

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1411/09
<b>SITE ADDRESS:</b>	43 York Hill Loughton Essex IG10 1HZ
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns
<b>APPLICANT:</b>	Mrs Angela Harding
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/03/87  T5 Sycamore - Fell to ground level
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
- 2 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.
- 3 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (1989) (or with any similar replacement Standard).
- 4 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

**Description of Proposal:**

T5, Sycamore. Fell and replace.

### **Description of Site:**

This tree stands within a group of two large Western Red Cedars, which fill the eastern boundary of the southern peninsula of Rose Cottage's garden. At approximately 12 metres in height the tree is largely obscured from public view by the more dominant 16 metre tall conifer; T6. A large and open crowned sycamore stands at the southern corner of the garden but the strongest landscape feature is the Swamp Cypress on the southern roadside boundary of the site.

The area is characterised by dense holly and mixed broadleaf hedges containing individual conifer specimens, which serve to screen views into properties. The narrow lane is dominated by these landscape features. In this case, the roadside hedge varies considerably in height and limits views of T5.

### **Relevant History:**

TRE/EPF/0287/02 was refused permission to fell T9. Lime.

Appeal EI/J1535/05 to fell the lime T9 was dismissed.

TRE/EPF/0907/09 granted permission to prune T9 Lime, T8 Cypress and G1 Holly.

### **Policies Applied:**

Epping Forest District Local Plan and Alterations:

LL9 Felling of preserved trees

### **SUMMARY OF REPRESENTATIONS:**

2 neighbours were notified. No formal responses have been received but the applicant has stated that at least one verbal expression of support has been voiced.

LOUGHTON TOWN COUNCIL: Objected to the proposal.

LOUGHTON RESIDENTS ASSOCIATION: Objected to the application on the basis that 'the tree will eventually out grow site...' was not a relevant reason. However they were willing to withdraw their objection if the Council's Arboriculturist supports the application and there is a condition to plant a suitable replacement.

### **Issues and Considerations:**

The main reason put forward to fell the tree is the following:

- Tree will eventually outgrow site and become too big for garden and surrounds.

The main planning considerations are:

- Visual amenity of the tree.
- Tree condition and life expectancy.
- Suitability of tree in current position.

## Applicant issues

### Tree will outgrow location

The tree stands on a bank at the eastern boundary of the site and overhangs into the gardens of 26 and 28 Queens Road. T6, a Western Red Cedar stands within 2 metres and in front of the subject tree when viewed from a public place. This close proximity has resulted in T5 developing an uneven and drawn up crown. Despite this compromised form the tree will continue to grow vigorously and compete with the nearby conifer, which will have a negative impact on both trees in terms of form.

### Planning considerations

#### Visual amenity.

T5 Sycamore is a vigorous tree and stands behind the main conifer group. It is only partially visible from York Hill. Its amenity value is low and its loss would be barely noticed.

#### Tree condition and life expectancy

It is foreseeable that the life expectancy for T5 will exceed 20 years. It was noted that ivy has established itself on the stem and is likely to present a threat to the tree in years to come as it reaches the outer parts of the crown.

#### Suitability of tree in current position

The relationship between the dominant conifer and the subject sycamore is already incompatible.

### **Conclusion:**

The tree has little public value due to its close position behind a more prominent and valuable landscape feature due to its inappropriate location. Planning policy demands that tree removal is not simply justifiable but necessary. There is justification to remove this tree on grounds of increasing incompatibility with T6 Western Red cedar.

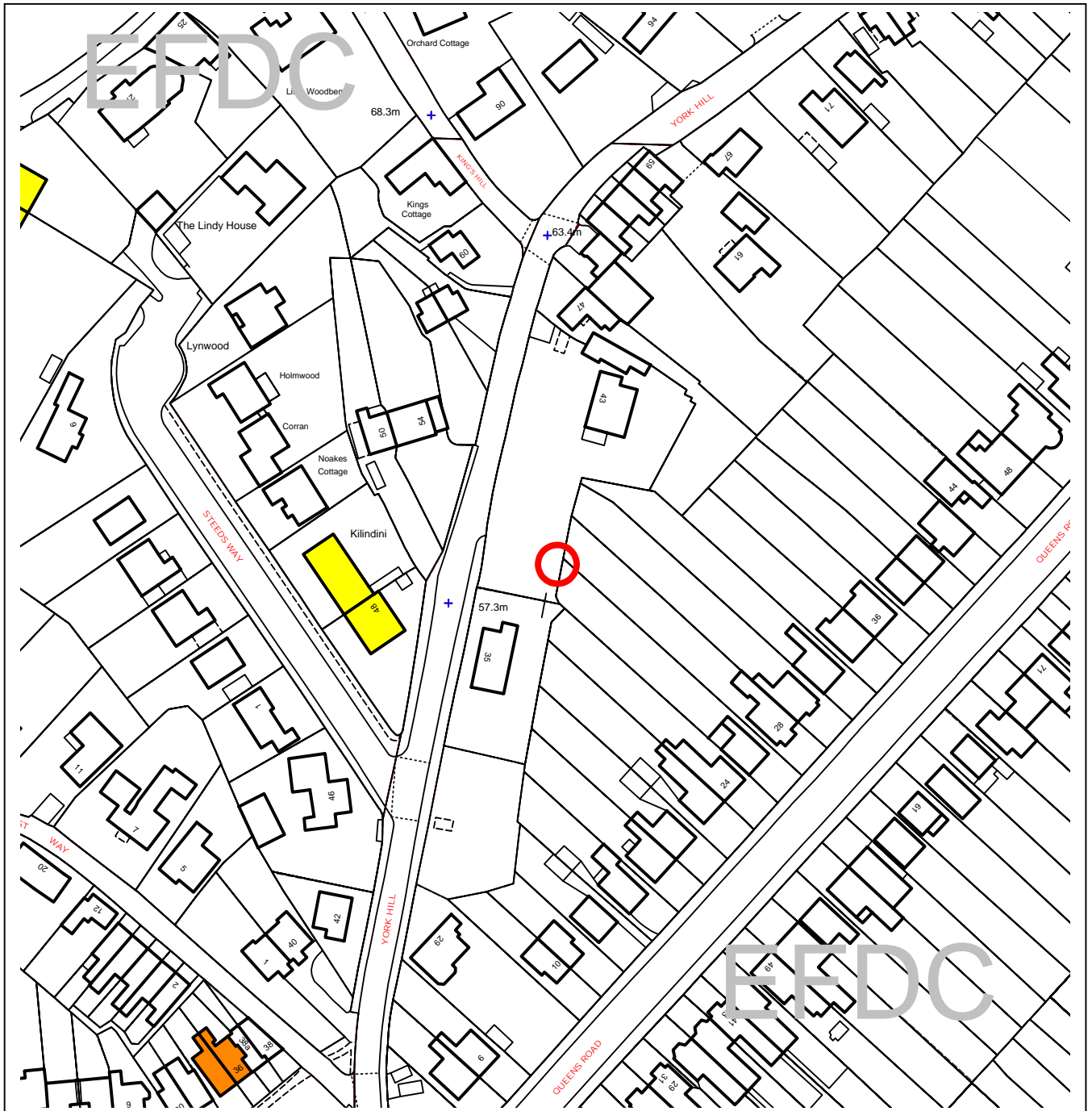
It is recommended to grant permission to this application on the grounds that the reason given justifies the need to remove the tree. The proposal therefore accords with Local Plan Landscape Policy LL9.

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	1
Application Number:	EPF/1411/09
Site Name:	43 York Hill, Loughton, IG10 1HZ
Scale of Plot:	1/1250

**Report Item No:**

<b>APPLICATION No:</b>	EPF/1348/09
<b>SITE ADDRESS:</b>	102 - 104 Queen's Road Buckhurst Hill Essex IG9 5BS
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>APPLICANT:</b>	Mr Jason Cooper - Mount Charm Group
<b>DESCRIPTION OF PROPOSAL:</b>	Application for a basement area (office use) and two additional car parking spaces to a previously approved commercial office and meeting hall development.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 Prior to first occupation of the building hereby approved the proposed window openings in all flank walls shall be fitted with obscured glass and have fixed frames, and shall be permanently retained in that condition.
- 5 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting that Order) no enclosure or balcony shall be formed at any time on any part of the roof of the development hereby approved without the prior written approval of the Local Planning Authority.
- 6 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.

- 7 Before the commencement of the development or any works on site, details of the landscaping of the site, including retention of trees and other natural features, shall be submitted in writing for the approval of the Local Planning Authority, and shall be carried out as approved.
- 8 Prior to the commencement of the development details of the proposed surface materials for the driveway shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.
- 9 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 10 The meeting hall on the ground floor shall be retained for community uses as laid out in Class D1 of the Use Classes Order 2005 and for no other use.
- 11 The D1 use hereby permitted shall not be open to staff/customers/ members of the public outside the hours of 0800 to 2200 on Mondays to Sundays.
- 12 Prior to the commencement of the development, details illustrating the provision of secure bicycle parking shall be submitted to and approved in writing by the Local Planning Authority (LPA). The parking shall be implemented in accordance with these agreed details and shall be provided prior to the first use of the offices and maintained on site thereafter unless the LPA gives its written consent to any variation.
- 13 Provision shall be made for shower and changing facilities prior to first use of the premises hereby approved, the details of which shall have been previously submitted for approval in writing by the Local Planning Authority (LPA). The shower and changing facilities shall be implemented in accordance with these details and retained in situ thereafter unless otherwise agreed in writing by the LPA.
- 14 The use hereby approved shall not be commenced until details of a Green Travel Plan containing a travel to work car use and car parking arrangement strategy of the development as a whole has been submitted to and approved in writing by the Local Planning Authority. The Plan shall comprise details to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes of journeys to and from work and during working hours, including how to deter visitors arriving and departing by motor car. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site. The plan shall contain relevant surveys, publicity and marketing; review and monitoring mechanisms shall identify targets, timescales and phasing programmes and on-site management responsibilities. The plan shall be implemented as approved and be subject to annual review for the first 5 years. This shall be carried out in conjunction with the Local Planning Authority.
- 15 The car parking areas shown on drawing no. N02-00 shall be provided prior to the occupation of the building hereby approved and thereafter retained free of obstruction for the sole purpose of parking vehicles of occupiers of and visitors to the building.

This item was deferred at the last meeting to allow the consultation period to continue. The original report is shown below, together with additional representation received:

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

**Description of Proposal:**

Application for a basement area (office use) and two additional car parking spaces to a previously approved commercial office and meeting hall development.

**Description of Site:**

An existing single storey meeting hall, set back some 26m to the south of Queens Road with a car park to the front of the hall. There are residential properties to either side, the rear and across the road. The site is not within the Town Centre Area defined in the Local Plan. The site slopes gently down to the east.

**Relevant History:**

CHI/0751/73	Use of hall for Play Group	approved
EPF/2337/07	Demolition of existing and new offices	withdrawn
EPF/1753/08	Demolition of existing, erection of new offices and community hall	approved
EPF/0180/09	Amendments to EPF/1753/08	refused
EPF/0880/09	Amendments to EPF/1753/08	refused

**Summary of Representations**

16 properties were consulted and a site notice posted.

To date only one representation has been received from neighbours, but it is considered likely that previous objectors to applications relating to this site since 2008 will comment on this application. These will be reported orally at committee. The objections raised by neighbours to application EPF/0180/09 and EPF/0880/09 are reproduced below:

PARISH COUNCIL – Object, to the basement scheme as it would constitute an overdevelopment of the site and would greatly exacerbate the already limited parking facilities in the road.

BUCKHURST HILL RESIDENTS SOCIETY – Object, roof lights will impact on resident's privacy and amenity. Access to the basement is inadequate and dangerous, and natural light is very limited. Will exacerbate the traffic problems, overdevelopment of the site.

1 GREEN ACRES, EPPING – Object on the grounds of the impact of the extra parking.

100 QUEENS ROAD – Object, overdevelopment of the plot, no increase in parking, basement use for community is unsafe, will overlook my address, will cause subsidence to my house (2 letters).

81 PRINCES ROAD – Object, Encroachment on privacy, pollution from extra cars.

**Current representation received:**

81 PRINCES ROAD – Object, quiet, residential area and office activity etc will be out of character, noise and pollution from cars, invasion of privacy by overlooking windows. Loss of historic land and building. Reduction of light to homes and gardens

### Additional representation received:

PARISH COUNCIL – Object: Overdevelopment of the site for the local infrastructure, the scheme is out of keeping with the surrounding residential area and there is insufficient parking.

100 QUEENS ROAD – Object, identical proposal rejected by EFDC under ref EPF/0880/09. Overdevelopment of plot. Insufficient parking. ‘High level’ windows positioned directly above conservatory/family room and would cause light and noise pollution and invade privacy. Refuse store now too close to our property – on H & S grounds should be on perimeter of site, closer to road.

### **Policies Applied:**

#### East of England Plan

E1 – Provision of employment

#### Local Plan

E4A – Protection of Employment Sites

CP3 – New development

CP5 – Sustainable Building

CP6 – Achieving sustainable urban development patterns

CP7 – Urban Form and Quality

CP9 – Sustainable transport

DBE1 – Design of new buildings

DBE2 – Effect of new buildings on surrounding area

DBE9 – Amenity considerations

ST4 – Highway safety

ST6 – Vehicle parking

### **Issues and Considerations:**

The main issues in this application are:

1. Context
2. Design
3. Neighbours Amenity
4. Parking

The 2008 scheme was granted permission by Area Plans South Sub Committee. This scheme has been amended from the original application with five roof lights installed on the top of the main roof, 4 new windows on the east flank and a basement under the footprint of the ground floor. This basement would be used for extra office accommodation. This application also offers a lift serving the basement and two extra parking spaces.

The previous two 2009 schemes had the community hall placed in the new basement. These were refused on the basis that the community hall being placed in the basement would have resulted in a community use being given insufficient prominence in the scheme and on the basis that, due to insufficient off-street parking provision, the introduction of additional office floorspace imputed to an overdevelopment of the site, which would adversely affect the character of the area.

It is acknowledged that this report was written before the conclusion of the consultation exercise carried out on the application. However, it is considered that the change in the internal arrangements of the building would have little impact on the concerns of the neighbours and the Parish Council as previously expressed, and these concerns are addressed in this report.



### Building in Context

- The site is 14m wide and 47m deep, with the existing building set back some 19m from the main building line in this part of Queens Road. It is 8.5m high with a gable ended pitched roof.
- The approved scheme will see a three storey block erected, measuring a maximum of 22.5m deep, 11.7m wide and 10m high with a mansard roof. Parking will be at the rear, accessed via a tunnel on the east flank, with 7 parking spaces provided.
- The plan of the building is 'L' shaped with a single storey rear projection adjacent to the west flank with 106 Queens Road.
- A gap of 1m will remain to each flank.
- The scheme will have a meeting hall for community uses on the ground floor and two floors of offices above and office use in the basement area.
- The fenestration amendments to the approved scheme are minor and have no adverse effect on the street scene.
- The new basement will not be visible from the street, and will have ground level flush roof lights on either flank.
- Whilst the visual impact on the street scene is negligible, it is the case that the scheme will introduce a further 137m<sup>2</sup> of office space to the site in the proposed basement.
- The intensification of the use would see an increase in the office space provided (from 317m<sup>2</sup> to 454m<sup>2</sup> a 43% increase in floor area), with a resulting knock-on effect on parking which will be dealt with later in this report.
- However the provision of the office in the basement would not now change the character of the building and, unlike the previous two refused schemes, will retain the public face of the community use which gives the building a mixed character and appearance within the street scene.
- Therefore it is considered that although there is an intensification of the office use it does not cause any harm to the character and appearance of the block, and does not have any adverse impact on the street.

### Design

- The scheme retains the community hall on the ground floor and this overcomes the very serious concerns that the Council had about moving it into the basement area, in terms of its future use and function.
- The use of the basement for office use is, on the other hand, acceptable, and causes no harm.
- It has been pointed out the only natural light that would be received by the basement would be from light wells. Since the basement would be used as an office this arrangement is acceptable.

### Amenity & Impact on Neighbours

- The scheme will impact on the adjacent neighbours (100 and 106), and neighbours to the rear (83 – 91 Princes Road).
- There would be no adverse impacts in terms of overlooking, overshadowing or visual impact from the proposed amendments. All new side windows are shown as obscure glazed and this could be conditioned. The roof lights would not result in any overlooking of any neighbour.

### Parking

- The scheme provides nine off-street parking places. The parking standards show a need for 15 spaces for the offices and 6 for the community use.
- Whilst the previous scheme also provided less places than required it was considered that the close proximity of the site to excellent public transport links from local buses and trains overcame the concerns raised by local residents about the amount of off-street parking proposed. In addition it was also expected that the community use would be for local people who would be within easy walking distance of the site.
- However, the increase in office space means that it is reasonable to expect a larger provision of parking for the 45% increase in available office space.

- In this instance the scheme provides a further 2 parking spaces at the front of the site. It is also the case that it would not be realistically possible to increase the parking provision further on the site.
- The increase in parking provision is not as much as Officers would have hoped for in an ideal world, but in this case, as noted above it is difficult to physically provide more. However, the level of provision made must reflect the fact that the site is within easy walking distance of excellent public transport links and Queens Road is a controlled area for parking.
- This is a balanced matter, but due to the location and increase in parking provision it is considered that the parking objection to the scheme has been overcome.

### **Conclusion**

This is a scheme which has reverted to using the ground floor as a community hall, and has overcome the concerns the Council had over the use of the basement for this use. Extra parking is provided, and it is considered that the increase in office space in the basement is acceptable and will not have an adverse impact on the character of the street scene. It is therefore recommended for approval.



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	2
Application Number:	EPF/1348/09
Site Name:	102 - 104 Queen's Road, Buckhurst Hill, IG9 5BS
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1399/09
<b>SITE ADDRESS:</b>	212 Manor Road Chigwell Essex IG7 4JX
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	Mr Graham Cox
<b>DESCRIPTION OF PROPOSAL:</b>	Outline planning application for 69 residential units (54 affordable), public open space and a community facility (D1 Use) with all matters reserved except access.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to S106)

**CONDITIONS**

- 1 Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2 Application for the approved reserved matters referred to in condition 1 must be made not later than the expiration of three years from the date of this notice. The development hereby permitted must be begun not later than the expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last matter approved.
- 3 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 4 No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

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

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

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

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

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

- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to an approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers / densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 6 No development shall take place, including site clearance or other preparatory work, until all details relevant to the implementation of hard and soft landscape works and tree planting, hereafter called the Landscape Method Statement, have been submitted to the LPA, and the development shall not commence until the Landscape Method Statement has been approved by the LPA in writing. All landscape works shall be undertaken in accordance with the approved details, unless the LPA has given its prior written consent to any variation.

The Landscape Method Statement shall include as appropriate, protection of the planting areas, where appropriate by fencing, during construction; preparation of the whole planting environment, particularly to provide adequate drainage; and the

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

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

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

- 7 Before the occupation or use of any phase or part of the development, whichever is the soonest, a Landscape Management Plan (LMP) shall be submitted to and approved by the LPA.

The LMP shall contain a statement of the long-term aims and objectives covering all elements of the implementation of the agreed landscape scheme and full details of all management and establishment operations over a five-year period, unless otherwise agreed in writing by the LPA. It shall also include details of the relevant management, and supervisory responsibilities.

The LMP shall also include provision for a review to be undertaken before the end of the five year period. A revised LMP shall be submitted for the agreement of the LPA before five years has expired. The revised details shall make similar provisions for the long term maintenance and management of the landscape scheme. The revised scheme shall also make provision for revision and updating.

The provisions of the LMP, and subsequent revisions shall be adhered to and any variation shall have been agreed beforehand in writing by the LPA. No trees, shrubs, hedges or other plants shall be removed for the duration of the Landscape Management Scheme or its revisions, without the prior written approval of the LPA. Any trees, shrubs, hedges or other plants being so removed shall be replaced in the first available planting season by an equivalent replacement or replacements to the satisfaction of the LPA. Management of the landscape scheme in accordance with the LMP or their agreed revisions shall not cease before the duration of the use of the development unless agreed in writing by the LPA.

- 8 Prior to the commencement of the development hereby permitted, details of the provision of suitable temporary access arrangements to the application site in connection with the land forming/construction operations, to include wheel washing facilities, any necessary traffic management, turning and off loading facilities for delivery/construction vehicles within the limits of the site together with an adequate parking area for those employed in developing the site shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with these approved details.

- 9 Prior to the first occupation of any part of the development hereby approved details of an access to adoptable standards, to include visibility splays of 90m by 2.4m by 90m, 10.5m radii kerbs (if unachievable radii should be to the maximum possible) and 5.5m carriageway width with 2m wide footway along the edge of the site boundary and the bell mouth of the access (x2 footways), including the removal of any redundant dropped kerbs and replacement with full upstand kerbs shall be submitted to the Local Planning Authority for approval in writing. The details approved shall be implemented prior to the first occupation of the development approved and retained thereafter.
- 10 All roads and footpaths within the development should be designed in accordance with the Essex Design Guide.
- 11 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.
- 12 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 13 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.
- Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.
- Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.
- Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.
- 14 Prior to the commencement of the development hereby approved, details of mitigation methodology regarding reptiles and bats which may be present on the site shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.

- 15 The development shall proceed only in accordance with the recommendations set out in Section 7 (pages 25-27) of the Desk Study and Extended Phase 1 Habitat Survey produced by Thompson Ecology (July 2009) unless otherwise agreed in writing by the Local Planning Authority.

**and subject to a Section 106 Legal Agreement to secure 54 residential units (78%) for on-site affordable housing, and a contribution towards highway and public transport improvements in the locality, and education provision.**

*This application is before this Committee for the following reasons:*

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

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

*since it is an application for commercial development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).*

**Description of Proposal:**

This application seeks outline planning permission for a residential development with public open space and a community facility. The proposal will provide a total of 69 housing units, of these 54 units proposed are affordable (78%). The breakdown is 15 market housing units (21%), 37 social rented units (53%) and 17 intermediate housing units (24%). All matters other than access are reserved for consideration at a later time.

**Description of Site:**

The application site is previously developed, accommodating part of the Jennykings Garden Centre. The site is bounded by Manor Road to the south, the railway line to the west and Froghall Lane to the east. There are some mature trees along the northern boundary and some dense vegetation along the eastern site boundary with Froghall Lane. The land across the site is generally level, but with a slight decrease towards the Froghall Lane boundary.

**Relevant History:**

CHI/0187/57. Layout of new roads & erection of 72 houses. Refused 21/08/57.

CHI/0132/73. Use of land for residential purposes. Refused 23/05/73.

CHI/0279/73. Proposed residential development. Refused 23/05/73.

CHI/0577/73. Use of land for residential purposes. Refused 30/01/74.

Members will recall recent planning applications for residential development on the adjacent site. The most recent (EPF/1071/09) was referred to the District Development Control Committee with a recommendation of support by Area Plans South on 5<sup>th</sup> August 2009.



## **Policies Applied:**

### East of England Plan

SS7 – Green Belt  
H1 – Regional Housing Provision 2001-2021  
H2 – Affordable Housing  
T14 - Parking  
ENV7 – Quality in the Built Environment  
LA1 – London Arc

### Adopted Local Plan and Alterations

HC12 – Development Affecting the Setting of a Listed Building  
GB2A – Development in the Green Belt  
GB7A – Conspicuous Development  
GB16 – Affordable Housing  
H2A – Previously Developed Land  
H3A – Housing Density  
H4A – Dwelling Mix  
H5A – Provision for Affordable Housing  
H6A – Site Thresholds for Affordable Housing  
H7A – Levels of Affordable Housing  
CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP4 – Energy Conservation  
CP5 – Sustainable Building  
CP6 – Achieving Sustainable Urban Development Patterns  
CP7 – Urban Form and Quality  
CP8 – Sustainable Economic Development  
DBE1 – Design of New Buildings  
DBE2 – Impact of New Buildings  
DBE5 – Design and Layout  
DBE8 – Amenity Space Provision  
ST1 – Location of Development  
ST2 – Accessibility of Development  
ST4 – Highways Considerations  
ST6 – Car Parking Standards  
LL11 – Landscaping Schemes  
E4A – Protection of Employment Sites

## **Summary of Representations:**

CHIGWELL PARISH COUNCIL: No objection.

35 properties were consulted, a site notice erected and responses were received from the following properties – their comments are summarised below:

9 WARREN COURT  
28 WARREN COURT  
1A LONG GREEN  
42 LONG GREEN  
115 LONG GREEN  
81 MOUNT PLEASANT ROAD  
205 MANOR ROAD

## Green Belt

Development could set a precedent for future developments on Green Belt land. Development would further encroach onto Green Belt Land and would destroy more of the countryside to the detriment of local residents and future generations.

## Need

There is no need for this build. There are seven empty flats in my complex in Long Green (raised by 42 Long Green). There are already plans to build flats at junction of Manor Road and Fencepiece Road so why build more?

## Highways and Parking

Existing traffic congestion in the locality would worsen. Parking is limited on the development site. Limited access/egress to and from the site. Difficulties for pedestrians crossing the road.

## Character and Appearance.

Would be out of character with the surrounding semi-rural area. Would overpower the nearby listed cottages.

## Neighbouring Amenity

Increased noise and pollution. Overlooking of neighbouring gardens and houses (raised by 28 Warren Court). Would spoil views of the forest and cemetery. Loss of privacy for visitors to cemetery.

## Impact of setting of Listed Buildings

Would overpower nearby listed cottages. Could cause movement to the nearby listed cottages, which have only limited foundations.

## Other Matters

Already strain on local facilities (schools and doctors). The Council's reasons for refusing 116 houses at Grange Farm should apply here too. Increased risk of crime. Grange Hill Station has a poor service to central London.

ESSEX AREA RAMBLERS. Objection. The amount of traffic which would inevitably be generated would present a threat to the safety of Manor Road. The large number of affordable residences is not exceptional circumstances.

## **Issues and Considerations:**

The main issues in this case are:

- The acceptability of the proposed development within the green belt;
- The impact of the proposed development on the amenities of the occupiers of neighbouring dwellings;
- The design of the development;
- The impact of the development on the character and appearance of the area;
- Impacts on nearby listed buildings;
- The proposed highways and parking arrangements;
- The proposed provision of affordable housing; and

The sustainability of the proposed development.

### Acceptability of the Development within the Green Belt

The site is located within the Metropolitan Green Belt, where new residential development is considered to be inappropriate. In this instance, the applicant has put forward a case explaining why they consider that there are very special circumstances which justify this development within the Green Belt. The applicant's case for exceptional circumstances is that *'the particular merits of this case mean that the limited harm to the function of the Green Belt by allowing inappropriate development is outweighed by the acute identified need for family affordable housing accommodation, particularly 3+ bed houses with private gardens, that cannot be met in any other way and which can be reasonably expected to persist in the long term'*.

Policy GB16 of the local plan deals with affordable housing on Green Belt sites and provides for small scale affordable housing development as a whole to be built within the green belt subject to a number of criteria.

Policy GB16 provides for the provision of affordable housing in the Green Belt so long as it is small-scale and a "settlement". The policy allows for affordable housing where:

- There is a demonstrable social or economic need not met elsewhere,
- It is supported by the local parish council and a proper appraisal of need,
- It is well related to the existing settlement,
- Will not have a detrimental impact on the character of the locality,
- There are no significant grounds for objection on highways, infrastructure or other planning grounds.
- Isolated pockets of development should be avoided.

The application site is located on the edge of the urban area. The site is well served by transport infrastructure, not least by Grange Hill Underground Station. The submitted Affordable Housing Statement refers to the identified need in the Council's most recent (2003) Housing Needs Survey. The need for the affordable housing proposed is supported by both the Council's Housing Services and also Moat Homes Limited, one of the preferred Registered Social Landlord's (RSL's). Moat state 'we feel that the housing requirements for the District have been adopted and consequently feel that this scheme offers a good opportunity for Moat to increase its housing stock within Epping Forest'. There has been no objection to the scheme raised by Chigwell Parish Council. Accordingly, it is considered that the provision of affordable housing on this site may be acceptable in relation to the criteria set out in policy GB16, subject to consideration of the other planning merits of the case. These will be considered in subsequent sections of this report.

Policy GB7A of the Local Plan states that the Council will refuse planning permission for development conspicuous from within or beyond the green belt which would have an excessive adverse impact upon the openness, rural character or visual amenities of the green belt. It is considered that the height and density of the development proposed is such that it would be in keeping with the pattern of surrounding development. Furthermore due to the natural screening to the northern and eastern boundaries of the site and the context of the western and southern boundaries (which are adjacent to the railway line and Manor Road) it is not considered that the development would appear overly conspicuous. There is also built development opposite to the south and to the west on the other side of the railway line. It therefore would not appear isolated in the countryside.

### Affordable Housing

Policy GB16 specifically relates to proposals for affordable housing within the Green Belt and has been discussed above. Policy H5A sets out a list of criteria which are to be applied to consider whether a site is suitable for affordable housing. These are:

- The overall level, nature and distribution of housing need in the district;
- The size and characteristics of the site;
- The type of affordable housing required and the type of dwellings proposed on the site;
- The dispersal of affordable housing throughout the site;
- The nature of any adjacent housing; and
- The proximity of the site to public transport and accessibility to facilities.

There is a considerable need for the provision of affordable housing within the District, with currently 4,700 applicants being registered on the Council's Housing Register. The site is located in close proximity to the existing urban area and the associated transport infrastructure. Surrounding residential developments are generally modest sized semi-detached and terraced dwellings, with some detached dwellings interspersed. The mix of dwellings proposed accords with policy H4A in terms of the size and tenures. The mix of housing also generally meets the identified need with the only exception being the suggestion by the Head of Housing that the four 4+ bed houses be replaced with 3 bed houses, for which there is a greater need. This mix can be finalised in an associated Section 106 legal agreement which would ensure the provision of affordable housing to the development.

### Neighbouring Amenity

Neighbouring amenity is an issue which will need to be considered at greater depth upon the submission of reserved matters relating to the detailed design of the development. Notwithstanding this, it is considered that the site is capable of accommodating a development of the scale proposed without resulting in material harm to the amenities of the occupiers of neighbouring residential properties. The closest property to the site is 193a Manor Road, located on the opposite side of the street. Some concern has also been raised by a local resident regarding the potential impact on Warren Court, to the west of the site. However, the nearest gardens of these properties are located some 75 metres from the site, separated by the railway line and it is not considered that a development of a reasonable height would cause any material loss of privacy.

### Design

The detailed design of the proposed development is also an issue which is reserved for later consideration. However, an indicative layout and indicative sections have been submitted which indicate that the development would be fairly spacious and of a reasonable density, in keeping with the built development in the area. The maximum building height shown on the sections are three storey buildings. Considerable amounts of the vehicle parking shown on the site layout would be enclosed in car courts away from the main street views. An indicative masterplan also shows how the adjacent site could be integrated as part of a comprehensive development.

### Impact on the Character and Appearance of the area

The impact of the proposed development on the character and appearance of the area will need to be fully considered upon the submission of reserved matters. Notwithstanding this, it is considered from the indicative plans provided and the density proposed that a development of this scale could be accommodated without any material harm to the character and appearance of the area.

### Impact on Nearby Listed Buildings

The row of listed cottages is located on the opposite side of Manor Road and are set back from the public highway. Their location on the other side of the street visually divorces them from the site and as a result it is not considered that the proposed development would be detrimental to their

setting. Concern has been raised by a local resident regarding the potential for disturbance from the construction proposed to cause movement to the listed cottages, which are built on limited foundations. Having regard to the distance separating the cottages from the application site (approximately 57 metres to the nearest cottage) and the location of the road in between, it is not considered that sufficient weight should be applied to this consideration as to justify the refusal of planning permission on this basis.

### Highways and Parking

Access is the only reserved matter for which consent is being sought at this stage. Essex County Council, the Highway Authority, has no objection to the proposed development subject to a number of planning conditions and other requirements which would need to be facilitated by means of a Section 106 legal agreement. Matters to be included within a section 106 would include the provision of a financial contribution towards the provision of traffic orders and road markings along both sides of Grange Crescent between Froghall Lane and Grange Crescent; the closure of the lay-by on the north-eastern carriageway; the provision and implementation of a Transport Information and Marketing Scheme for sustainable transport; and improvements to bus-stops. Accordingly, subject to the imposition of the planning conditions suggested by the Highways Authority and subject to the completion of a legal agreement to secure the above, it is considered that the proposed access arrangements are acceptable.

### Trees and Landscaping

The existing landscaping on the site is generally located to the site boundaries and it should therefore be feasible to work around these in the detailed layout proposals. Accordingly, it is expected that most of the existing trees on the site would be retained. This may be controlled by the use of a tree protection condition. The submitted tree survey recommends that a 5m strip of vegetation is retained along the boundary with Froghall Lane, this is not shown on the submitted indicative layout. However, this is a matter which may be considered upon the submission of reserved matters relating to design and landscaping. It is considered that a development of the scale proposed would need to be softened by additional landscaping and this may also be controlled by the use of planning conditions.

### Drainage and Flooding

This planning application was not accompanied by a Flood Risk Assessment (FRA) at the time of submission. Accordingly, in the absence of the FRA being submitted the Environment Agency has lodged an objection. However, an FRA was submitted on 26<sup>th</sup> August and it is anticipated that the Environment Agency comments in respect of the FRA can be verbally reported to the Planning Committee.

### Sustainability

Policies CP1 – CP8 of the adopted Local Plan relate to achieving sustainable development and place emphasis on encouraging developments which provide for renewable energy, energy conservation and sustainable building. These are matters which will generally need to be considered at the reserved matters stage. However, the applicant has submitted a sustainability statement in which they commit to achieving the Code for Sustainable Homes Level 3 for all residential units on the development. They suggest that this may be secured by the use of a planning condition.

## Other Matters

### *Loss of Employment Site*

Policy E4A of the Local Plan safeguards employment sites from redevelopment to other uses, unless a number of criteria are satisfied. An element of employment would be retained on the site due to the proposed provision of a community use. Whilst exact employment figures would be dependent on the exact use, which is not yet confirmed, it is considered that this policy has been addressed. The application form suggests that 5 people could be employed on the site and whilst this would be dependant upon the exact use of the facility proposed, it is considered to be accessible bearing in mind the existing use of the land which does not generate large numbers of employees.

### *Education*

ECC have advised that if planning permission is granted they would seek a financial contribution towards Early Years and Childcare provision and Secondary Education provision in the locality. Due to a surplus of primary school places in the locality they would not seek a contribution towards primary education.

### *Protected Species*

The application is supported by an Extended Phase 1 Habitat Survey and Natural England has no objection to the proposed development subject to the recommendations contained within that study. It is also considered likely that there could be reptiles present on the site and, less likely, that bats may also be present. It is considered that a planning condition requiring a mitigation methodology would prevent any adverse impacts on these species groups.

## **Conclusion**

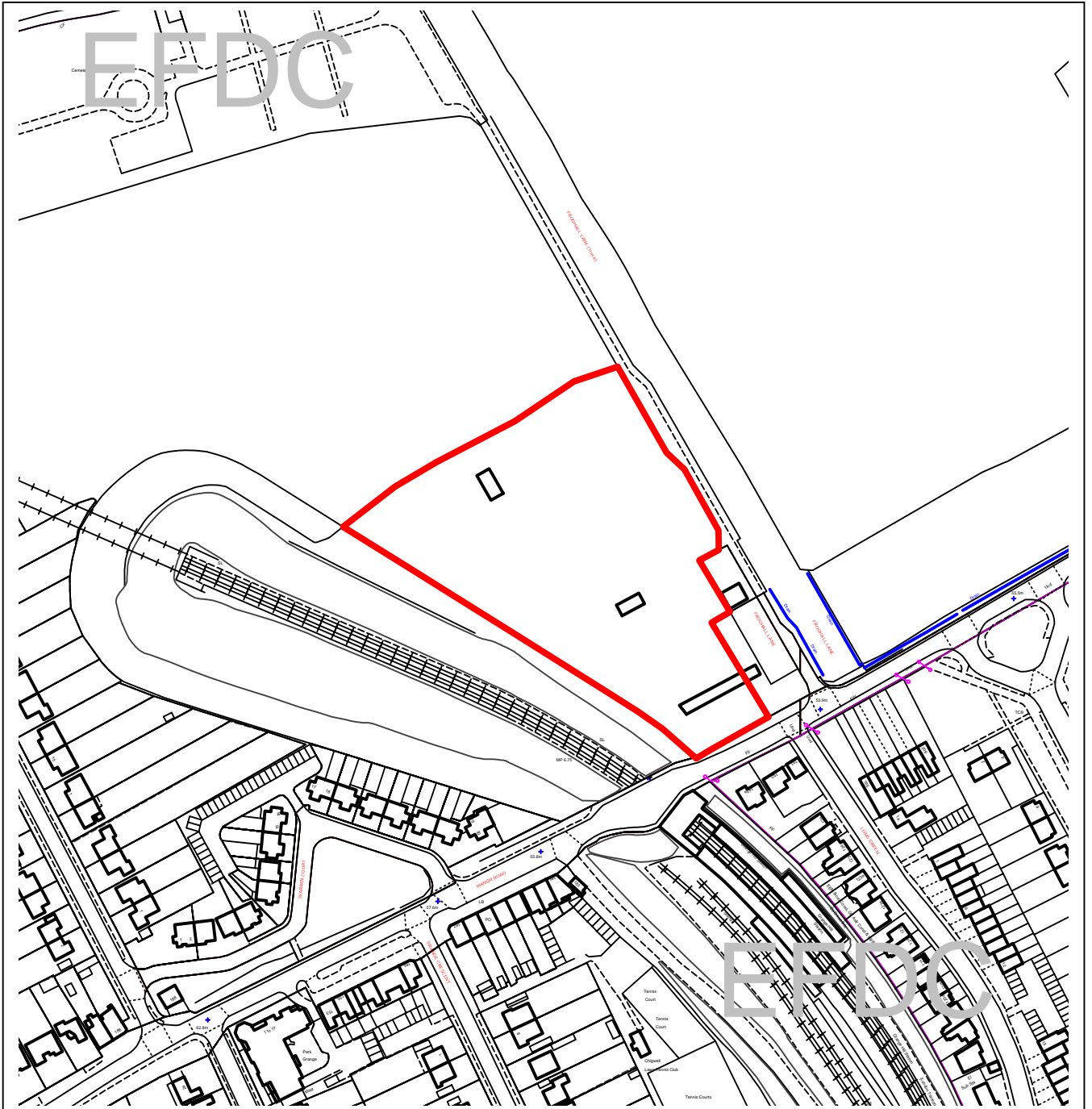
In light of the above appraisal, it is considered that the provision of affordable housing on this site would make a valuable contribution towards the identified need within the District. When this is considered in conjunction with site specific factors (such as the proximity to the transport network, the location of the site on the edge of the urban area, the previously developed status of the land and the distinct boundaries to all sides of the site, which would retain a defensible boundary to the Metropolitan Green Belt), it is considered that there is a strong case for exceptional circumstances to justify an exception to the normal green belt policy of restraint.

For these reasons, it is recommended that planning permission be granted, subject to the completion of a Section 106 legal agreement to secure the matters referred to in this report also subject to those planning conditions discussed.



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/1399/09
Site Name:	212 Manor Road, Chigwell, IG7 4JX
Scale of Plot:	1/2500