

Report Item No: 1

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| APPLICATION No: | EPF/0872/10 |
| SITE ADDRESS: | 6 The Fountains Loughton Essex IG10 4RZ |
| PARISH: | Loughton |
| WARD: | Loughton Forest |
| APPLICANT: | The Owner / Occupier |
| DESCRIPTION OF PROPOSAL: | TPO/EPF/04/98 (T1 and T3) 2 x Poplar trees - Crown lift by 4 metres and repollard (T2) Aspen - Remove and replace |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

CONDITIONS

- 1 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (1989) (or with any similar replacement Standard).
- 2 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.
- 3 The crown reduction authorised by this consent shall be to previous pruning points.
- 4 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.
- 5 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.
- 6 The crown lifting authorised by this consent shall extend only to the whole or partial removal of branches necessary to give 4 metres clearance above ground level.

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

Description of Proposal:

Aspen (T2) fell and replace
Poplar x 2 (T1 and T3) crown lift and repollard

Description of Site:

The trees stand on the western boundary of this modest sized garden. The aspen (T2) is approximately 12metres in height and the poplars (T1 and T3) either side are approximately 14metres high. The character of the area is dominated by a row of mature trees of similar species and heights at the rear boundaries of the relatively new houses. Beyond the property boundary is an area of woodland that is now establishing itself as a landscape backdrop to this gated residential housing development.

Relevant History:

TRE/EPF/1063/06 granted permission to prune these three trees by 30%
TRE/EPF/0552/08 granted permission to crown reduce to previous points

Policies Applied:

Epping Forest District Local Plan and Alterations:

LL09 Felling of preserved trees.
LL08 Pruning of preserved trees

SUMMARY OF REPRESENTATIONS:

Both immediate neighbours were notified but no representations were received.

LOUGHTON TOWN COUNCIL –were willing to waive their objection should the council officer deem the proposal acceptable.

Issues and Considerations:

Applicant issues

i) The reason put forward to fell the aspen tree is that it is a poor specimen

Planning considerations

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

Visual amenity

This Aspen (T2) has minimal public amenity due to its location in a secluded and well screened rear garden. It is the central tree within a group of three trees along the rear boundary. The loss of T2 would have no discernible impact on public amenity and would allow the crowns of the poplars (T1 and T3) either side to develop more fully.

Tree condition

The tree is a modest specimen but not a poor specimen. Its vigour is normal. However, it does lean into the garden and will not be able to grow to its potential spread as it is suppressed by the poplars either side which are good, larger specimens. Therefore, the tree condition in itself is not justification for felling.

Suitability of tree in current position

The history of regular pruning has shown a recognition that these trees need ongoing management to contain their vigorous growth. Therefore it is reasonable to say the trees are not suitable for this location.

The trees were protected by the Tree Preservation Order during the development of the houses on this estate. At that time the area of woodland, on buffer land owned by the City of London, was newly planted. Over the last 10 years this has established itself and has formed a dense young linear woodland which surrounds and screens the estate on three sides. Therefore, the amenity value of the trees which were present prior to construction of the properties is reducing as the woodland matures.

Other considerations

Care must be exercised, in the event of a decision to allow this tree to be felled, not to set a precedent for wholesale removal of trees along this boundary. The gradual replacement of this type of tree with more suitable species needs to be assessed on a case by case basis.

Conclusion:

The tree has minimal public value due to its hidden position and modest size for a tree of this species. The opportunity to plant a smaller ornamental tree would provide variety within the garden. The owner has indicated that they are willing to plant a replacement tree.

It is recommended to grant permission to the application to fell T2 Aspen on the grounds that the reasons given and the minimal contribution the tree makes to public amenity does justify the removal of the tree. The proposal accords with Local Plan Landscape Policy LL09.

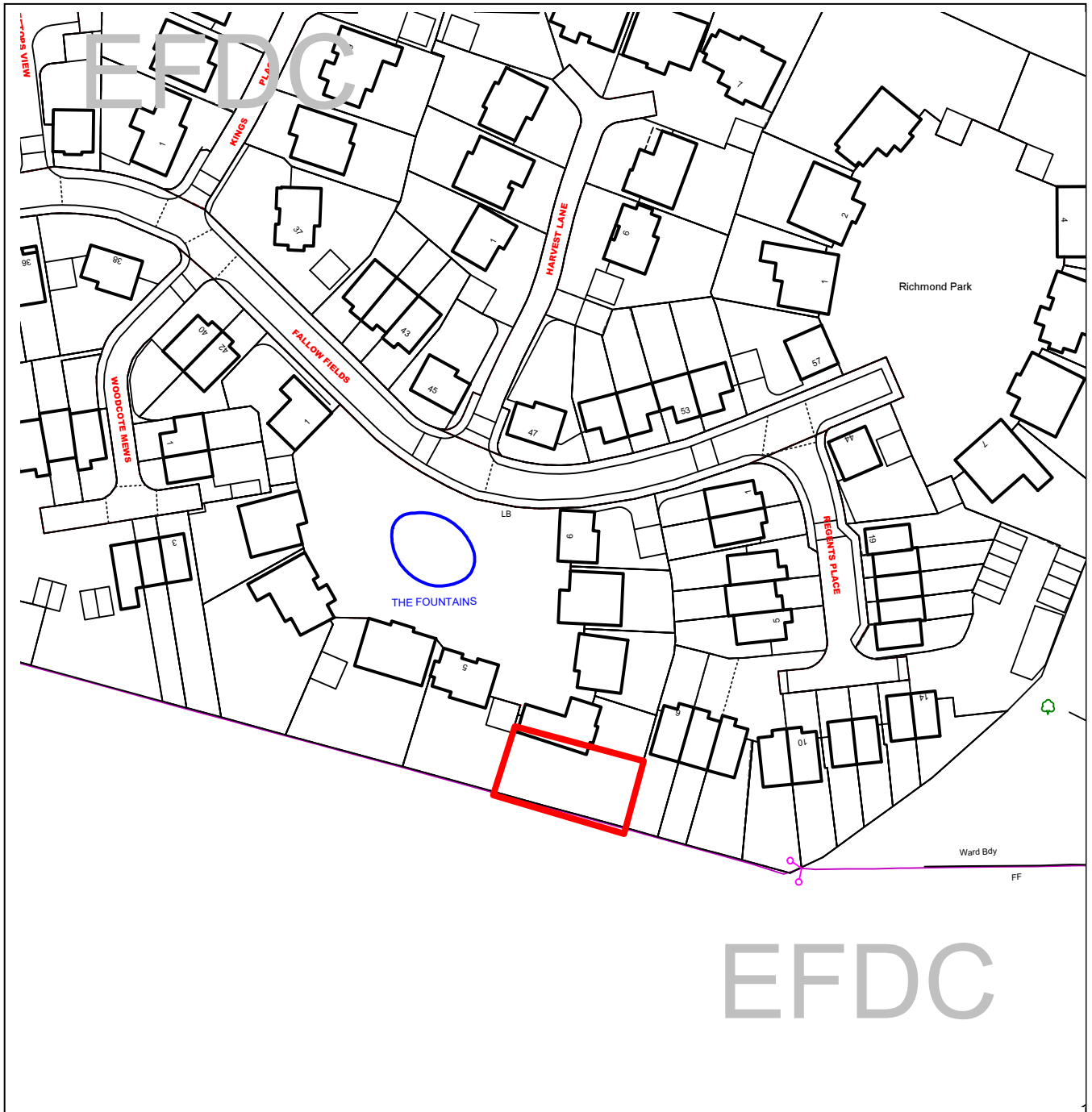
It should be noted that the pruning consideration for the two poplars (T1 and T3) element of the application is included in the report for members' information only. Pruning applications are dealt with under officer delegated powers.

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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| Agenda Item Number: | 1 |
| Application Number: | EPF/0872/10 |
| Site Name: | 6 The Fountains, Loughton, IG10 4RZ |
| Scale of Plot: | 1/1250 |

Report Item No: 2

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|---------------------------------|--|
| APPLICATION No: | EPF/0503/10 |
| SITE ADDRESS: | 81 High Road Buckhurst Hill Essex IG9 5SN |
| PARISH: | Buckhurst Hill |
| WARD: | Buckhurst Hill West |
| APPLICANT: | Mr Ali Riza-Demir |
| DESCRIPTION OF PROPOSAL: | Refrigeration unit sited on forecourt in metal cage enclosure. |
| RECOMMENDED DECISION: | Grant Permission |

CONDITIONS

None

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

Description of Proposal:

The proposal is a retrospective application for the retention of a refrigeration unit situated at ground floor level on the front elevation of the shop. The unit measures approximately 0.90m x 0.90m. The structure is surrounded by a wire mesh cover. The section of the building above the unit is single storey with a flat roof.

Description of Site:

The proposal property is a grocers shop with flat above situated on the High Road in Buckhurst Hill. The unit is situated at ground level on the front elevation and on the side of the shop that is adjacent to Gladstone Road. There are residential dwellings located above the shop and across Gladstone Road.

Relevant History:

A/EPF/0015/86 - Internally illuminated pole sign (overall height 17'0" x 3'0" x 2'0"). Refuse Permission - 28/04/1986.
EPF/1063/92 - Conversion of dwelling above shop to two units. Grant Permission (with conditions) - 22/12/1992.
EPF/0502/10 - Internally illuminated fascia sign. Refuse Permission – 17/05/10.

Policies Applied:

Policy CP2 – Protecting the Quality of the Rural and Built Environment
Policy DBE1 – Design of New Buildings
Policy DBE2 – Effect on Neighbouring Properties
Policy RP5A – Adverse Environmental Impacts

SUMMARY OF REPRESENTATIONS:

BUCKHURST HILL PARISH COUNCIL: Objection. Not in keeping with the streetscene and unsightly.

7 neighbouring properties were consulted and the following replies were received.

112 HIGH ROAD: Objection. Unit is an eyesore and a cost saving exercise as it could be located to the rear. Aesthetically they are not attractive and there is some noise nuisance and danger as it is located at ground floor level.

114 HIGH ROAD: Objection. Refrigeration units should not be situated to the front of the shop. It is noisy and unsightly and there is a risk of it being stolen.

Issues and Considerations

The main issues to consider are any potential impacts on amenity or the appearance of the area.

Impact on Appearance of the Area

The unit is situated on the front elevation of the building, which is not ideal positioning. However the rear of the plot contains a residential dwelling and there is a residential unit above the shop. The roof directly above the refrigeration unit is flat. The positioning of the unit at the rear of the site would not be in close proximity to the cooler system inside the shop and not practical. The only options are to the front or side of the shop unit. The positioning of the unit to the front of the shop would have much less impact than if it was positioned to the side where it would adopt a much more prominent position within the streetscene. It would be a great deal more visible from the High Road and Gladstone Road. It would also create an obstacle on the public footway, whereas in its current position it is located on the forecourt of the premises and not an obstruction. The unit in its present position is deemed to have an acceptable impact on the existing streetscene.

Impact on Living Conditions

The unit is in close proximity to the adjacent flats and there are residential properties across Gladstone Road. This unit makes an intermittent noise. The only options for the positioning of the unit are again to the side and rear of the shop. In its current position the low level noise that it emits would not have an excessive impact on the amenity of occupants of neighbouring properties. It forms more an element of the background noise and would not, for example, be audible above the noise of traffic on Buckhurst Hill High Road.

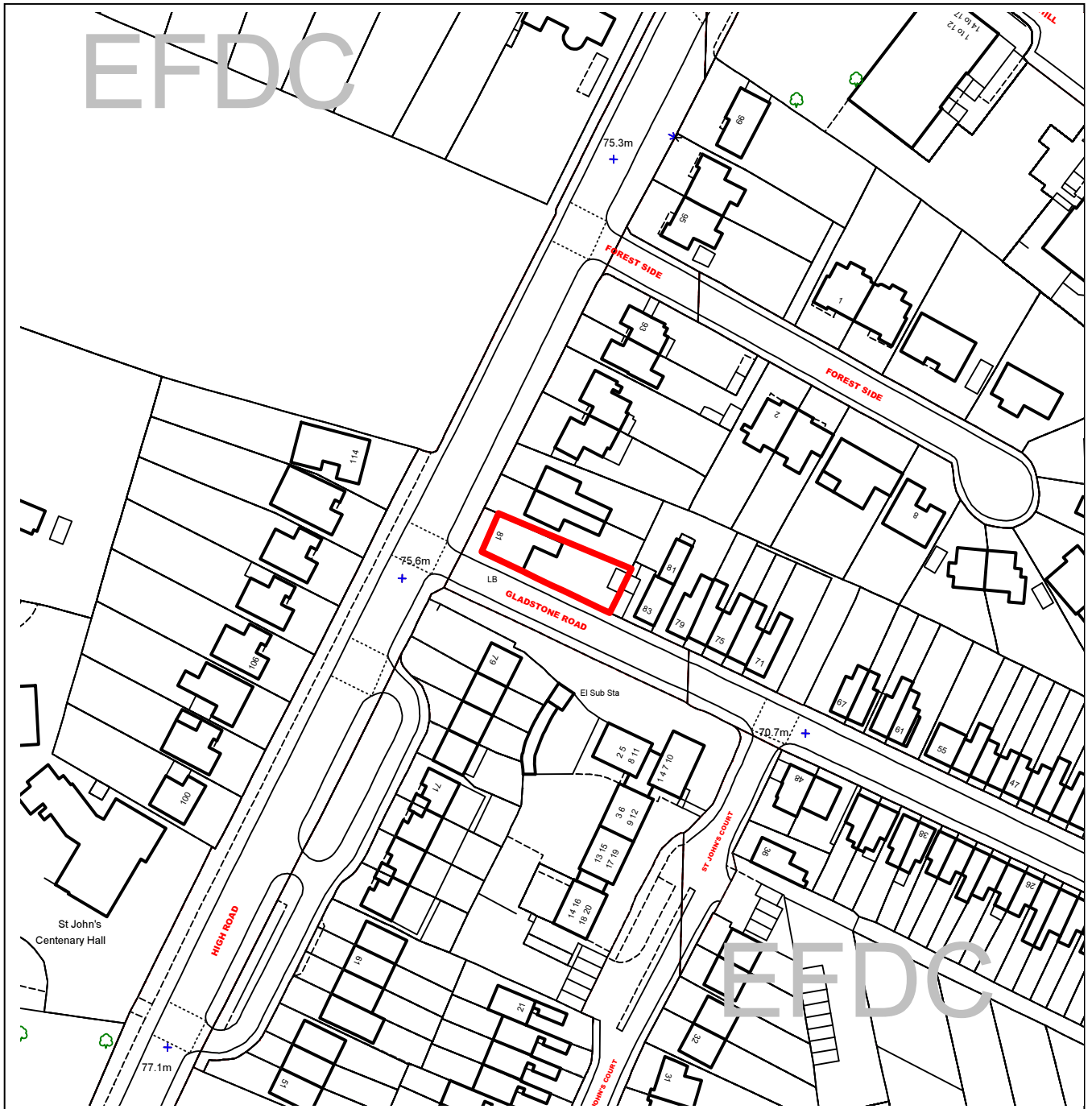
Conclusion:

As the proposed refrigeration unit would have an acceptable impact on the amenity and appearance of the area it is recommended for approval.



Epping Forest District Council

Area Planning Sub-Committee South



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| Agenda Item Number: | 2 |
| Application Number: | EPF/0503/10 |
| Site Name: | 81 High Road, Buckhurst Hill, IG9 5SN |
| Scale of Plot: | 1/1250 |

Report Item No: 3

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|---------------------------------|--|
| APPLICATION No: | EPF/0533/10 |
| SITE ADDRESS: | Loughton Sports Centre Rectory Lane Loughton Essex IG10 |
| PARISH: | Loughton |
| WARD: | Loughton St Marys |
| APPLICANT: | Rubyrose Ltd |
| DESCRIPTION OF PROPOSAL: | Demolition of Loughton Sports Centre. Proposal for 85 bed care home development with car parking and landscaped secure garden areas. (Revised application) |
| RECOMMENDED DECISION: | Grant Permission (Subject to S106) |

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development 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.

- 3 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.
- 4 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.
- 5 Trees which are to be felled and are identified within the Phase 1 Habitat Survey and Ecological Scoping Survey as having moderate-low potential to support a bat roost should be 'soft felled' (a technique involving a more cautious felling process where lowering and cushioning techniques are used to reduce the impact of felling).
- 6 Prior to the first occupation of the development hereby approved, a Green Travel Plan, accompanied by a monitoring fee of £3,000, shall be submitted to the Local Planning Authority and approved in writing. The site shall operate in accordance with the Green Travel Plan thereafter, unless otherwise agreed in writing by the Local Planning Authority.
- 7 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents, staff and visitors vehicles.

- 8 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.

- 9 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 10 No development shall commence until a survey by a competent person has been carried out to establish the presence or otherwise of Japanese Knotweed and submitted to the Local Planning Authority. The survey should also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control programme suitable for the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall accord with the advice in the publication 'Managing Japanese Knotweed on development sites - the knotweed code of practice' (Environment Agency) and 'Guidance for the Control of Invasive Plants Near Watercourses' (Environment Agency 2001). The approved scheme shall be implemented prior to the commencement of the use of the building (s) hereby approved.
- 11 Prior to the commencement of the development hereby approved details of the proposed refuse storage areas shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.
- 12 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 13 During clearance, demolition and construction, there shall be no bonfires within the site.

- 14 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.
- 15 Prior to the commencement of the development hereby approved, details of methods to control dust arising from the demolition and construction shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.
- 16 Prior to the commencement of the development hereby approved details of extraction and ventilation equipment for the kitchens shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.
- 17 Prior to the commencement of the development hereby approved details of foul drainage shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.
- 18 No external lighting shall be erected on the site without the prior written approval of the Local Planning Authority.
- 19 Prior to the commencement of the development hereby approved details of bat boxes to be attached to the building shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.

Subject to the applicant entering into a Section 106 Legal Agreement for the developer contributing in respect of the following:

- **A financial contribution towards additional NHS services arising from the development proposed.**

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

Description of Proposal:

This application seeks planning permission for the demolition of the sports centre and the redevelopment of the site with an 85 bed care home for the elderly. The care home would have accommodation spread across four floors, including the roof space. The building would be at one level, requiring some levelling of the existing site, which slopes down toward the rear boundary.

The proposed building would comprise two blocks linked by a three storey flat roofed glazed section. The front block would be 'L' shaped and considerably larger than the rear block which would be positioned centrally within the rear part of the site. Both blocks would have hipped roofs with large central sections of flat roof. Following the withdrawal of the previous application, the eaves height of the building has been lowered and the roof pitches have been increased. There would be some gables around the building to break the elevations and add interest. The materials proposed include clay roof tiles, render and brick elevations.

It is proposed to retain the high wall within the car park. The remainder of the boundary would have 1.8 metres high steel hoop top railings. 29 car parking spaces are shown on the submitted plans. Two spaces are shown as being suitable for disabled access.

Description of Site:

The application site comprises an area of approximately 1.07 acres. The site has an irregular shape and is occupied by the now vacant Loughton Sports Centre building to the front of the site. To the rear of the site the land level drops quite considerably and a tennis court is situated at the lower ground level. The submitted Design and Access Statement identifies the change in levels as being 1.3 metres. The tennis court is overgrown and has clearly not been in use for a considerable period of time. To the east of the site is Loughton Hall, a Grade II listed building which is presently being converted into a care home.

The sports centre building is staggered in height, with the western side of the building being only a single storey and the remainder of the building having a height equivalent to two storeys with a shallow pitched roof above. The two storey element of the building is separated from Loughton Hall by a distance of approximately 15 metres. A single storey link section attaches the front two storey element of the building, which has a monopitch roof, rising towards the front of the site, resulting in this part of the building having an industrial appearance when viewed from the car parking area to the front of the site.

A pedestrian link is provided from the north western corner of the car park through an area of woodland to the access road along Rectory Lane. A second pedestrian link provides access through the site alongside the tennis court and to Epping Forest College, situated to the rear of the site at a lower ground level. Vehicular access to the site is via the access road running parallel with Rectory Lane. The car park to the front of the Sport Centre is located at the end of the drive and is separated from the sport centre building by a brick wall, approximately 1.7 metres in height. At the time of the officers site visit the car park was entirely empty - however, this is not surprising bearing in mind that both Loughton Hall and the Sport Centre are presently vacant. Along the southern boundary of the car park there is a high brick wall.

Relevant History:

Loughton Hall

EPF/2131/06 & EPF/2132/06 - Planning and Listed Building applications for change of use to a residential care home - approved.

EPF/0202/09 & EPF/0208/09 - Planning and Listed Building applications for the erection of a three storey side extension (on the side closest to Loughton Sport Centre) - approved.

Loughton Sport Centre (non-planning related)

In September last year a decision was taken by the Cabinet to vary a restrictive covenant to enable Epping Forest College to sell this site for a residential care home development. Whilst it was envisaged that the development would enable the provision of sports facilities for the college and the local community, the Cabinet was concerned about the state of the College's finances and felt that it was more likely that any capital receipt from the sale of the land would be used to service the College's debt, rather than to provide new sports facilities. However, it was felt that the College should focus upon the provision of education for the young people of the District, with the new sports facilities being provided when funding became available.

Loughton Sport Centre (relevant planning history)

EPF/1900/09. Demolition of Loughton Sports Centre. Proposal for 85 bed care home development with car parking and landscaped secure garden areas. Withdrawn. Recommended for refusal prior to withdrawal, for the following reasons:

- 1 *The proposal would result in the loss of a local sports facility. No provision is made for replacement sports facilities and it has not been demonstrated that the facilities provided on the site previously were surplus to demand, contrary to Government advice contained within Planning Policy Guidance Note 17.*
- 2 *The number and size of the car parking spaces proposed falls significantly below the required standards, contrary to policy ST6 of the Adopted Local Plan and Alterations.*
- 3 *The proposed building, due to its bulk and design, in particular its roof form and the length of the eastern elevation, would be harmful to both the character and appearance of the area and to the setting of the adjacent Grade II Listed Building Loughton Hall, contrary to policies CP2 (iv), DBE1 and HC12 of the Adopted Local Plan and Alterations.*
- 4 *Insufficient information has been provided regarding the proposed levelling of the site to enable a full consideration as to how these works would affect trees both within the application site and those protected trees on neighbouring land, contrary to policy LL11 of the Adopted Local Plan and Alterations.*

Policies Applied:

National Planning Policy

Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation

East of England Plan

ENV6 – Historic Environment

ENV7 – Quality in the Built Environment

Adopted Local Plan and Alterations

DBE1 – New Development

DBE2/9 – Neighbouring Amenity

DBE3 - Development in Urban Areas

DBE8 - Private Amenity Space

HC12 – Development Affecting the Setting of a Listed Building

NC4 - Protection of Established Habitats

RP4 - Development of Contaminated Land

CF2 - Health Care Facilities

LL11- Landscaping Schemes

CP1 - Achieving Sustainable Development Objectives (ii, iv, v)

CP2 – Protecting the Quality of the Rural and Built Environment (iv)

CP3 – New Development

CP4 - Energy Conservation

CP5 - Sustainable Building

CP7 - Urban Form and Quality

ST4 – Road Safety

ST6 - Vehicle Parking

I1A - Planning Obligations

Summary of Representations:

Notification of this planning application was sent to Loughton Town Council, Sport England, County Highways and 27 neighbouring properties. A notice was also displayed at the site. The following representations have been received:

LOUGHTON TOWN COUNCIL. Objection. The Committee supported all of the reasons put forward by the District Council before this application was withdrawn and considered, as many points have still not been addressed, to reiterate its previous objections made which were: The Committee was concerned that this large development would adversely affect the setting of Loughton Hall, a listed building immediately adjacent to the proposed site, and therefore OBJECTED to this application which was contrary to Policy HC12 of Epping Forest District Council's adopted Local Plan and Alterations. It also regretted the loss of so many trees to facilitate the proposed project. Moreover, part of the site was zoned in the District's Local Plan as Urban Open Space.

The Committee considered the proposed erection of 1.8 metre high metal balustrade boundary fencing would have a serious and harmful effect on the adjoining listed building. In addition, the plans showed the erection of a 4 metre high wall that blocked continued access to the footpath running from Borders Lane to Loughton Hall and Rectory Lane, and sought its protection and retention.

The Committee was extremely disappointed by the possible loss of a busy, established and important community sports centre, partly paid for by public subscription, which had been compounded by the closure of other sports facilities in the district, with no guarantee of these ever being replaced. It was felt the removal of this sports facility was in stark contrast to the Government's current 'Change 4 Life' scheme promoting health and fitness for all within the community.

Additionally, in light of comments made by the local PCT that the continued expansion of care homes caused undue strain on the present health care system in the District, the committee considered the present proposal was undesirable, and that there was no demonstrable need for an additional care home of this size.

Planning conditions should be imposed to protect the footpath and to improve the appearance of the proposed fences.

The Committee restated that if the District Council was minded to grant this planning application, it suggested every effort should be made to ensure that a very substantial Section 106 contribution be sought, to contribute to an alternative sports facility and compensate for stress on local NHS provision.

The Committee also requested that the District Council impose a planning condition to stabilise the ancient walls to the north of the site ensuring their retention as a conservation feature. Similarly, regarding the previously mentioned footpath (part of an ancient road), the Committee sought a condition for its protection and preservation should the Local Planning Authority grant the application.

SPORT ENGLAND. Objection. The information that has been provided by the applicant still does not demonstrate to our satisfaction that the facility is genuinely redundant and that there is no demand for a replacement facility. Request further information relating to the cost and practicalities of removing the asbestos from the existing building to enable the centre to be re-opened; justification of the applicants statement that the centre would not be able to compete commercially with other facilities if it were to re-open; more detailed information relating to facilities at Debden Park High School and St Johns C of E School; evidence that the alternative facilities

have capacity at peak times; details of arrangements in place between Epping College and the replacement sports facilities and information regarding whether the site was marketed as a sports centre following its closure. Would be prepared to consider an appropriate financial contribution being made to the District Council in lieu of direct replacement provision, which would need to be used for providing new, or improving existing, facilities in the Loughton area, in order to address any deficiencies resulting from the loss of the centre's facilities.

LOUGHTON RESIDENTS ASSOCIATION. Objection. Object on the grounds of inadequate parking. Evidence is based on elsewhere in the county, but the nature of Loughton is such that residents (and family) may travel from London and staff may live further afield due to local house prices. There are several care homes locally – What is the current County Council view on the need for further care spaces in the area? The documentation contains spurious and misleading analysis of the demand for sports facilities in Loughton to justify the loss of the sports centre. The report cites provision outside Loughton (as far away as Basildon) to “show” a lack of need within Loughton. The analysis is very muddled and fails to examine the demand and available provision sport by sport. There is no real possibility of the college providing sports facilities in the future given their financial situation (£7m deficit). Applicants should be asked whether it has been marketed for a reasonable period of time at a fair market rent to reflect the lawful use. Support comments made by Loughton Town Council on the previous application that if the application is granted, £500,000 should be provided through a S106 for sports provision and health infrastructure (85 care residents must inevitably put extra strain on local NHS services).

WEST ESSEX PRIMARY CARE TRUST. Objection. The Trust does not agree with the applicant's claim that there is a need in the Epping Forest area for further care home beds and whilst the applicant implies that their application is supported by the PCT, this is not the case and we have had no discussions with them. It is also not correct to state that the PCT has concerns about elderly people having to move out of the area due to a shortage of beds locally as this has been resolved by increased capacity in Epping Forest. The Trust also has concerns about the impact on local Primary Care services that an 85 bed care home would have, for example on GP and District Nursing services.

COUNTY HIGHWAYS. No objection. Request a Green Travel Plan and a contribution from the applicant of £3,000 towards monitoring of the Travel Plan.

Issues and Considerations:

The main issues in this case are the impacts of the proposed development on

1. The amenities of neighbouring occupiers;
2. The character and appearance of the area;
3. The setting of the listed building;
4. The loss of the existing sports facility;
5. Highways and Parking matters; and
6. Planning Obligations.

The Impact on Neighbouring Occupiers

There are no residential properties within the vicinity of the site which would be affected by the proposed development.

The use is considered to be compatible with the permitted use of Loughton Hall which is now open as a care home.

The proposed development would not directly look into any primary windows to habitable rooms within Loughton Hall. There would be some overlooking of the gardens to the rear of Loughton

Hall. However, as these gardens would be for communal use, it is not considered that there would be a material loss of privacy.

There would, however, be some reduction in afternoon/evening sunlight due to the depth of the proposed building and its height. However, due to the width of the garden at Loughton Hall and following the set back of the rear part of the building from the Loughton Hall boundary, this would not be a material reduction. For the same reasons, a reduction in outlook would also not result in a material loss of amenity.

Level of Amenity for Future Occupiers

The bedrooms within the care home would all be of a similar size (minimum 16.1m²) and would all have ensuite bathrooms. Whilst the rooms appear to be fairly small, the Design and Access Statement confirms that they would meet the required standards. All bedrooms would have an external window and it is, therefore, considered that they would have a satisfactory level of amenity. Several day rooms and associated communal facilities are provided within the home.

Following revisions to the previous proposal, a number of usable, secure landscaped areas are now proposed to enable residents to sit outside the building. This provides suitable outdoor amenity space for the occupiers of the proposed building.

Impact on the Character and Appearance of the Area

This existing building has a dated and somewhat tired appearance and, as a result, the redevelopment of the site presents an opportunity to improve the appearance of the site and make a positive contribution to the character and appearance of the area, in particular in relation to the adjacent Loughton Hall.

With regard to the proposal which formed the basis of the previous application, it was felt that the design of the building failed to fully take advantage of this opportunity. A number of specific concerns relating to the design of the building were identified. This revised proposal has taken account of those concerns and presents a building which is considered to be considerably improved in its design.

The eastern elevation of the building (previously a continuous elevation spanning 56 metres), has been broken by the rear section of the building appearing as a second block, attached by a glazed link. This element of the building is now proposed to be set further back from the boundary with Loughton Hall. The eaves of the building have been lowered and the roof pitches steepened to improve the proportions of the elevations. A series of gabled projections combine with the revised footprint and palette of materials to add interest and improve the appearance of the building.

Impact on the Setting of the Listed Building

At present, the single storey elements of the sport centre building are barely visible from the car park over the brick wall. As a result, there is a considerable visual break between the sport centre and Loughton Hall. The proposed development would result in this gap being reduced by approximately one third, although the single storey element would be almost entirely removed with only bins stores being present between the proposed building and Loughton Hall. The submitted elevations do not provide a true representation, as they do not include the recently added side extension to Loughton Hall.

The proposed building would be higher than the existing sport centre, having an eaves height of 8 metres and a ridge height of 12.5 metres. The existing building has a (two storey) eaves height of approximately 5.8 metres and a ridge height of approximately 7.6 metres.

Due to its increased height and proximity to Loughton Hall, the proposed building would be more prominent on the setting of Loughton Hall than the existing Sport Centre. Notwithstanding this, its height would remain subservient to Loughton Hall and approximately 12 metres of open space would be retained between the two buildings. Following the alterations to the design of the building following the previous planning application, officers consider that the site is capable of sustaining the building proposed without being detrimental to the setting of Loughton Hall.

Need for Care Home Facilities

In the Design and Access Statement, the applicant states that 'The County of Essex has an acute shortage of care homes and Epping Forest has a shortage of 600 places'.

Policy H9A and supporting text acknowledges the increasing need for adaptable housing as a result of an increasing elderly population who typically suffer with greater levels of disability or dependency as people live longer and develop these disabilities. The aging population is a national trend demonstrated by the national census data and identified in the Council's last Housing Need Survey in 2003. The Housing Strategy 2009-2012 (adopted in February last year) also acknowledges a possible need for one or more extra-care schemes for older people, which would provide higher levels of care than sheltered housing schemes, but less than residential accommodation. However, no evidence is found to support the applicant's assertion that there is a District wide deficit of 600 beds. This has been queried with the applicant's agent who has submitted an extract from a study commissioned by the applicant which identifies a shortfall of beds in Loughton of 129 beds.

The strategic review of the 'Future of Supported People Funded Services for Older People in Essex' baseline report reveals that the distribution of supported housing services in the Essex districts (for LCB(East)/M11 these are Epping, Harlow, Uttlesford, Brentwood) is not in line with need. In total there are 11,281 units and 386 services for older persons across Essex. Across the study area, there are 2,165 units in Brentwood, 1,393 in Epping, 938 in Harlow and 643 in Uttlesford. There is more supply than local demand in Epping, Harlow and Uttlesford, which continues, despite the rise in the numbers of over 65's, until 2025. The Review also considers existing supply and notes that 4% of the existing provision within the District would not meet Decent Homes standard in 2010. However, taking account of this reduction there is still a significant over-supply in relation to existing and projected demand.

There is conflict between the reports available to the Council and the figure to which the applicant refers. However, on the basis of the confirmation by the Primary Care Trust (PCT) that there is not a shortage of beds, it is not the opinion of officers that there is an overwhelming demand for care home facilities within the District which would provide special circumstances for allowing a development which would not otherwise be in accordance with local Plan policy.

Loss of the Sports Facility

This proposal would result in the loss of an existing sports facility (albeit one which has been closed for several months) and makes no provision for any replacement facilities elsewhere.

Government advice contained within Planning Policy Guidance Note 17 (PPG17) is very clear, it states '*existing open space, sports and recreational buildings should not be built on unless an assessment has been undertaken which has clearly shown the open space or buildings and land to be surplus to requirements*'. The guidance recognises that not all facilities are of equal merit and that some may, therefore be available for alternative uses. It is further stated that '*in the absence of a robust and up-to-date assessment by a local authority and applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to requirements, Developer will need to consult the local community and demonstrate that their proposals are widely supported by them*'.

This planning application is supported by a report commissioned by the applicant which purports to justify the loss of the sport centre. The report makes reference to several local sport facilities (Loughton Leisure Centre, The Loughton Academy, Epping Sports Centre), schools providing out of hours sports facilities (Bancroft's Schools Sports Centre – Woodford Green, Davenant Foundation School, Debden Park High School, St Johns C of E School – Epping, Waltham Abbey Pool) and some further afield sports centres (Ongar Leisure Centre – approx 12 miles from the site and Basildon Sporting Village – 27 miles from the site). The report details the facilities available and opening hours for these facilities and concludes that there is a good supply of equivalent facilities within the immediate vicinity.

The report also makes reference to 'The Essex Sports Facilities Strategy (2008)' which identified a surplus of sporting facilities across the County. The applicants state that the Strategy identifies scope to address future deficit by negotiating access to existing school sports halls and ensuring additional access, for example through the Building Schools for the Future (BSF) investment.

Sport England has commented on the report and continues to raise objection to the proposal, stating that "the information that has been provided by the applicant still does not demonstrate to our satisfaction that the facility is genuinely redundant and that there is no demand for a replacement facility." In particular, Sport England has requested additional information relating to the cost and practicalities of removing the asbestos from the existing building to enable the centre to be re-opened; justification of the applicants statement that the centre would not be able to compete commercially with other facilities if it were to re-open; more detailed information relating to facilities at Debden Park High School and St Johns C of E School; evidence that the alternative facilities have capacity at peak times; details of arrangements in place between Epping College and the replacement sports facilities and information regarding whether the site was marketed as a sports centre following its closure.

In response to Sport England's objection, the applicant has reiterated the following: *as a consequence of the closure of the Sports Hall, The Debden Community Association has subsequently surrendered its lease to use the Loughton Sports Centre and have found alternative provision for all of its activities at the following establishments:*

The Football Academy, Langston Road, Loughton (which provides five-a-side football, gymnastics, Shotoken Karate and fitness facilities);

Debden Park School, Willingale Road, Loughton (Provides a modern Sports hall facility which is available after school to the local community. The Badminton and Trampoline groups have been relocated here successfully from The Loughton Sports Centre).

Epping Forest College has re-provided enhanced facilities for gym and fitness within their recently opened new college building which is located adjacent to the former Loughton Sports Centre site. In addition, the College also leases space at other providers to deliver wider sporting opportunities and curriculum for students. We understand that Epping Forest College has found the availability and quality of these other facilities in the locality to be good. The DCA and Epping Forest College have therefore both found alternative facilities for all the activities that previously took place at Loughton Sports Centre There has been no loss of sporting function as all those activities which took place at Loughton Sports Hall have been accommodated within other (and in almost all case better) facilities' located within the area.

Because this application does not relate to the loss of playing fields, Sport England is acting as a non-statutory consultee. Accordingly, the Council, as Local Planning Authority, is free to take a decision contrary to this objection without the need to refer the matter to the Government Office.

Officers are disappointed with the quality and content of the report commissioned by the applicant to address the matter of the loss of the Sports facility. The report is overly reliant on demand within Essex as a whole and little consideration is given to the demand at both District and local levels. Indeed, at paragraph 3.9, the report appears to conclude that there is a local demand, stating that the Essex Sports Facilities Strategy states that the borough has '*a supply of 50 courts, 24 of which are accessible...overall the (strategy) concludes that the current supply of sports halls in Epping Forest is sufficient provided that it is accessible and of a good quality*'. Having previously identified that less than half of the courts are acceptable, this suggests a potential shortfall.

Limited information is provided relating to the opening hours and activities available for some of the facilities. However, for others there is no detail and with one exception no mention is given in relation to the capacity of these existing facilities to meet local demand. The exception being that the report notes that Bancroft School (Woodford Green) is actively seeking clubs and organisations to use their facilities outside of school hours.

Officers consider that it is unreasonable to have regard to facilities at Ongar (12 miles from the site) and Basildon (27 miles from the site) as the distance is such that they are unlikely to be used by Loughton residents, particularly younger residents who are more likely to be walking or using public transport to access facilities.

It is considered that little weighting should be applied to the reliance of securing additional access to sports facilities under the BSF investment, having regard to the current economic climate and recent Government announcements concerning spending.

Highways and Parking

There is no change proposed to the existing vehicular access to the site and this is acceptable. With regard to parking, the existing parking area is proposed to be retained and the plans indicate that this would provide 29 spaces, although two would be provided within an area marked on the drawing as 'agreed access point to adjacent site', leading into the Rifle Range. Accordingly, it is possible that the long term use of these parking spaces may not be viable. A further nine parking spaces are within an area marked as right of way through site. Despite this area adjoining the footpath to the west of the site, this is not a public right of way. There would be conflict between the parking space referred to as number 19 on the site plan and the footpath, as the parking space would overhang the entrance to the footpath by approximately 0.5 metre. However, as this is not a public right of way, it is considered that this matter may be appropriately managed by the owners of the site.

The current parking standards require one space per full time staff member and one space per three beds within a residential care home. Provision of disabled spaces is to be considered on the merits of the development proposed, but it is anticipated that provision would be higher than the business and recreational standards set out in the document.

The application form states that 85 members of staff would be employed on a full time basis. Due to the nature of the proposed use, these staff members would not all be present on the site at any one time. The Design and Access statement predicts that maximum staffing would be during the daytime and that it is expected that during the day there would be between 24-28 people working. Application of the revised standards generates a requirement for a minimum of 57 spaces. Accordingly, there is a considerable shortfall, as the application proposes approximately half of this requirement.

The applicant contends that the Council's parking standard for care homes is excessive, and has provided evidence for other care homes in authorities across the countries, identifying an average

car parking ratio of 1 space per 5 beds. With regard to authorities which are most local to Epping Forest, the Redbridge and Waltham Forest examples have a ratio of 1 space per 4 beds.

Whilst the proposed car parking falls significantly short of the Council's standard, officers do acknowledge the applicant's argument that the standard may be excessive. In this instance, whilst areas providing on street parking (for example along Rectory Lane) are generally full during weekdays, there is additional capacity at evenings and weekends, when visitors are more likely to attend the proposed care home.

Following the previous application, the size of the proposed parking spaces now comply with the Council's requirements. The distance between spaces is also acceptable and will enable vehicles to manoeuvre within the site.

The County Council have requested a Green Travel Plan and a financial contribution of £3,000 towards the cost of monitoring the travel plan. This would enable the occupiers of the care home to promote more sustainable methods of transport and serves as additional justification for the Council accepting a level of car parking below the normal standard.

On balance, it is the opinion of officers that the information submitted detailing provision of car parking elsewhere, the availability of on street parking during evenings and weekends to accommodate visitors and the provision of a Green Travel Plan do provide justification for the level of car parking proposed. Accordingly, it is considered that the proposed parking provision would be acceptable.

Planning Obligations

Through consultation with interested parties, two suggestions have been made in respect of planning obligations which could be sought. Firstly, Essex County Council has requested a Green Travel Plan and a payment of £3,000 towards the monitoring of a plan. Secondly, Loughton Town Council, supported by Loughton Residents Association have suggested a financial contribution towards replacement sports facilities/improved health infrastructure within the locality. The merits of these suggestions will be considered in turn.

The use of a Green Travel Plan would be in accordance with local plan policies which encourage alternative methods of transport to private car use. It would be particularly necessary in this instance, if the Council accepted the provision of car parking at a significantly reduced level. It is considered that the cost of monitoring such a plan arises directly from the development proposed and it is therefore appropriate for the developer to meet this cost, having regard to both local plan policy (I1A) and national planning guidance presented in Circular 05/05: Planning Obligations. The applicant has advised that they are agreeable to such an obligation.

With regard to the proposed financial contribution towards replacement sports provision, a planning obligation under Section 106 of the Planning Act could be necessary to address some harm arising from the development proposed. In this case, it is difficult to quantify the extent of the harm arising from the closure of the Sport Centre on the basis of the evidence submitted. The applicant claims that all of the clubs and activities which were based at the Sport Centre have been relocated within the local area. Nothing has arisen from the Council's consultation of this planning application to contradict this statement. Whilst officers are disappointed with the content of the report into alternative sporting provision in relation to guidance which was previously provided by both the Council and by Sport England, it is considered, on balance, that there is no indented outstanding demand for additional sports facilities within Loughton following the closure of the sport centre. On this basis, and having regard to recent sport/leisure developments within Loughton recently, officers do not consider that it would be reasonable to seek a financial contribution towards replacement facilities.

With regard to a contribution towards health infrastructure, the assertion by Loughton Town Council and Loughton Residents Association that the development would increase demand on local health facilities is rational and is supported by the objection from the PCT, which has expressed concern regarding the impact of the proposed development on local GP and nursing services. The PCT have advised that there is no shortage for this type of facility within the District. Accordingly, the additional cost to the NHS of providing care to these residents is not offset by a demand for the facility. Due to the lack of existing and projecting demand for this facility within Epping Forest it is likely that the future residents will be migrating from other areas, rather than moving within the District. Accordingly there would be a considerable cost to local NHS services arising from the development. It is, therefore considered to be reasonable and necessary that the developer contributes towards this cost, if planning permission is granted. At the time that this report was prepared, discussions between officers, the PCT and the applicant are ongoing. Accordingly, it is anticipated that a sum and the applicant's willingness to accept that sum will be verbally reported to the Committee.

Other matters

Trees and Landscaping – in this revised application, the opportunities for landscaping for the proposed residents is an improvement. This new layout allows for areas of outside seating with the capacity for areas of colourful and fragrant landscaping. Details of landscaping may be secured by planning condition. The woodland that surrounds the site is protected by a Woodland Tree Preservation Order, however this should not be affected by this proposal. The Cedar of Lebanon (T30 of survey) and sycamore (T1) are significant mature trees. The Tree Report submitted does suggest that the development could be undertaken without detrimental long term damage to these trees. The protection of these trees may also be secured by planning condition.

Employment Generation - the proposal would generate 85 full time jobs and further part-time jobs in addition. It is anticipated that these would require a range of skill levels (the applicant suggests 12 x qualified nursing staff, 44 x care assistants, 26 x catering and household and 3 x administration/maintenance) and as a result, would be likely to be available to people locally.

Wildlife - studies submitted with the application identify the site as being a suitable habitat for reptiles, including grass snakes, slow worms and common lizards. However, they have found no evidence of such species being present on the site. Potential has also been identified for nesting birds and roosting bats to be present on the site. With regard to the bats, the study suggests that trees with a moderate-low potential to support a bat roost should be 'soft felled' (a technique involving a more cautious felling process where lowering and cushioning techniques are used to reduce the impact of felling). These matters are capable of being controlled by planning condition, if consent is granted.

Japanese Knotweed - Studies submitted with the application have identified that the site contains the invasive weed, Japanese Knotweed. The use of a standard planning condition will ensure the removal of this weed from the site.

Waste Storage and Refuse Collection - Whilst bin stores are shown on the proposed site plan, no further detail has been provided. Further information may be required by planning condition, to ensure that the provision is appropriate for the level of waste/recycling which would need to be stored on site and to ensure that their location is suitable for collection. The bin stores would need to accommodate 4 waste bins and 4 recycling bins.

Contaminated Land - The applicant has submitted a preliminary land contamination investigation report. This has identified potentially significant concentrations of brown asbestos, Polycyclic Aromatic hydrocarbons and Total Petroleum hydrocarbons on the site. The Council's contaminated land officer has, therefore suggested that if planning permission is granted a

condition is attached requiring a phased contaminated investigation and any necessary mitigation arising from that investigation.

Archaeology - the site has been identified by Essex County Council as being likely to contain archaeological deposits. Accordingly they suggest the use of a standard planning condition to secure the implementation of a programme of archaeological work.

Renewable Energy/Sustainability - A Sustainable Energy Statement has been submitted with the application and considers a variety of technologies that could be utilised to incorporate renewable energy sources into the buildings, in addition to considering elements of the proposed layout which would reduce energy demand. In particular, rainwater harvesting and the use of photovoltaics on the flat roof have been identified as being of benefit. A wind turbine has also been considered, although the study has identified that this would need to be at least 25 metres in height to be viable. At this height, it is probable that this would have an undesirable impact on the setting of Loughton Hall.

Drainage and Flooding – The Council's Land Drainage Section has advised that a Flood Risk Assessment will be required to ensure that surface run-off is improved. Details relating to the disposal of foul and surface water will also be required. This may be controlled by the use of a planning condition, if consent is granted.

Fire and Rescue - Essex County Fire and Rescue Service have identified that there would be a need for additional water supplies for fire fighting purposes arising from the proposal. This information has been forwarded to the applicant, but is not for consideration as part of this planning application.

College Finances - Epping Forest College is recognised to be an institution of significant community benefit, both for residents of Loughton and elsewhere within the District. It is noted that regard was had to this when the decision was taken by the Cabinet last year to vary the restrictive covenant to allow the development of a care home on this site. However, this decision was taken outside of the planning process. Whilst there might be some merit in considering the proposal as some sort of enabling development for services provided by the College, no such case has been submitted with this planning application despite this being identified in the report on the previous application and it is not, therefore, considered by Officers that any significant weight can be given to this matter when this application is determined.

Conclusion:

In light of the above appraisal, it is considered that the development proposed has some merit. Its design is a significant improvement on the previous proposal and as a result the development would no longer harm the setting of Loughton Hall. Furthermore, the development would create a considerable number of jobs, of which it is anticipated many will be filled by local residents. However, those positive aspects of the development must be assessed in the context of planning policy objectives in respect of the provision of sporting facilities and the additional costs that the proposal would generate for the provision of healthcare in the locality.

The development would result in the loss of a sports centre, which is potentially harmful to the interests of ensuring adequate provision of sporting facilities in the locality. However, having regard to information submitted by the applicant indicating that the clubs and activities that previously relied on the Loughton Sport Centre facilities have been relocated locally, it is considered the applicant has demonstrated, on the balance of probability, that the loss of the sports centre would not have the consequence of demand for sports facilities in the locality being inadequately met. Accordingly, the proposal is, on balance, not harmful to the interests of providing sports facilities in the locality.

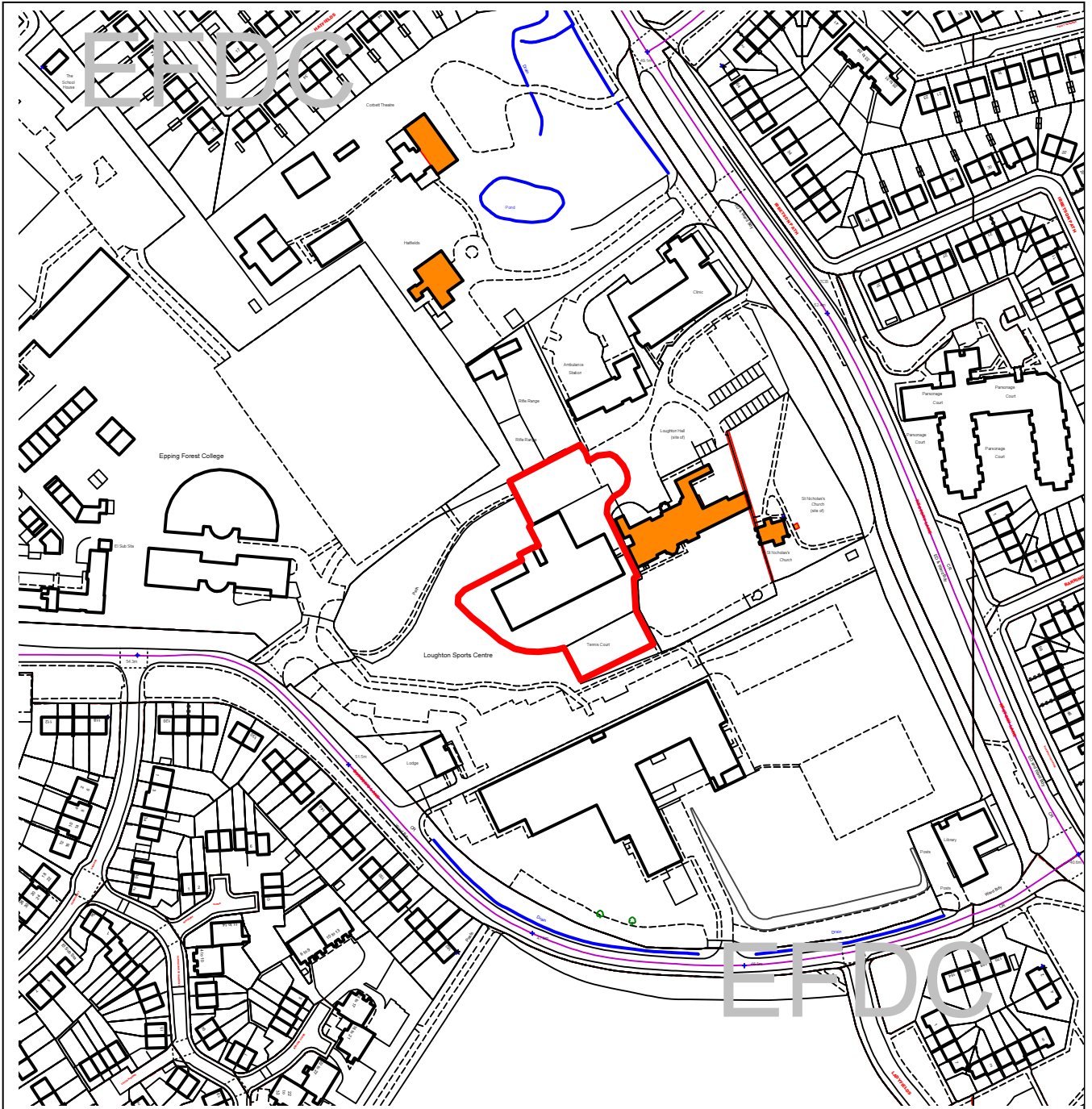
The proposed development would place considerable additional strain on local NHS services (GPs. Nurses etc). However, subject to the applicant undertaking to make a contribution towards this additional cost, it is not considered that this harm would be so material as to justify the refusal of planning permission.

On balance the proposal is acceptable and it is recommended that planning permission be granted subject to the completion of a Section 106 agreement to secure an appropriate financial contribution towards the provision of healthcare services in the locality.



Epping Forest District Council

Area Planning Sub-Committee South



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| Agenda Item Number: | 3 |
| Application Number: | EPF/0533/10 |
| Site Name: | Loughton Sports Centre, Rectory Lane, Loughton, IG10 |
| Scale of Plot: | 1/2500 |

Report Item No: 4

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/0579/10 |
| SITE ADDRESS: | 16 Tycehurst Hill Loughton Essex IG10 1BU |
| PARISH: | Loughton |
| WARD: | Loughton St Marys |
| APPLICANT: | Mr Danny Lyfield |
| DESCRIPTION OF PROPOSAL: | Single storey rear extension and two storey side extension. (Revised application) |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 In the southern flank of the side extension hereby approved the first floor landing window, and the window in the ground floor door, shall be fitted with obscured glass before the extension is occupied and shall be permanently retained in that condition.
- 3 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

This application is before this Committee since the recommendation differs from the views of the local council (pursuant to section P4, schedule A (g) of the Council's delegated functions).

Description of Proposal:

Single storey rear extension, two storey side extension, and rear dormer window (revised application).

Description of Site:

A two storey detached house lying in the southern part of Tycehurst Hill in a row of detached residential properties.

Relevant History:

EPF/0024/10 – Planning permission refused for erection of a two storey side/rear extension, one storey rear extension, and rear dormer window. The grounds for refusal related to the height and bulk of the side/rear extension having an overbearing affect on the amenity of the adjoining no.14, and secondly, the rear dormer window being excessive in size.

Policies Applied:

DBE9 – Loss of amenity; DBE10 - Residential extensions

Summary of Representations:

LOUGHTON TOWN COUNCIL – The Committee reiterated its previous comment made on the first application EPF/0024/10 - which was to voice a strong concern over the loss of amenity to the adjacent property at no.14.

9 neighbours have been consulted, and one reply has been received:-

14, TYCEHURST HILL – we appreciate the shortening of the extension but remain uneasy about the proximity of a two storey building within one metre of our boundary. We are worried by the dominance of this and the fact that we will be overlooked.

Issues and Considerations:

The main issues raised by this application are whether this revised scheme for extension of this property has satisfactorily addressed the reasons for refusal on the previously rejected application EPF/0024/10.

The main change is that the two storey side extension proposed has been reduced in length and does not now extend beyond the rear main wall of the existing house. A ground floor rear extension of 3m in depth is proposed across the width of the house as extended. This rear extension, which is set in by distances of between 1m and 2m from the side boundaries, will not cause any material harm to neighbours' amenity and is of a depth allowed by policy DBE10.

There is a sizeable gap between the southern flank of the house and the boundary with no.14, a boundary that angles away from the house. It is proposed to erect a 2 storey staggered extension in this space, with the closest points to the boundary being 0.75m but with most of the extension lying more than 1m away. Owing to the different orientation and footprint shape of nos. 16 and 14, this 2 storey side extension will project some 3.5m behind the rear wall of no.14. However, it will be angled away from the boundary and no.14, and its impact on the outlook from windows and the rear garden area of no.14 will not be significant. It will also lie to the north of no.14 and therefore will not cast any shadow. The neighbours at no.14, who have a side door in the rear part of their flank wall, have voiced concerns about loss of privacy from a proposed ground floor side door, and first floor landing window, in the proposed side extension. The applicants have agreed to install obscured glazing in this door and window which will prevent overlooking, both actual and perceived. An appropriate condition is proposed to ensure this obscure glazing is carried out.

The two storey staggered side extension is recessed behind the front bay of the house. Bearing in mind that the boundary angles away this extension has a satisfactory design and will not result in a cramped appearance.

The proposed rear dormer has been reduced in width and height in this revised application, and it is now acceptable in design terms. In any event along the rear boundary with Sparelease Hill

properties lie a dense group of mature trees providing a total screening of views of the proposed dormer.

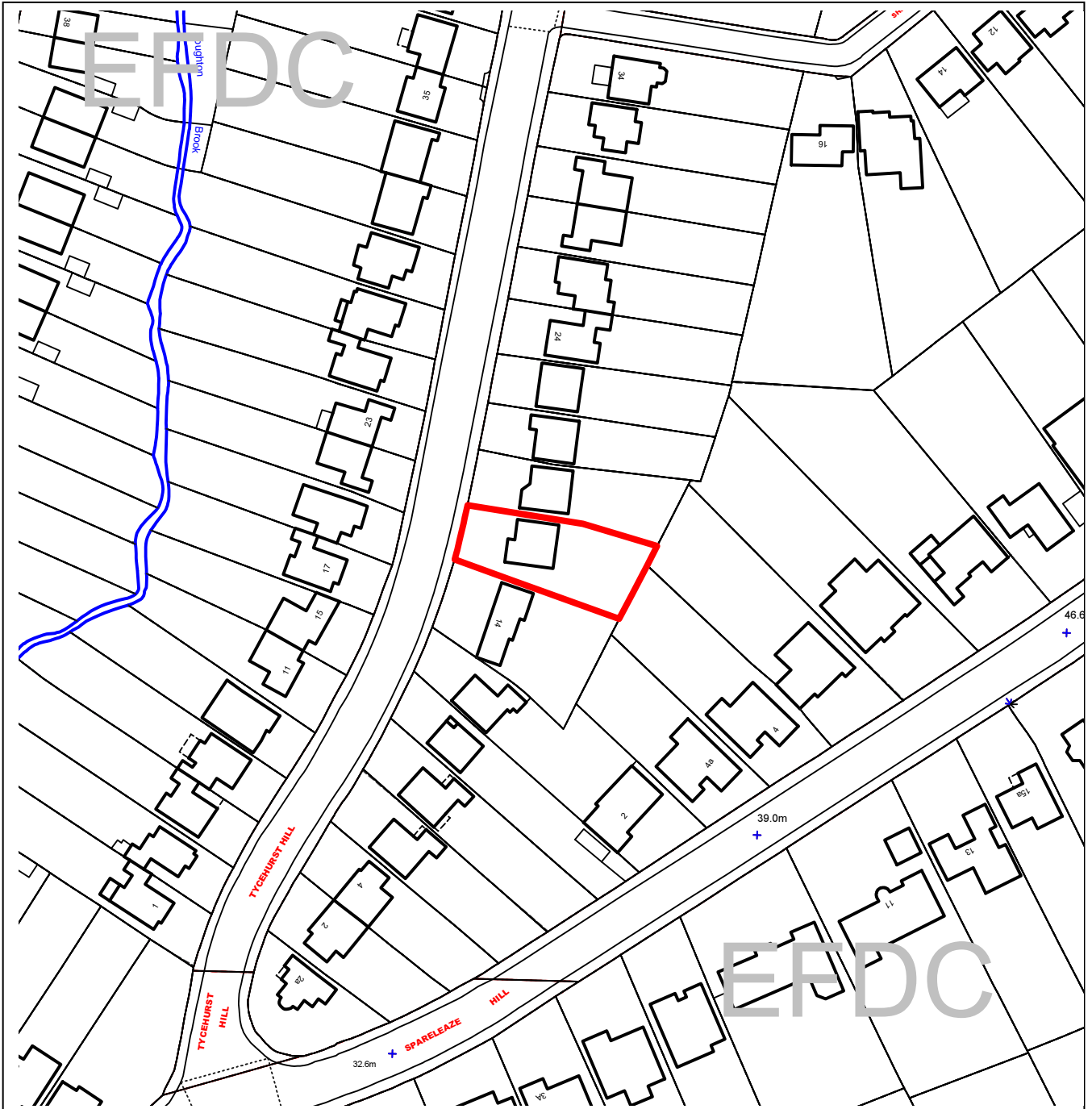
Conclusion:

With the rearward section of the two storey extension element being removed from the scheme this proposal does not now have an appreciable effect on light and outlook of the neighbouring property at no.14. A conditional planning permission is therefore recommended.



Epping Forest District Council

Area Planning Sub-Committee South



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| Agenda Item Number: | 4 |
| Application Number: | EPF/0579/10 |
| Site Name: | 16 Tycehurst Hill, Loughton IG10 1BU |
| Scale of Plot: | 1/1250 |

Report Item No: 5

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/0635/10 |
| SITE ADDRESS: | 1 Orchard Way Chigwell Essex IG7 6EE |
| PARISH: | Chigwell |
| WARD: | Chigwell Row |
| APPLICANT: | Mr Darren Hunt |
| DESCRIPTION OF PROPOSAL: | Redevelopment of the site to create five dwellings with associated car parking and garaging. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of five 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 No development shall take place until measures to enable the provision of upgrades to street lighting within the vicinity of the site, necessitated by this development, are secured.
- 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 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Schedule Part 1, Classes A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.

7 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

8 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.

9 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.

10 Details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority before any work commences and the development shall be implemented in accordance with such agreed details.

11 Prior to the first occupation of the development hereby approved, hard standing car parking spaces shall be provided within the curtilage of the dwellings in accordance with the detail shown on the approved plan BRD/10/001/04 rev. A and shall be permanently retained for the parking of residents' and visitors' cars.

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

13 Wheel washing or other cleaning facilities for vehicles leaving the site during demolition and construction works shall be installed in accordance with details which shall be submitted and agreed in writing by the Local Planning Authority. The facilities shall be installed prior to commencement of any works on the site and shall remain throughout the construction period.

- 14 Prior to the commencement of the development hereby approved, details of arrangements to facilitate the interception of surface water run-off within the site shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.

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

Description of Proposal:

This application seeks planning permission for the demolition of the existing bungalow and its replacement with a terrace of 5 two storey dwellings. The terrace would comprise three distinct elements (two comprising two dwelling and one central section) all linked by garages with half accommodation in the roof above. Each dwelling would have an integral garage with a driveway to the front and a small rear garden.

Description of Site:

The application site comprises a fairly large detached bungalow with an attached double garage to the side. The front of the site is hard surfaced providing space for additional parking. There is a narrow access along the southern boundary of the site, which leads to the rear of the property, which has a narrow raised section of garden against the rear boundary of the site, which is marked by close boarded timber fencing approximately 2 metres in height. There are two mature Horse Chestnut trees close to this boundary located in the rear gardens of properties in Whitehall Lane.

Relevant History:

None relevant.

Policies Applied:

East of England Plan

ENV7 Built Environment

Local Plan

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP4 – Energy conservation
CP5 – Sustainable building
H2A – Previously developed land
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private Amenity Space
DBE9 – Loss of amenity
ST4 – Highway Safety
ST6 – Vehicle Parking

Summary of Representations:

Notification of this application was sent to Chigwell Parish Council and to 15 neighbouring properties. This report has been prepared in advance of the expiration of the public consultation period. Any further representations will be verbally reported to the Committee at the meeting.

The following representations have been received to date:

CHIGWELL PARISH COUNCIL: Support. The Council SUPPORTS this application on the grounds that the proposal is of good design and is commensurate with the character of the Parish. It was also considered that accommodation of this nature was required in Chigwell.

ORCHARD HOUSE, ORCHARD WAY. Objection. 5 houses are too many. Parking is already a concern and the cars of five new families would be too much for this narrow cul-de-sac. I would not object to 2 or 3 houses which would be more in keeping.

3 ORCHARD WAY. Objection. Concerned regarding: 1) the 5 times increase in the number of houses in such a confined plot resulting in a cramped overdevelopment of the site that has a density out of character with that of the locality; 2) the design of the houses would be out of keeping with the character and appearance of the pattern of surrounding residential properties and have an imposing appearance due to their additional bulk when compared to the existing bungalow; 3) the houses are not designed to be fully accessible for disabled persons; 4) The development does not comply with the Essex Design guide in terms of layout and garden size while parking spaces in front of garages should be a minimum of 6m; 5) the section drawing shows the footpath and road adjacent to the site wider than existing and it is of a part of the site that does not reveal a potential for overlooking of 2 Orchard Way; 6) the internal arrangement of the houses could easily be modified to achieve 4 bedrooms per house rather than 3 bedrooms and a study; 7) the close proximity to the gardens of Whitehall Close; 8) the proposed houses can overlook the rear garden of no. 2 Orchard Way; 9) the increase in traffic and off street parking which could impact on the usability of the turning head in Orchard Way; 10) the damage during redevelopment of 2 fully mature Ash trees as the proposal is within close proximity; 11) the provision of services for the development during its construction could result in excavation of the road that prevents access to some properties which, although not a reason to refuse planning permission, does justify a condition on any consent requiring the maintenance of parking and access to neighbouring properties at all times.

4 WHITEHALL CLOSE. Comment. There is an easement concerning land drainage between us and 1 Orchard Way for which we hold a Deed of Grant dated 19th December 1958. The boundary fence between the two properties is not ours and the plans show there will be two units sharing this fence how would this be resolved?

5 WHITEHALL CLOSE. Objection. 5 houses are a lot for the size of the plot. They will be near to our fences and we will have little privacy in our back gardens. Bungalows would be less intrusive.

7 WHITEHALL CLOSE. Objection. Loss of privacy as the properties will overlook the rear of my house, especially the bedrooms. Planning permission for the development of garages to the rear of 7-12 Whitehall Close has been consistently turned down due to increased traffic on Lambourne Road – the proposed development would contravene these previous objections. Would set a precedent for housing developments on the rear gardens of Whitehall Close leading to increased traffic and lack of privacy. The proposal would further erode the character of Chigwell Road.

Issues and Considerations:

The main issues in this case are the impacts of the proposed development on:

1. The amenities enjoyed by the occupiers of neighbouring dwellings;
2. The Character and Appearance of the Area;
3. Trees and Landscaping;
4. Highways and Parking; and
5. The Level of Amenity for future occupiers of the site.

Neighbouring Amenity

Orchard House, to the south of the development site, has first floor windows in its flank elevation, approximately 9.5 metres from the site boundary. If these windows serve habitable rooms, it is considered that they would continue to receive adequate light and outlook following the construction of the proposed development.

The eastern boundary of the site abuts the rear gardens of 2-6 Whitehall Close. These gardens vary in their length, with the shortest being nos. 5/6, which are approximately 17 metres in depth. These neighbouring properties are set at a slightly higher land level in relation to the application site. These dwellings would all have a 'back-to-back' distance of at least 27 metres with the proposed dwellings. This would ensure an acceptable level of privacy is retained within the dwellings of these properties. The garden depths of the proposed dwellings would vary from approximately 7.5 – 11 metres. The smallest garden lengths would be to plots 1 and 2. However, the first floor of these dwellings would be set back a distance of approximately 10 metres from the site boundary to limit overlooking of the neighbouring garden. This relationship would be satisfactory. The gardens of properties to the rear of these plots would be further screened by the Horse Chestnut trees.

Concern has been raised by a neighbouring resident regarding the potential for overlooking of the rear garden of 2 Orchard Way, on the opposite side of the road. The front elevations of the proposed dwellings would be separated from the garden of this neighbouring property by a distance of at least 12 metres. Due to this distance, there would not be any material harm caused by the increased overlooking. The rear garden of no. 2 is presently overlooked by the occupiers of its adjoining semi (no. 3) and to a lesser extent by the occupiers of nos. 4 and 5 Orchard Way, situated to the rear.

The scheme has been carefully designed in order to minimise the impacts of the proposed development on the occupiers of neighbouring dwellings, for example by limiting the first floor rear projection of plots 1 and 2. Having regard to the sensitivity of the design and the modestly proportioned rear gardens, any future additions to these properties will need to be carefully considered. It is, therefore, suggested that if planning permission is granted, permitted development rights under classes A, B and E should be removed.

Character and Appearance

The proposed terrace of houses would be articulated by its varying roof heights, projections and the proposed palette of external finishes. The character of the surrounding development is varied. To the east the Whitehall Close development comprises traditional pairs of semi-detached dwellings and to the west Orchard Way comprises terraced dwellings of a later (circa. 1970's) style in close proximity to Doves Cottages, a row of listed cottages. To the south of the site, Orchard House has been constructed with the benefit of planning permission granted in the 1980's in traditional Essex style, with weatherboarding cladding to the first floor and utilising steeply pitched gabled roofs.

It is considered that the design of this proposal is of a high standard which would both complement and enhance the existing street scene. The street scene would benefit considerably from the site becoming more open to Orchard Way, as the existing bungalow is surrounded by 2 metre high close boarded timber fencing along its boundary with Orchard Way.

Trees and Landscaping

As discussed previously, there are two mature trees located within the rear gardens of properties in Whitehall Close, in close proximity to the application site. The root protection area of these trees extends into the application site and having regard to this and the change in levels, there will be a need for these trees to be protected throughout the construction of the development. The application has been accompanied by a full tree survey and the Council's Arboricultural Officer is satisfied that subject to the use of tree protection methods throughout construction there will be no material harm caused to these trees. The use of a landscaping condition will also enable the Council's tree officer to have regard to implications for the trees.

At the front of the site, the submitted plans show that the development would be softened by the use of landscaping between the proposed driveways and footpaths. This may also be controlled by the use of a landscaping condition.

There is some concern that there will be a desire by the future occupiers of the proposed development to undertake works to the trees in the rear gardens of 2 and 3 Whitehall Close, due to their dominance when viewed from the rear gardens of the proposed houses (in particular from plots 1-3). Accordingly these trees have been protected by a tree preservation order to secure control over further works to ensure that the health of the trees is not threatened.

Highways and Parking

This application proposed that each dwelling would have a garage with a parking space to the front. This conforms with the Council's current car parking standards, both in terms of the number of spaces and the sizes of the garages/parking spaces.

There is the potential for future occupiers of the proposed houses to use rooms differently to how they are labelled on the submitted floor plan drawings and, as indicated by an objector, a proposed study could be used as a small bedroom. This has no consequence for the provision of off-street parking since the minimum number of spaces required by 3 and 4 bedroom houses under the 2009 parking standards is identical.

The site is considered to be a sustainable location for the proposed development.

The potential for people to park in turning heads on Orchard Way has been raised by objectors. That potential exists now. The road is public highway and if any vehicle parked on it causes an obstruction that would be a matter for the police. Similarly, construction works should not cause an obstruction of a highway. Should a temporary road closure be necessary (and this is no more than speculation), the developer would have to formally apply to the Highway Authority (Essex County Council) to implement such a measure. It is therefore not necessary to deal with this matter by condition.

Amenity of Future Occupiers

The habitable rooms in each of the proposed dwellings would receive adequate levels of natural light and outlook, although for plots 1-3 this would be limited by the close proximity of the recently preserved trees, which would reduce morning sunlight and outlook.

Each property would have a small rear garden. The garden sizes increase from 55m² (Plot 1) to 96m² (Plot 5). With the exception of Plot 4, all the garden sizes would comfortably comply with the Council's standard set out in Policy DBE8, which requires the provision of at least 20m² of private amenity spaces for each habitable room exceeding 13m². Plot 4, which would have a rear garden of 77m², would only fall short of the standard by 3m². Bearing in mind this slight decrease in relation to the normal standard and having regard to the size and shape of the garden, which would provide usable amenity space, this is acceptable.

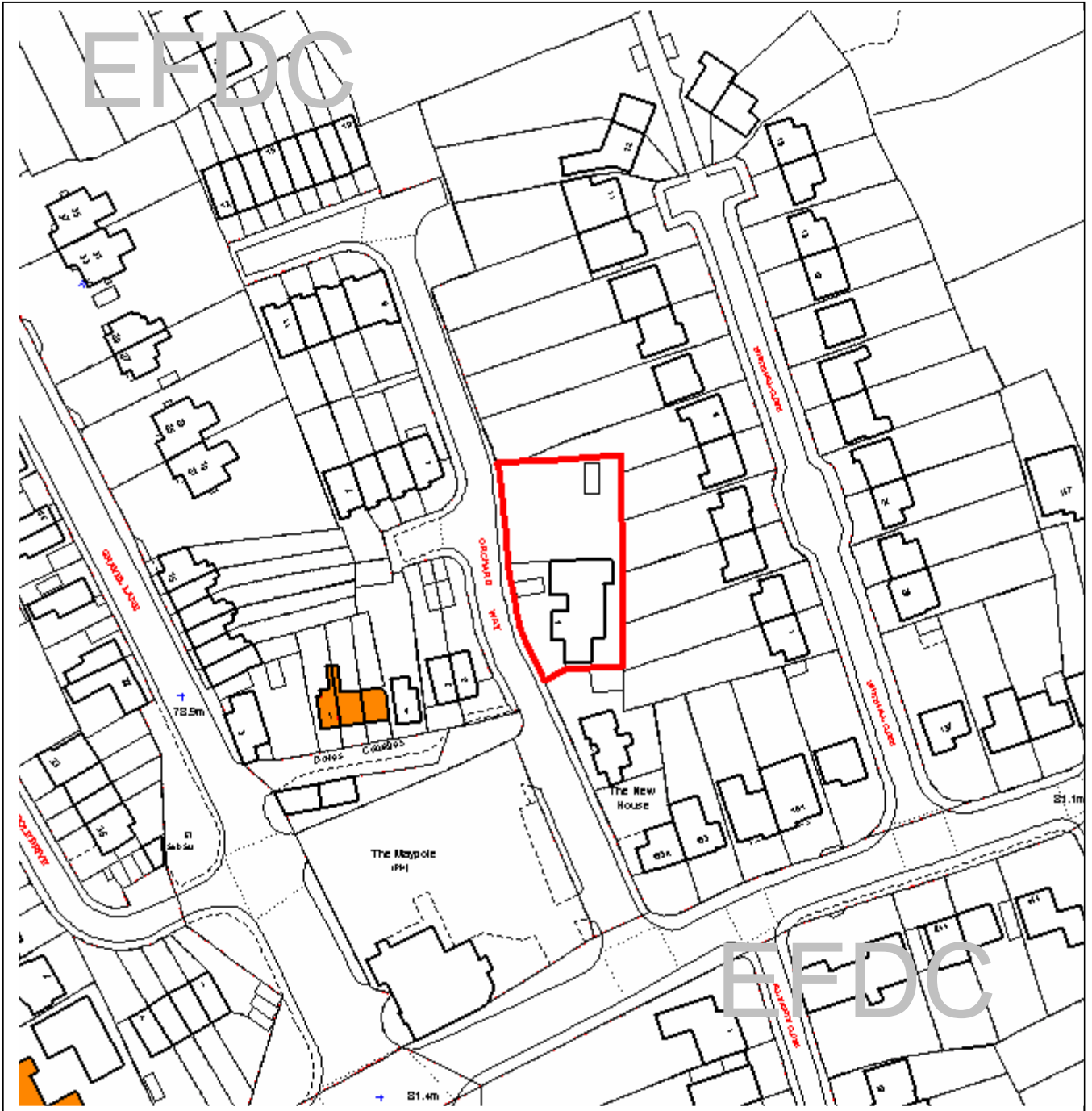
Conclusion:

In light of the above appraisal, it is considered that the proposed development would be a positive addition to the street scene, which would enhance the character and appearance of the area. It is not considered that there would be any material harm to the occupiers of existing neighbouring dwellings. Accordingly, it is recommended that a conditional planning permission is granted.



Epping Forest District Council

Area Planning Sub-Committee South



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| Agenda Item Number: | 5 |
| Application Number: | EPF/0635/10 |
| Site Name: | 1 Orchard Way, Chigwell IG7 6EE |
| Scale of Plot: | 1/1250 |

Report Item No: 6

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/0670/10 |
| SITE ADDRESS: | Cakes and Shakes 246B High Road Loughton Essex IG10 1RB |
| PARISH: | Loughton |
| WARD: | Loughton St Marys |
| APPLICANT: | Mr Ghulam Alahi |
| DESCRIPTION OF PROPOSAL: | Change of use from purposes within Use Class A1 to a mixed use for purposes within Use Classes A1 and A3. (Revised application) |
| RECOMMENDED DECISION: | Refuse Permission |

REASON FOR REFUSAL

- 1 The proposal would result in the loss of a shop use (Use Class A1) from the key retail frontage of the Loughton High Road principal shopping centre, as defined in the Epping Forest District Local Plan and Alterations. It would increase the proportion of non-retail frontage within the key retail frontage, exacerbating the impact of an already excessively high proportion of non-retail frontage on the vitality and viability of the shopping centre. The use would threaten the long term vitality and viability of the shopping centre by undermining its retail function and therefore contribute to a threat to its position in the hierarchy of town centres within the District. Accordingly, the proposal is contrary to policies TC1, TC3 and TC4 of the Epping Forest District Local Plan and Alterations.

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

Description of Proposal:

The proposal is a revised application to continue the use of the ground floor shop premises to a mixed use for purposes within Use Classes A1 (shops) and A3 (restaurants and cafes).

The previous application had divided the interior of the unit to include a row of seating booths along the north east boundary wall and to the rear, with a food preparation area enclosed by display counters selling ice cream and patisserie products on the opposite side. The seating area accommodated approximately 32 customers. This application has removed the first two booths

adjacent to the entrance door and replaced them with a display counter and rearranged some booths at the rear of the unit. Other than this the layout is the same. No primary cooking is carried out.

The rear section of the unit provides toilet facilities for customers and there is a door providing access to a stairway in the central section, which allows access to an upstairs storeroom.

Opening times are 10.00am to 11.00pm Monday to Sunday and including bank holidays.

Description of Site:

The premises are situated on the eastern side of the High Road. The shop is a small unit on a parade of seven. It is bordered on the south west boundary by a charity shop (A1) and on the north eastern boundary by the supermarket chain Morrisons (A1). The proposal site is part of the key retail frontage of the Loughton High Road town centre, as defined on the proposals map of the Local Plan and Alterations. The frontage of the shop is approximately 5.0m.

Access to a rear yard is provided by an entryway at the south west end of the parade. The shop is part of a two storey building with the first floor storage space.

The last use of the shop was as a clothes shop. It was vacant for a short period of time prior to the start of the use this application relates to.

Relevant History:

EPF/1805/09 - Illuminated fascia sign. Grant Permission (With Conditions) - 23/12/2009.

EPF/1806/09 - Change of use from purposes within Use Class A1 to a mixed use for purposes within Use Classes A1 and A3. Refuse Permission - 04/02/2010.

ENF/0505/10 - Change of use of shop to mixed retail and cafe use (A1/A3). APPEAL LODGED.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment

TC1 – Town Centre Hierarchy

TC3 – Town Centre Function

TC4 – Non Retail Frontage

TC5 – Window Displays

DBE9 – Loss of Amenity

SUMMARY OF REPRESENTATIONS:

5 neighbouring properties were consulted and the following replies received.

LOUGHTON TOWN COUNCIL: The committee reiterated previous comments which were; the committee were strongly critical that this was a retrospective application and deplored such Changes of Use without planning permission. The committee was very concerned that as the premises were in the key frontage the first 10 sq. m should be retained for solely A1 use. This was not currently the case as could be seen from the submitted plan. The committee would waive its objections to the mixed Change of Use if the district council was minded to impose the following condition;

First 10 sq. m of the shop across the whole frontage to be used entirely for A1 use, and so maintained. No permitted use of the forecourt for restaurant purposes to maintain an unimpeded A1 aspect and prevent the loss of the front retail area.

28 THE AVENUE: Objection. The premises were set up without planning permission and the company should have no right to submit an application after the event. The objector asked for previous comments to be considered which stated that the development would lead to littering and noise and disturbance.

LOUGHTON RESIDENTS ASSOCIATION: Objection. We strongly object to this application because this shop is in the key retail frontage. The local plan specifies not more than 30% should be non retail and the current figure is 31.7%. We do not consider that putting the seating to the rear with the retail area to the front is any justification to breach the local plan.

Issues and Considerations:

Vitality and Viability of Retail Centre

Policy TC1 states that “the council will, in principle, permit proposals which should sustain or improve the vitality and viability of any of the centres, and which will either maintain or not adversely affect their position in the Town Centre Hierarchy”, Loughton High Road is defined as a principal town centre in the local plan and alterations.

However Policy TC4 – Non Retail Function sets out the detailed criteria for assessing the impact of changes of use of shops in the defined key retail frontage of town centres. The supporting text for the policy makes it clear that the retail function will be safeguarded in each town centre by ensuring at least 70% of the ground floor key retail frontage will be kept in retail use. Policy TC4 also requires that changes of uses of shops do not result in more than two adjacent non retail uses. It must therefore be considered whether this mixed use would affect the vitality and viability of Loughton Town Centre with reference to the local policies.

The submitted application includes a survey of customers for the period 16/03/10 – 23/03/10 and for the evening of 30/03/10. It is to be surmised that this is a sample survey of customers visiting the premises on these days. It suggests that a good proportion of trade relates to products consumed off the premises. It has never been doubted that the unit contained a significant element of an A1 use in the form of takeaway sales. It has also been acknowledged that mixed uses for purposes within Use Classes A1 and A3 can play a role in promoting the vitality and viability of town centres by attracting customer footfall and subsequently the use of other retail shops. However such uses are non retail uses that are subject to the criteria set out in Policy TC4.

The proposal would not result in two or more adjoining non retail uses and in this respect is acceptable. However the policy also requires retail uses to remain at 70% of all uses within the key frontage. The proposal breaches this aspect of the policy. The most recent town centre survey (October 09) states that current units in retail use on Loughton High Road’s key frontage amounts to 68.30%. The recent approval of No 238 High Road (EPF/2300/09) has the figure of retail at 68.05%. The addition of this unit to non retail would result in a fall to 67.60% retail. This clearly exceeds policy guidelines as to what signifies a healthy retail element within the key frontage.

Local policy TC1 sets out a hierarchy of retail centres which it is considered beneficial to safeguard. Proposals which maintain and do not adversely affect this hierarchy will be considered favourably. As stated above the current level of non retail is above the considered acceptable limit. The intention of the policy is of critical importance. The limit has been exceeded and the policy is in danger of being devalued. Potentially the qualities which made the town centre attractive to retailers and customers could be significantly undermined. This is to the detriment of the town centre as a whole and it provides a threat to its place within the strategic hierarchy. It must therefore be considered if there are mitigating factors which would warrant a deviation from the local plan policies and the aims and objectives which they promote.

Applicants Supporting Statement

The application includes a supporting statement which makes a number of points which will now be addressed.

The statement firstly states that, as indicated on the submitted drawing C&S-Ltn/Om/003 Revision A, seating towards the front of the unit would be removed and replaced by a display area of products on sale. Whilst this would increase the A1 element within the unit, the remaining seating area would ensure that an A3 element remained. The unit would still remain a mixed use and for the purposes of Policy TC4 it would still result in an increase in the non retail element on Loughton High Road, which is already deemed excessive.

The statement also makes reference to specific policy as contained in Planning Policy Statement 4 (PPS4), Planning for Sustainable Economic Growth. It states that local planning authorities should set flexible policies for their centres which are able to respond to changing economic circumstances. This should provide consumer choice by supporting a diverse range of uses which appeal to a wide range of age and social groups ensuring that they are distributed throughout the centre. The supporting document also states that applications for economic development should be considered favourably.

Whilst PPS4 is a material planning consideration the locally adopted plan remains the key policy instrument when determining a planning application. The local plan policies relating to town centre development and economic growth have resulted in a local centre which is in a healthy state. Although PPS4 seeks that local planning authorities set flexible policies it also states that they should define primary shopping areas in their proposals map and set policies that make clear which uses will be permitted in such locations. Policy TC4 makes it clear that 30% non retail use is the acceptable threshold. This has preserved the vitality and viability of the town centre and any further erosion of this threshold would have a detrimental impact.

PPS4 does state in Policy EC4 that local planning authorities should provide a diverse range of uses which appeal to a wide range of age and social groups. Whilst the contribution of this proposal as a meeting place for young people is recognised; the town centre is not deficient in its provision of meeting places for teenagers. Policy EC4 also states that local planning authorities should take measures to conserve and, where appropriate, enhance the established character and diversity of their town centres. It is considered that the current town centre policies preserve the character of the town centre, which is largely retail, and should remain so.

The supporting statement relates that applications for economic development should be treated favourably. However further erosion in the retail characteristic of the high road would not contribute to the economic development of Loughton Town Centre.

Reference is made to a separate planning approval at a nearby unit, 238 High Road (EPF/2300/09). This was decided at committee level on 03/02/10. The committee determined that this application retained a sufficient level of an A1 use to justify an approval. This is a material consideration. It may be that members feel that this application now retains enough elements of an A1 use to warrant an approval.

Neighbour Amenity

The proposed use is operating during normal daytime trading hours and into the late evening. Previous consultation with the environmental health section of the council found that excessive noise would not be an issue. Cooking methods are generally the reheating of food not requiring an extraction system. Therefore loss of amenity from smells would not be of concern. There are no amenity concerns.

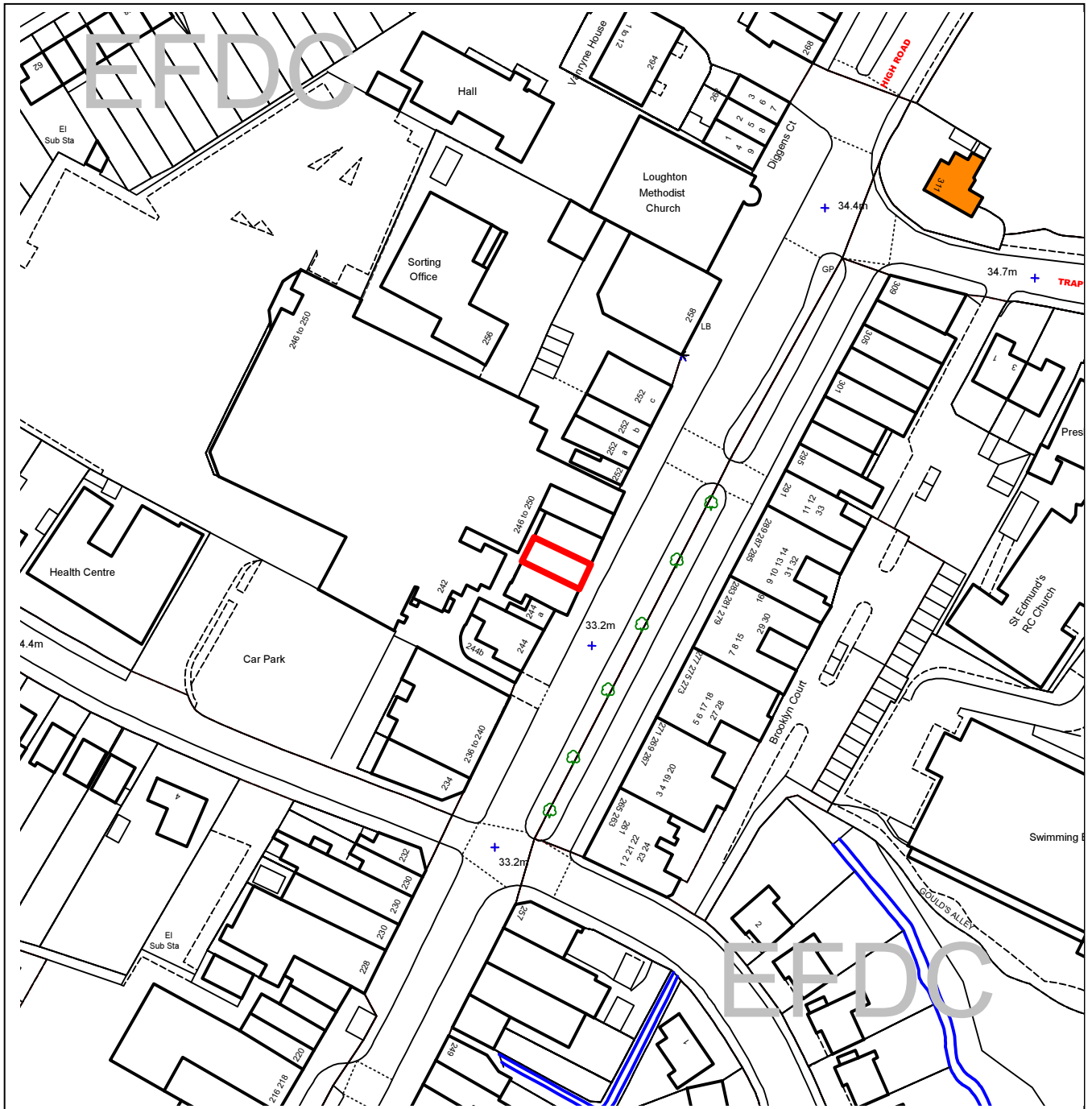
Conclusion:

As with the previous application there is reasoned justification in refusing this application as the 30% ceiling for non retail use has been exceeded. The importance of this level in maintaining the vitality and viability of Loughton Town Centre, and its place in the hierarchy, has been outlined above. Notwithstanding the failure to comply with the policy, the potential contribution of such mixed use to the vitality and viability of the town centre, and in providing a meeting place for young people, is recognised. Members may therefore feel that the nature of the use is such that the vitality and viability of the town centre is not further compromised. This makes the application more balanced than would normally be the case. However the local policy is explicit in its requirements relating to non retail uses. For this reason it is recommended the application be refused.



Epping Forest District Council

Area Planning Sub-Committee South



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| Agenda Item Number: | 6 |
| Application Number: | EPF/0670/10 |
| Site Name: | Cakes and Shakes, 246B High Road, Loughton, IG10 1RB |
| Scale of Plot: | 1/1250 |

Report Item No: 7

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/0850/10 |
| SITE ADDRESS: | 20 Tomswood Road Chigwell Essex IG7 5QS |
| PARISH: | Chigwell |
| WARD: | Grange Hill |
| APPLICANT: | Mr Mohammad Farooq Saleem |
| DESCRIPTION OF PROPOSAL: | First floor front extension and formation of balcony, first floor side extension, single storey rear extension and enlargement and extension of pitched roof in connection with a loft conversion including front, side and rear dormer windows. (Revised application) |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 3 The proposed side dormer windows shall be fitted with obscured glass and have fixed frames, and shall be permanently retained in that condition.

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

Description of Proposal:

The applicant seeks planning permission for the construction of a first floor front extension and formation of a balcony, first floor side extension, single storey rear extension and the extension of a pitch roof in connection with a loft conversion including front, side and rear dormer windows.

It should be noted that the proposed development is a revision to a development approved on 22/12/2008, Ref: EPF/2151/08 and that the amendments proposed under the new scheme have already been completed or are close to being completed.

The main differences between the previous scheme that was approved and the proposed scheme is that it is proposed to square off the north western corner of the double storey element of the dwelling house by constructing a first floor side extension. This has been substantially completed and would be rendered to match the rest of the building.

The single storey rear extension has also been amended slightly from the previous application that was approved. The rear wall of the north western corner of the proposed single storey extension is not to project as far as the previous approval from the original rear façade, although the roof would project the same distance as that of the rest of the extension. This has just about been completed.

A side dormer window on the western elevation of the dwelling that was previously granted planning permission was to be setback off the eaves of the roof. This dormer has just about been completed however it has been constructed right up to the eaves of the roof. Hence permission is also sought for the enlargement of this dormer window.

It should be noted that the remainder of the proposed extensions including the pitch roof and loft conversion with associated dormers are to be constructed in accordance with the 2008 planning permission.

Description of Site:

The subject site is located on the northern side of Tomswood Road, approximately 120 metres east of New Forest Road within the village of Chigwell. The site itself is relatively level, regular in shape and comprises approximately 910 square metres.

A large double storey detached dwelling that is located towards the front of the site. Off street parking is located on the hard paving towards the front of the dwelling. A large private open space area is located to the rear of the site. A medium size timber paling fence and mature vegetation are located along the side and rear boundaries.

The site is located within a well established residential area that mainly comprises of large double storey detached dwellings varying in size, shape and scale. Spaces/gaps between building blocks form an important part of the character of the surrounding area and front setbacks from the highway are consistent within the street scene.

Relevant History:

EPF/2147/07 - Erection of single storey rear ground floor, first floor rear, front and side extension and loft conversion with dormer windows. (withdrawn)

EPF/2151/08 - Erection of single storey rear ground floor and first floor front extension and loft conversion with dormer windows. (Revised application) (approved with conditions)

EPF/2336/09 - First floor front extension and formation of balcony, first floor side extension, single storey rear extension and enlargement and extension of pitched roof in connection with a loft conversion including front, side and rear dormer windows. (withdrawn)

Policies Applied:

East of England Plan

ENV7 – Quality in the Built Environment

Local Plan policies relevant to this application are:

CP2 – Protecting the rural and built environment

DBE9 – Loss of Amenity

DBE10 – Residential Extensions

Summary of Representations

CHIGWELL PARISH COUNCIL – objected for the following reason:

The Council objects to this application on the grounds of the proposed dormer window, that the proposal is overbearing and the development's close proximity to the boundary of the adjacent property.

7 neighbouring properties were notified and the following response was received:

18 TOMSWOOD ROAD: Strong Objection: Note change of description which more closely resembles work proposed, but plans remain basically the same. Will dominate and overshadow garden. Objections to previous application still remain.

On that occasion, main concern was that the development that had previously been approved and is currently being constructed overhangs the boundary separating the two plots and that it is an overbearing development out of character to the street scene and the surrounding area and would also impact upon their amenities such as loss of privacy and overshadowing.

Issues and Considerations:

The main issues to be addressed in this case are whether the proposed amendments to the scheme that has already been approved (EPF/2151/08) are appropriate in terms of their design and appearance and whether they would be harmful to the amenities of adjoining occupiers.

Design and appearance:

In relation to the amendment regarding the single storey rear extension, in this case, it is acceptable. The size and scale of the rear extension is smaller than what was approved previous under EPF/2151/08.

The pre-existing north western corner of the first floor was set off the western site boundary by approximately 80cm. It is now proposed to square off the north western corner at first floor level so that there would be a continuous flank façade running along and up to the site boundary.

First floor extensions would not usually be permitted to be constructed right up to the side boundary as it would take away the visual separation between dwellings. However in this case, the proposed first floor extension to the side would be constructed behind an existing first floor side extension which is already constructed right up to the boundary. Therefore it would not be seen from the highway and as a result would not result in a harmful impact to the appearance and character of the street scene.

In relation to the side dormer window it is noted that it has been constructed up to and in line with the existing eaves of the building. This was not part of the original planning permission as it was meant to be set off the eaves. Although the dormer window has been constructed right up to the eaves of the building which is located right on the side boundary, in this case it is appropriate in design terms since it is not materially different to the dormer approved in 2008. The side dormer would still be well setback behind the front façade of the building and it would have only increased its projection from the roof slope by approximately 30cm. The dormer would still be relatively small in terms of its size and proportions and would still be set below the ridgeline of the building.

Neighbouring amenities:

One of the concerns from the occupier of the adjoining property at number 18 was that the proposed development, in particular the eaves of the side extension and the dormer window, had

encroached over the boundary. It can only be noted that the applicant has signed Certificate A of the application form which is a declaration that the applicant is to only build works or carry out development within the boundaries of a site which he or she owns.

Also it is not Council's role to investigate land ownership and can only make a decision on face value with the information that is submitted as part of the application and therefore any disputes between neighbours relating to ownership of land would have to be dealt with as a civil matter.

Under the previous application that was approved, it was considered that the side dormer window on the western flank elevation of the building would not have resulted in an unacceptable amount of overlooking on the basis that it would be obscure glazed and a condition on the consent would require it to be permanently obscure glazed. Given that the amendment to this dormer is to increase its projection from the roof slope by approximately 30cm, the dormer itself would not result in any greater potential for overlooking from the previously approved dormer window. As before, that potential can be controlled by the imposition of an appropriate condition on any consent given.

The gutter of the first floor side extension is set on the boundary, with the flank wall set some 20cm from it. The total width of the addition from the pre-existing flank to the gutter is 80cm. In terms of the potential for causing overshadowing or a loss of light to the adjoining property, it is considered that the small nature of the proposal would not result in a materially different impact to that of the existing house and therefore is acceptable.

As a whole, the proposed amendments are so minor that they would not result in any materially greater harm to amenity than the development previously approved in 2008.

Conclusion:

In conclusion, the proposed development amounts to a minor revision of a development previously approved together with a small additional enlargement of the house. It is acceptable in terms of its design and appearance in that it will reflect, maintain and preserve the character of the street scene and the surrounding area without causing a harmful impact to the amenities of adjoining property occupiers. Therefore it is recommended that the application be approved subject to conditions.



Epping Forest District Council

Area Planning Sub-Committee South



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| Agenda Item Number: | 7 |
| Application Number: | EPF/0850/10 |
| Site Name: | 20 Tomswood Road, Chigwell IG7 5QS |
| Scale of Plot: | 1/1250 |