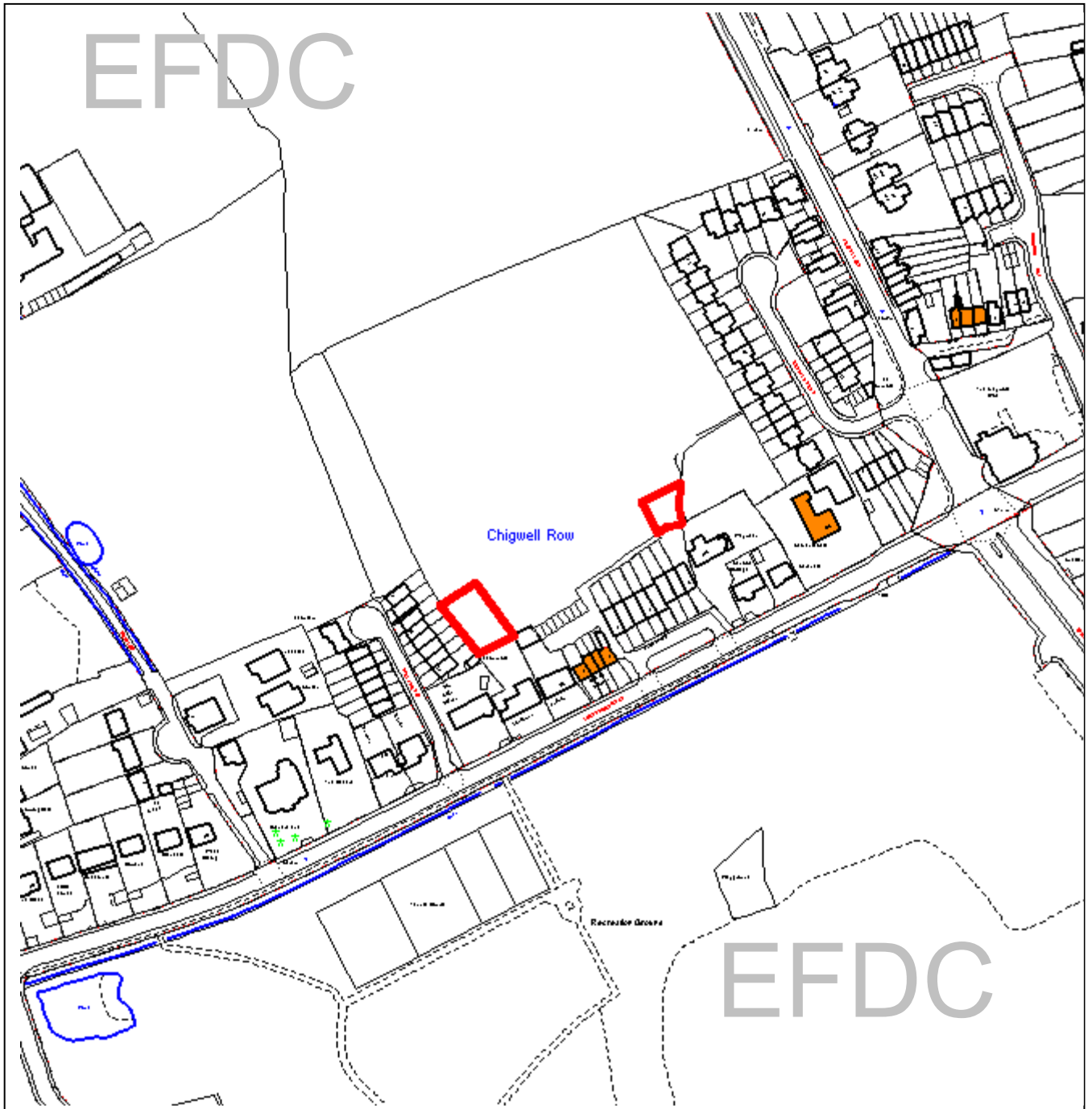
Direct Line Telephone Number: (01992) 564481

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	8
Application Number:	EPF/1704/13
Site Name:	The Willow Paddock, Chase Lane Chigwell,
Scale of Plot:	1/2500

Report Item No: 9

APPLICATION No:	EPF/1728/13
SITE ADDRESS:	94 Lawton Road Loughton Essex IG10 2AA
PARISH:	Loughton
WARD:	Loughton Fairmead
APPLICANT:	Mr Brendan McParland
DESCRIPTION OF PROPOSAL:	Proposed Change of Use from NCH Family Centre (Use Class D1) to Student Accommodation including 16 rooms and 1 flat (Sui Generis). Enclosure of courtyard adjacent cycle store, new windows and alterations.
RECOMMENDED DECISION:	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=552853

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 and maintained thereafter strictly in accordance with the approved drawings nos:
2013-356-001
2013-356-002
2013-356-010
2013-356-011
2013-356-020
2013-356-021
2013-356-022
2013-356-023
2013-356-030
- 3 The accommodation hereby permitted shall be occupied solely by persons in full time education and not by any other persons at any time whatsoever.

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:

Application site is the former NCH (National Childrens Home, now known as Action for Children) Family Centre (Use Class D1). The site fronts onto Lawton Road immediately adjacent to the green and Rectory Lane.

The site is within a residential area of Loughton in close proximity to Pyrles Lane. The site is not within the Green Belt or any area of special designation.

Description of Proposal:

This application seeks consent to change the use of the existing property from Family Clinic to student accommodation. This would require some external alterations with new windows and doors and provision of a bin store and access ramp.

The proposed change of use would provide 3 double rooms, 13 single rooms, a self contained flat, warden office, communal kitchen, common room and laundry. There would be 3 shared bathrooms and a wc on the first floor and a single bathroom and separate wc on the ground floor. The self contained flat provides its own facilities in addition.

The student accommodation is intended for use in association with the E15 University of Essex Acting School which offers degree programmes.

Relevant History:

None

Policies Applied:

Adopted Local Plan and Alterations

The following policies have been found to be compliant with the NPPF.

CP2 – Protecting the Quality of the Rural and Built Environment

DBE3 – Design in Urban Areas

DBE9 – Loss of Amenity

ST1 – Location of development

ST6 – Parking

Also relevant are the policies and planning principles contained within the National Planning Policy Framework ('The Framework').

Summary of Representations:

17 neighbouring properties were notified, responses received are as follows:

8 PYRLES LANE: Object – There are concerns from local residents about the type of people living in the accommodation and the potential risk of noise pollution, off street parking and desirability of the area once the building is complete.

4 PYRLES LANE: Strong Objections – The property is not fit for purpose for the amount of people. Not suitable in a relatively quiet neighbourhood. Unclear how student accommodation would be beneficial. Noise, litter and antisocial behaviour. Impact to house value.

48 FAIRMEADS: Comment – The proposed usage of the building is not in keeping with the area. Impact to property values. Concerns regarding privacy due to increased amount of windows and residents. Noise due to increased numbers of residents and the fact they are students. Potential for late night disturbances and increased use of car parking and possibly of outdoor garden areas.

84 LAWTON ROAD: Strong Objection – Due to noise from 17 occupants, the temporary nature of occupancy of residents resulting in less care and respect with rubbish and recycling and deterioration of street. The warden office offers limited reassurances, but there is no indication of powers the warden would possess or that they would be on site 24hrs. Antisocial behaviour concerns, parking issues, impact to house value.

LOUGHTON TOWN COUNCIL: No response had been received at the time of drafting this report.

Issues and Considerations:

The main issues here relate to the impacts of the physical changes taking place to the building and the use and occupation of the building in terms of design, neighbouring impacts and parking.

Officers have considered this application in the context of the existing E15 University of Essex Acting School, its need for accommodation and the courses offered.

Advice was sought from the Director of housing. Given that this application is for a change of use of an existing building and indeed is for student accommodation, it was not considered an affordable housing contribution would be required.

Design

The proposed alterations involve the addition and repositioning of windows on the front elevation and on the side elevation where there is currently a cycle store. The window changes are minimal in nature and raise no concerns. The cycle store is intended to be incorporated into the main accommodation, so a new wall and roof are proposed enclosing the existing courtyard so that the area can serve as the Warden's office.

The proposed access ramp raises no concerns. The proposed bin store is adjacent to the boundary. In design terms the location of the building is easily accessible for residents and collectors. The external appearance of the building is small scale and functional. The height is less than 2.5m and 6m long. The building is akin to a small domestic garage.

Impact to neighbouring amenity

The external alterations and provision of ramp and refuse store would have no significant adverse impact on neighbouring amenity.

The occupation of the property by students in relation to the Acting School is of significant concern to residents as has been highlighted by the responses received. There is a concern that the 16 rooms (3 of which would potentially have double occupation) and the self contained flat could result in occupation that is incompatible with neighbouring properties. A neighbour has indicated that students are already privately renting properties in the local area in groups of 3 or 4. A property becomes a HMO when more than 3 people live together that are not related. Under recent changes to the Use Class order, up to 6 people can live in a HMO without planning consent as a C4 use. There could be up to 21 students in the building as proposed.

This is a greater number than would usually be expected, however it is a large site, capable potentially of accommodating 3-4 family homes as a terrace or possibly more units as flats. Therefore 21 occupants on site is not considered unreasonable in terms of density. There are a number of concerns raised regarding noise and the conduct of students occupying the premises. Noise issues would be dealt with by Environmental Health, were the need to arise and any issues with regard to disorderly behaviour would be a police matter. Litter and refuse disposal would similarly be dealt with by Environmental Health, but the on site warden would likely resolve any such issues.

Officers note that the issues which are beyond the control of planning such as noise and behaviour are still likely to remain a concern, however the use is residential in a residential area, therefore in principle not of concern. In addition it is noted that the site is not on the main campus, therefore it is in the public realm and behaviour would be policed to a greater degree than often is the case on private university sites. Disturbance is likely to be minimal from either residents returning home or from groups of friends socialising similar to that which could take place in any neighbouring home.

Concerns have been raised regarding house values, however this is not a material planning consideration.

Highways and Parking

The existing site has 7 parking spaces to serve the existing clinic which had 3 activity rooms, 5 offices and accommodation within.

The 7 spaces would remain available for students/visitors and the warden. During the site inspection on-street parking was also evident although not an issue at the time of the visit.

Highways have been consulted and have raised no concerns. It is not expected that every student would own a car and indeed the college does not provide parking for all students. The site is within walking distance of the Acting School and facilities are available at Pyrles Lane or, if required, at The Broadway. The site also includes a cycle store which would likely be heavily used and as such 7 spaces are considered sufficient.

Conclusion:

The proposed change of use is considered acceptable and recommended for approval subject to conditions. The concerns of neighbours are noted and this type of accommodation is not usual in the District, however Officers consider that the impacts likely to arise are not sufficient to justify refusal.

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:

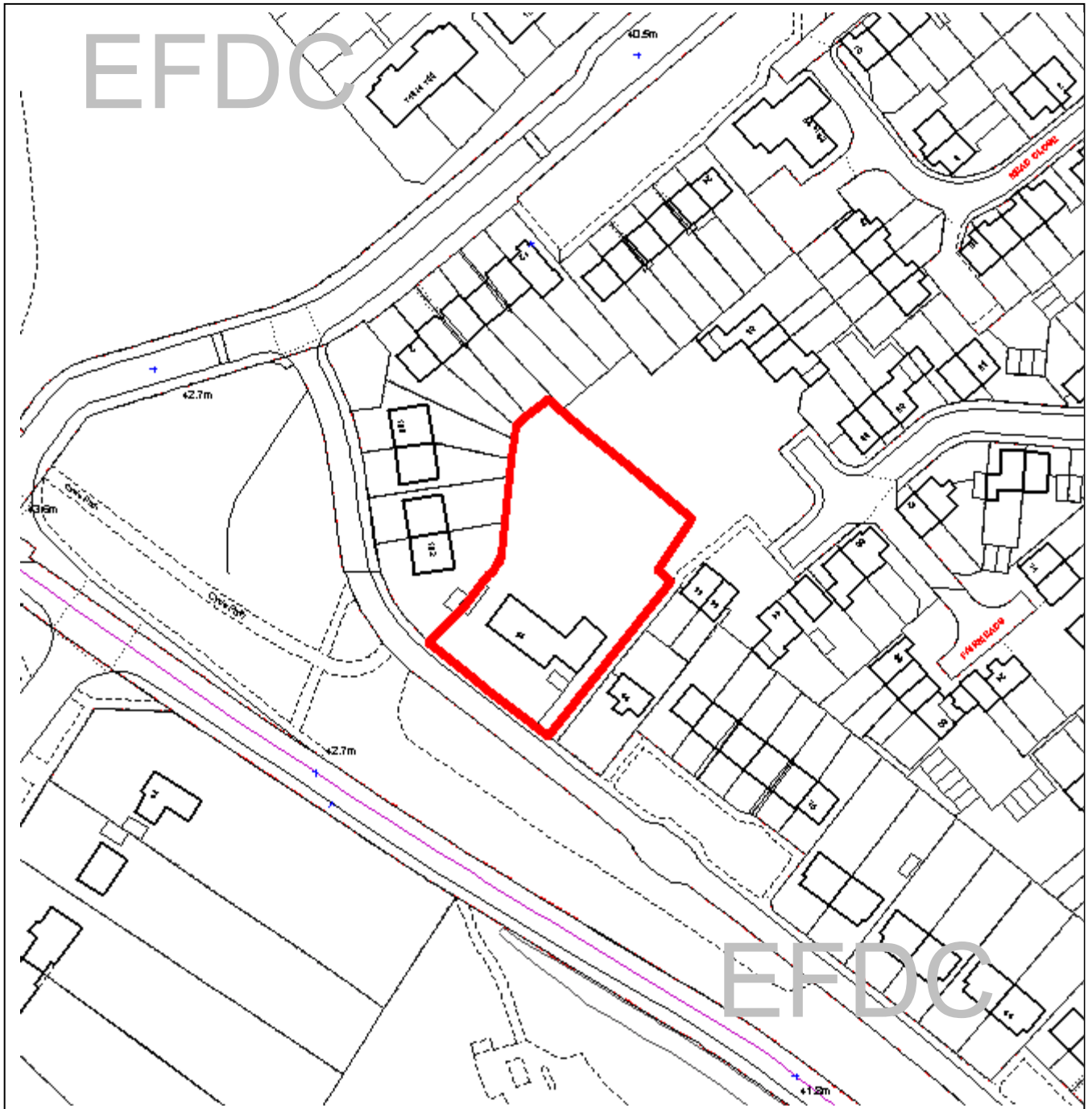
***Planning Application Case Officer: Jenny Cordell
Direct Line Telephone Number: (01992) 564481***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	9
Application Number:	EPF/1728/13
Site Name:	94 Lawton Road, Loughton IG10 2AA
Scale of Plot:	1/1250

Report Item No: 10

APPLICATION No:	EPF/1808/13
SITE ADDRESS:	102 Manor Road Chigwell Essex IG7 5PQ
PARISH:	Chigwell
WARD:	Chigwell Village Grange Hill
APPLICANT:	Mr Major Chima
DESCRIPTION OF PROPOSAL:	Demolition of an existing dwelling and garage, with the erection of an 8 bedroom family house, with under croft garage and indoor leisure facilities. (Revised application)
RECOMMENDED DECISION:	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=553137

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:

16
17
22 J
26 J
27 J
28 J
30
31 J
33 J
34 J
35 J
36 J
41 J
46 J
- 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 Prior to first occupation of the development hereby approved, the proposed window opening(s) in the [direction to be inserted] flank elevation(s) 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 shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 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, 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.
- 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 development shall take place until details of levels have been submitted to and approved in writing 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.
- 10 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation conflicts with a previous resolution of a Committee (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(i))

Description of Site:

The application site comprises a two storey dwelling located on Manor Road, close to its junction with Bracken Drive. Vehicular access to the site is via an 'in/out' drive with electric gates. There is a significant fall in levels towards the rear of the site and the existing dwelling has a raised patio area, which is almost a storey in height. The rear of the site is open to Chigwell Golf Club (which is located within the Green Belt). There are several trees located on the site.

Description of Proposal:

This application seeks planning permission for a replacement dwelling on the application site. An application for a similar proposal has previously been considered by Members and refused. The revisions to the refused proposal seek to overcome the committee's previous concerns.

The revised application provides a more traditional roof design with increased hips, revises the front portico feature to a more traditional porch design, reduces the number of front facing dormers, removes any side dormers, reduces rear dormers and provides clearer detailing regarding the appearance of the basement level accommodation which would be sunken in the garden area behind a retaining wall.

In terms of building size, the height, depth and scale remain unchanged from the previous scheme.

Relevant History:

EPF/1489/09 Demolition of an existing house and erection of a new house and ancillary works. Retention of existing gates and frontage planting - Approved

EPF/2469/12 Demolition of an existing house and garage and erection of a new five bed house with garage parking and leisure facilities within basement level – Withdrawn due to inaccurate description and conflicting drawings.

EPF/0635/13 Demolition of an existing dwelling and garage and erection of an 8 bedroom family house, with undercroft garage and indoor leisure facilities – Refused

Policies Applied:

Adopted Local Plan and Alterations

- CP2 - Protecting the quality of the rural and built environment.
- DBE1 - New developments required to respect their setting.
- DBE2 - Effect of new buildings on neighbourhood.
- DBE3 - Enclosure of spaces.
- DBE8 - Provision of private amenity space.
- DBE9 - Amenity considerations on neighbouring residents.
- LL10 - Retention of trees
- LL11 - Landscaping.
- ST4 - Road safety
- ST6 - car parking.
- GB7A - Development conspicuous from the Green Belt

Summary of Representations:

6 neighbouring properties were notified and at the time of writing this report the following response was received:

104 MANOR ROAD: Objection. Object unless I am allowed to employ, at the applicant's expense, a surveyor to safeguard my property.

CHIGWELL PARISH COUNCIL. No response at the time of writing this report.

This report is prepared prior to the completion of the consultation period of the application in order that the application can be decided by Members within the statutory period. Any subsequent representations will be reported verbally.

Issues and Considerations:

The main issue to be considered in this application is the reason for refusal raised in the previous application as follows:

By reason of its bulk and massing, particularly at the rear elevation, and by reason of its poor detailed design, particularly its roof form and scale of portico at the front elevation, the proposed house would fail to respect its setting and appear inappropriately conspicuous when seen from both the street and the Green Belt beyond the northern site boundary. As a consequence, the proposal would cause excessive harm to the character and appearance of the locality and be harmful to the visual amenities of the Green Belt. Accordingly and the proposal is contrary to adopted Local Plan and Alterations policies CP2(iv), DBE1 and GB7A, which are consistent with the policies of the National Planning Policy Framework.

As detailed above in the description of development, following this refusal the applicant has sought to overcome the issues above. The rear elevation drawings have been more clearly detailed to clarify what is above and below ground level, behind a retaining wall. The roof form has been completely changed from the mansard previously proposed to a traditional hipped pitched roof design with a crowned centre. The portico has been revised to a more traditional porch design.

In addition these changes have resulted in a significant reduction in dormer windows. The number of rear facing openings has been retained with the exception of two dormers, however this was desirable for the final occupants of the dwelling due to the views available out of the property.

Design

The revised roof form results in a design more in keeping with the character and appearance of the street therefore no concerns are raised.

Neighbouring Amenity

Both immediate neighbouring dwellings project to the rear of the existing dwelling on the application site. There is a window in the side of no. 100 at ground floor level which appears not to be to a habitable room. No windows are visible in the flank of no. 104. Due to the rearwards projection of these two dwellings, it is not considered that the proposed replacement dwelling would cause any material loss of light or outlook to the occupiers of these properties.

Some large terraces/balconies are proposed at ground and first floor level enclosed by aluminium balusters and plate glass panels. The view from the rear of these balconies would not result in a detrimental loss of privacy to the occupiers of neighbouring dwellings and balconies are not an uncommon feature in this area, thus no concerns are raised.

Because the depth of the dwelling is reasonable in relation to neighbouring dwellings and having regard to the size of the plot, it is not considered necessary to remove permitted development rights which would permit later additions without the need for planning permission.

Trees and Landscaping

There are a lot of trees within the site, as shown on the submitted plan. It is clear that the proposed development would require the removal of several of these trees located close to the existing dwelling. None of the trees are subject to any preservation orders.

The applicant has submitted an arboricultural statement, however this does not meet the relevant British Standards sufficient to allow landscaping officers full assessment. The details provided by the applicant indicate the intention to retain a lot of planting that would not appear possible, however, as the loss of the vegetation is, in principle, acceptable, subject to suitable replanting, the following conditions would mitigate concerns;

- 1- SCN66 – tree protection as it requires a full tree survey and method statement
- 2- SCN59 – Full details of hard and soft landscaping

Highway and parking

The existing vehicle access would remain and is considered to be acceptable, as would the proposed parking arrangements.

Other Matters

In relation to the comments of 104 Manor Road, they relate to a matter controlled under the Party Wall Act. They do not concern a planning application.

Conclusion

In light of the above appraisal, it is considered that the revised design of the proposed dwelling is more complimentary to the location and therefore is recommended for approval. The replacement dwelling would not be detrimental to either the amenities of the occupiers of neighbouring dwellings. Some loss of trees on the site is anticipated, but this is not considered to be detrimental.

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:

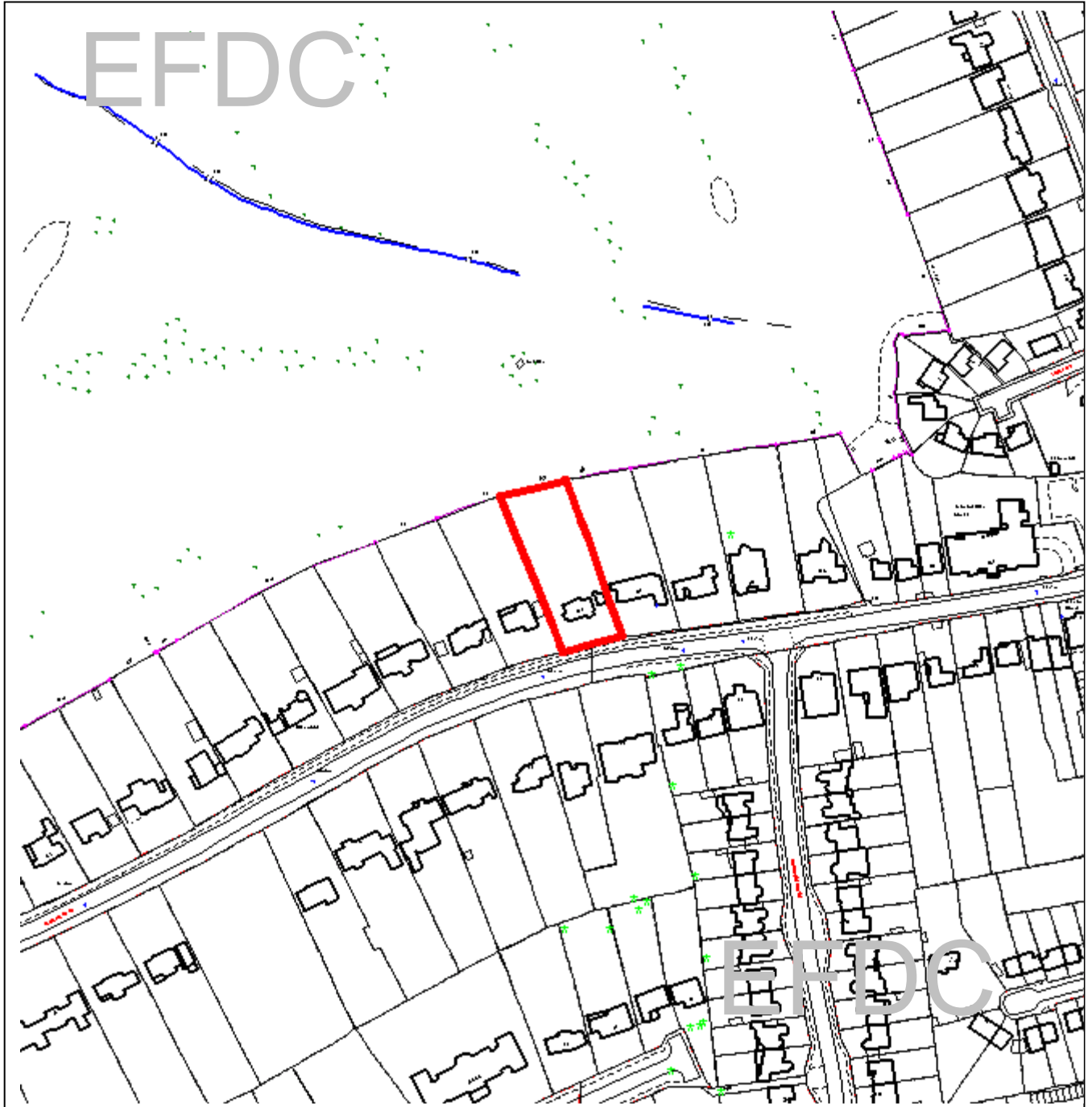
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Agenda Item Number:	10
Application Number:	EPF/1808/13
Site Name:	102 Manor Road, Chigwell IG7 5PQ
Scale of Plot:	1/2500