

Report Item No: 1

APPLICATION No:	EPF/0227/10
SITE ADDRESS:	24 Albion Hill Loughton Essex IG10 4RD
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Tim Breyer
DESCRIPTION OF PROPOSAL:	6 x 4m high lighting columns around tennis court.
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 The lighting columns hereby permitted shall only be illuminated between the hours of 0800 and 2130. Their lights shall be kept off outside of those times.
- 3 Prior to the first illumination of the lighting columns hereby approved, they shall be fitted with hoods and spill shields that have previously been approved in writing by the Local Planning Authority. The approved hoods and spill shields shall be permanently retained and the lighting columns shall not be illuminated without the approved hoods and spill shields fitted, which shall remain thereafter.
- 4 The lights of the lighting columns hereby approved shall only be aimed at the tennis court. They shall not be aimed in any other direction.
- 5 The development shall be carried out in accordance with the details shown on drawing number 24AH-400/C and permanently retained in accordance with those details.

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:

This application seeks planning permission for the erection of 6 lighting columns around an existing tennis court, located in the rear part of the garden of 24 Albion Hill. The columns would be 4 metres in height and mounted with 250 watt floodlights. The application drawings have been corrected to accurately show the position of the tennis court, which is located approximately 12.3

metres from the existing retaining wall which separates the application site from the site at 1/1a Warren Hill to the south.

This proposal differs from a similar development approved in 2000, due to the reduced height of the lighting columns and also due to the position of the court, which at that time was located closer to the rear boundary of the site by approximately 11 metres. An application for a further similar development which was refused planning permission last year also showed the tennis court in its previous location.

Description of Site:

The application site comprises a 2 storey detached house with a detached double garage on a large double 'L' shaped site on the southern side of Albion Hill. The area has a mixture of types and styles of dwellings. The land drops down steeply to the south. The dwelling has a three storey aspect when viewed from the rear elevation due to the fall of the land. The wall to the front of the property is Grade II listed for a distance of 6m either side of the prominent wooden gates. No changes are proposed for this structure. Whilst land within the site has been remodelled (with the benefit of consent granted last year) there is also a general fall in levels from the west to the east. The tennis court has been constructed on the lowest part of the site and is enclosed by wire fencing. Following the Officer's site visit, the plans have been revised to accurately show the position of the court in relation to neighbouring properties.

A concrete retaining wall encloses the northern and western boundaries of the tennis court. An older brick retaining wall encloses a 5m wide strip of land on the site to the west of the tennis court. The southern site boundary is approximately 12m from the tennis court and is enclosed by a substantial wall and a line of mature trees, beyond which is the site of 1 and 1A Warren Hill.

An existing cottage to the east of the site (No 22), in the ownership of the applicant has been demolished and a replacement dwelling is substantially complete (permission granted in 2007). That house and its garden are at a significantly higher level to the north of the tennis court.

Part of the site area was previously included within the site for an approved development of five dwellings to the south (formerly occupied by 1 and 1a Warren Hill). Following the removal of this part of land from that site, the Warren Hill development has been re-drawn and a proposal for three dwellings on that land is currently under consideration.

Relevant History:

EPF/1122/00. Floodlighting on 6m high columns to existing tennis court. Approved 10/01/2001.

Subject to planning conditions including requirements to switch off the lights after 9.30pm and to fit the lights with hoods and spill shields.

EPF/1496/09. Erection of tennis court lighting. Refused 05/10/2009 for the following reason:

The proposed tennis court lighting would result in an adverse impact on the amenities of the area and neighbouring properties, particularly Great Cedar, Pollards Close and Elgar Place, Warren Hill by introducing excessive light pollution, contrary to policies DBE9 and RP5A of the Adopted Local Plan and Alterations.

EPF/1498/09. Levelling of rear garden. Approved 07/10/09.

Policies Applied:

Local Plan

DBE 9 Neighbour Amenity
RP5A Adverse Environmental Impacts

Summary of Representations:

Notification of this application was sent to Loughton Town Council and to 14 neighbouring properties.

The following representations have been received:

LOUGHTON TOWN COUNCIL. No objection. The Committee NOTED that its attention was drawn to the proposed lighting's effect on the amenities of the properties in Pollards Close bordering the tennis court and reiterated its previous comments made on planning application EPF/1496/09 which were: The Committee had NO OBJECTION to this application but was concerned that the proposal could potentially cause more light pollution and furthermore, in the interests of the environment, the use of low energy lighting would be preferred.

ELGAR PLACE, WARREN HEIGHTS. Objection. The lighting will cause light pollution and excessive noise at night in my back garden and north facing rooms of my property. The statement that there are no affected windows in habitable rooms in the north facing elevation of my property is untrue. North facing windows in my daughter's bedroom, kitchen, utility room and family living room will all be affected. The 'dense mature landscaped screen along the boundary' is deciduous and would provide no protection for six months of the year. Due to ground levels, my garden is terraced upwards from the house and light pollution will occur at the upper level. Also, my daughter's bedroom is located on the first floor of my property, well above the level of the boundary wall and, as the closest room to the tennis court, will definitely suffer loss of amenity from light pollution and noise. Only the ground floor is set down at the same level as the boundary wall.

Comment remains as above following notification of revised plan.

LEIGHTONS, WARREN HEIGHTS. Objection. Light pollution -the existing trees/shrubs do not provide any sort of barrier between Warren Heights and the proposed lights as they are of a deciduous nature. The result being effectively no barrier for at least 6 months of the year. Even if the lights are facing downwards, the light level in the area would be dramatically increased (it should be noted that the lighting in Warren Heights had previously been chosen to be all low level lighting and kept to a minimum). For the Leightons property in Warren Heights, there are 3 bedrooms that face the direction of the tennis court and an additional master bedroom with a side window that would be affected. Secondly, I strongly object to the light installation on the grounds of noise pollution. Warren Heights is a notably quiet development, significantly far enough from the main road to barely even hear traffic noise. Noise from the tennis courts would be more than offensive, particularly at night when the lighting would be needed.

THURLESTONE, POLLARDS CLOSE. Objection. Considerable light pollution will be caused to residential dwellings near to the tennis court. My property and others stand closer to the tennis court than the applicant's own property which is also higher. Due to the level of the site, the light pollution may be worse for lower properties including mine, Great Cedar and Elgar Place, Warren Hill. Query whether the retrospectively approved 'ground levelling' will exacerbate the impact of the lighting by raising the level of the land. Difficult to see how this application differs from that which was recently rejected. Difference in height of the columns is a non-point the nature of light is that it will radiate outwards and upwards as well as downwards, illuminating the surrounding

area. The lapsed planning permission for lighting columns was in respect of a different tennis court which was further away from my property at a time when further screening existed and prior to the 'land levelling'. I am pessimistic as to whether conditions would be adhered to if a conditional approval was granted, given the site history. Condition would be hard to police. Furthermore, if lighting was to be switched off by 9.30pm this would be some time after I would hope that my children (whose bedroom windows would be affected) would be asleep and would be some 5 hours after sunset during the short winter months.

16 ALBION HILL. Objection. Light pollution spilling onto my garden and beyond on summer evenings will spoil my enjoyment of views onto my garden land into the dark forest beyond. Would be a waste of resources at a time when everyone is being encouraged to turn off appliances as much as possible to save energy.

2 WARREN HILL. Objections. I will lose privacy in my garden.

Issues and Considerations:

The appearance of the lighting columns would be acceptable. Accordingly, the main issue for consideration is the impact the lighting (when in use) would have on the amenities of the occupiers of neighbouring dwellings and on the character and appearance of the area.

The proposed lighting columns would be located in closest proximity to the rear boundaries of Thurlestone and Great Cedars in Pollards Close. The applicant has advised the tennis court is located on land which has not been affected by recent re-modelling of part of the wider site. It is the Officers view, having visited the site, and examined photographs of it taken prior to the alteration of levels on the wider site, that this is correct. The tennis court has a retaining wall to the northern and western edges which supports land at a higher level (approximately 1 metre to the north and 2 metres to the west). Beyond the retaining wall on the western side there is a substantial boundary wall with planting above which forms the boundary with Thurlestone and Great Cedar.

The occupier of Thurlestone has objected to the planning application, raising concern that despite the height of the column, there would be spillage which would cause a significant level of light pollution to Thurlestone and neighbouring properties. Officers accept that the light could not be entirely contained within the site and there would be some additional light visible from surrounding sites. However, due to the height of the columns in relation to the boundary treatment and subject to the previously imposed condition requiring the lights to be fitted with spill shields this additional light would not cause material harm.

Properties in Warren Hill, although further away from the tennis court, would be less protected by boundary screening. At the time of the Officer's site visit (April this year) the dwelling at Elgar Place was easily visible from the application site. Notwithstanding this, the property is located approximately 25 metres from the tennis court and positioned to the side of the rear of the site. As a result of its position and this separation distance there would not be a reduction in amenity that would be so significant as to justify the refusal of planning permission, subject to the use of conditions requiring methods to limit light spillage. Other residents in Warren Hill who have raised concern are located further south of Elgar Place and similar considerations would apply. With regard to the concern raised by the occupiers of 2 Warren Hill the lighting would not lead to a reduction in amenity. 16 Albion Hill is located a sufficient distance from the tennis court that there would not be a material reduction in amenity.

Regard must also be given to the impact of the proposed lighting on the amenities of the future occupiers of the 1 and 1a Warren Hill site and this has been done with reference to the proposal for three houses on that site that is the subject of a current application. The plans for the current application show that the dwelling proposed closest to the site would have its flank elevation facing

the tennis court. As this would only contain windows serving a utility room and ensuite bathroom, it is considered that an acceptable level of amenity would be achieved.

Concern has been raised by neighbouring residents regarding the suitability of the condition suggested by Loughton Town Council and imposed on the previous consent, which would require the lighting to be switched off at 9.30pm. The concerns relate to both whether the time is early enough to mitigate potential harm and secondly whether or not the condition would be enforceable if the lighting remained in use later into the evening.

Dealing with the two issues in turn, with regard to the time, it is considered that 9.30pm would be a reasonable time to limit the use of the lights without causing harm to neighbouring amenity. In summer months, this time would be not long after sunset. With regard to enforceability, such a condition is sufficiently precise to allow all parties to clearly understand what it requires and therefore to be able to assess whether those requirements are being complied with. It is the case that the District Council would require information from local residents to alert it of any breach of the condition in the first instance. Since there would be no difficulty in assessing whether the condition was being complied with and no difficulty in gaining evidence of a breach, the condition is capable of being enforced.

Concern has also been raised regarding the potential for noise nuisance. The tennis court is already *in situ*, having been erected as a permitted development. Accordingly, there is potential for noise arising from the tennis court at present, which is not the subject of any planning control. As acknowledged above, subject to the imposition of a time limit, the lighting would not enable the tennis court to be used much beyond sunset during the summer months. It is the summer months when it is anticipated that noise from the tennis courts would have the greatest impact on neighbouring properties, as residents would be more likely to be sat in their gardens in the evenings and to have windows open within the house. The tennis court is less likely to be used during winter months and neighbours less likely to have windows open and use their garden in the evening. However, even if that were not the case and the tennis court were used regularly to 9.30pm in the winter, it is not likely that any noise from its use would be harmful to the living conditions of neighbouring properties.

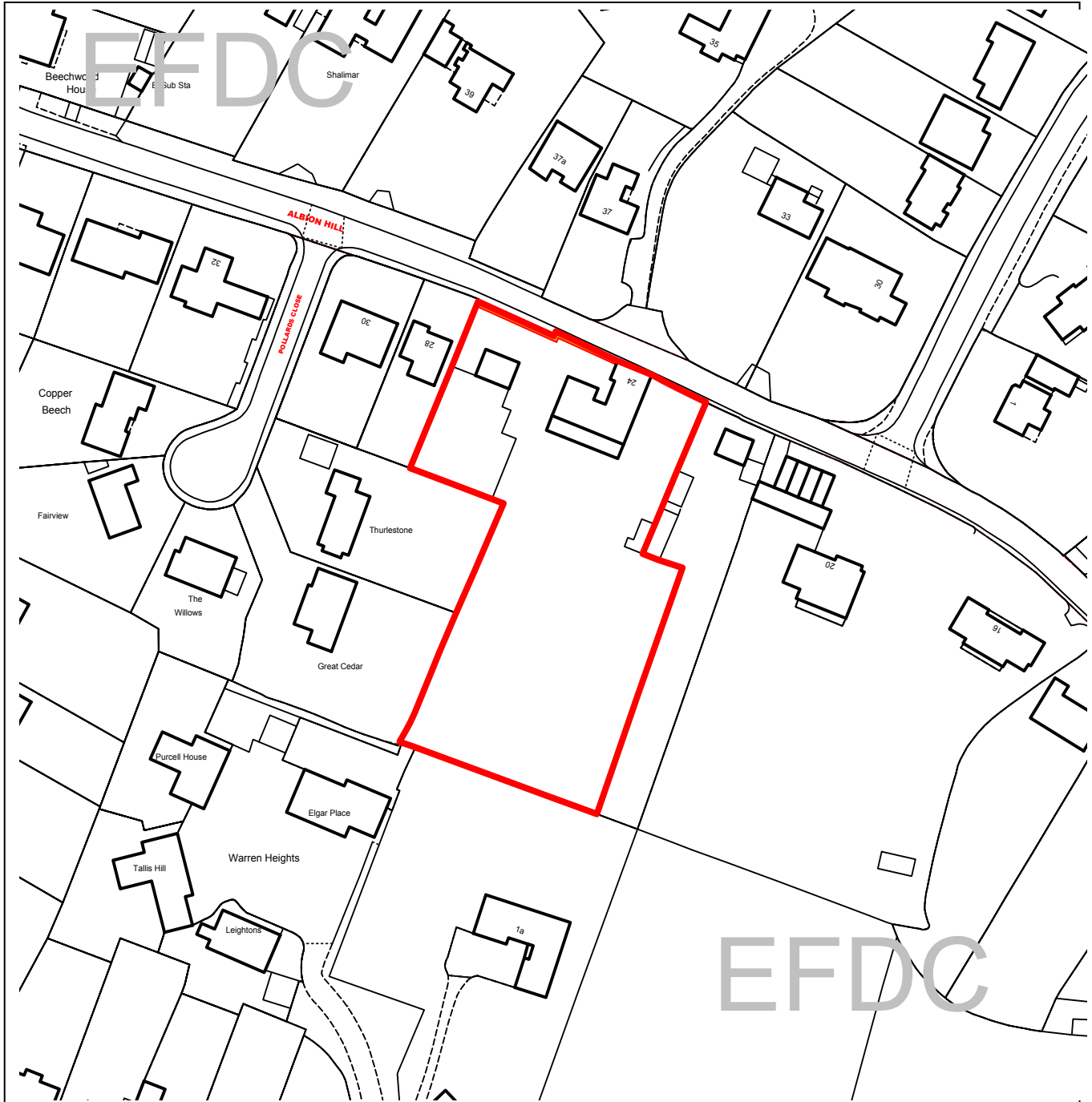
Conclusion:

When determining this planning application regard must be had to the planning history of this site, both the lapsed approval for 6m high columns and the more recently refused application for 6m high columns. The precedent set by the lapsed approval is limited by the revised position of the tennis court and other physical alterations which have taken place within and around the application site (most notably the removal of a considerable amount of vegetation that previously provided screening of the tennis courts) together with the context of the planning history of the 1 and 1a Warren Hill site. Based on the merits of the current proposal and in light of the appraisal as set out above, it is considered that there would not be a material loss of amenity to the occupiers of neighbouring properties which would justify the refusal of planning permission, subject to the use of planning conditions to safeguard amenity. Accordingly, it is recommended that planning permission be granted.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	1
Application Number:	EPF/0227/10
Site Name:	24 Albion Hill, Loughton, IG10 4RD
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0446/10
SITE ADDRESS:	BPI Poly Site Brook Road Buckhurst Hill Essex IG9
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	David Wilson Home & British Polythene Industries
DESCRIPTION OF PROPOSAL:	14 dwellings with associated car parking, access road and landscaping.
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 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 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) 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.

- 5 Prior to first occupation of the building hereby approved the proposed window openings in the first and second floor side elevations of plots 4, 8, 11, 14 and in the first floor side elevations of plots 5, 9 and 10 and in the first floor rear elevation of plot 6 shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 6 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.
- 7 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no extensions or outbuildings generally permitted by virtue of Schedule 2 Part 1 Classes A and E shall be undertaken at plots 1, 2, 3, 4, 11, 12 and 13 without the prior written permission of the Local Planning Authority.
- 8 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 hardsurfaces generally permitted by virtue of Schedule 2 Part 1, Class F shall be undertaken without the prior written permission of the Local Planning Authority.
- 9 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.

- 10 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.
- 11 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 12 Prior to the commencement of the development hereby approved, details of a surface water drainage system shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.
- 13 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.
- 14 Prior to the first occupation of the development hereby approved the access and footway arrangements as shown in principle on drawing no.3635 P101 E onto Brook Road shall be provided. Details of the design including 6m minimum radius kerbs and the provision of pedestrian dropped kerb crossings with appropriate tactile paving across the new bellmouth access shall be submitted to the Local Planning Authority for approval. The development shall proceed in accordance with the approved details.
- 15 Details of the reconstruction of the footway and kerb across the entire site frontage, including the reinstatement of any redundant crossovers and any holes left by the removal of existing bollards, shall be submitted to the Local Planning Authority for approval in writing. The works shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
- 16 Prior to the first occupation of the development hereby approved, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4metres by 70metres to the east and 2.4metres by 90metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

- 17 Prior to commencement of the development hereby approved, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.
- 18 The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months from the occupation of such dwellings.
- 19 Prior to the commencement of the development hereby approved, details of wheel washing facilities shall be submitted to the Local Planning Authority for approval in writing. The approved facilities shall be placed on site proper to the commencement of the development and shall remain onsite for the duration of the construction of the development.

Subject to, within 6 months of the resolution to grant planning permission, the completion of a Section 106 Agreement securing the following matters upon the substantial completion of 4 of the proposed houses:

1. **A financial contribution of £95,924 towards making provision for additional school places within the locality, and**
2. **A financial contribution of £100,000 towards the provision of affordable housing within the locality.**

This application is before this Committee for the following reasons:

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);

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

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

Description of Proposal:

This application seeks planning permission for the erection of 14 dwellings. Along the Brook Road frontage would be four pairs of semi-detached dwellings, the two closest to the junction would be three storeys in height, the estate road would enter the site beyond these and then the two pairs of houses on the western part of the site would be two storeys with additional accommodation being provided within the roof space. The estate road would lead into a cul-de-sac containing six

detached houses. Each dwelling would have a garage with a parking space to the front. The density of the proposed development would be approximately 31 dwellings per hectare.

Description of Site:

The application site comprises an area of 0.45 hectare located in Brook Road, close to its junction with Epping New Road. The site is occupied by several large single storey industrial buildings which previously contained the BPI packaging works. The remainder of the site is hardsurfaced. The site is located within a predominantly residential area, with the notable exception being a car dealership located immediately to the east and also on the opposite side of Epping New Road. To the west of the site is a dense tree belt along the side of an access road. To the north is Buckhurst Hill Bowls and Tennis Club. To the south east of the site is Icen Court, a purpose built flat development which was granted planning permission in 2002. There is a significant change in levels, with the land level decreasing along Brook Road from the Epping New Road junction. To a lesser degree there is also a reduction in land level to the rear of the site.

Relevant History:

The site has a long planning history of planning applications relating to the commercial use of the site, none of which are relevant to this proposal.

Policies Applied:

East of England Plan

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

Adopted Local Plan and Alterations

H2A – Previously Developed Land
H3A – Housing Density
H4A – Dwelling Mix
CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP4 – Energy Conservation
CP5 – Sustainable Building
CP9 – Sustainable Transport
DBE1 – Design of New Buildings
DBE2 – Impact of New Buildings
DBE8 – Amenity Space Provision
ST4 – Highways Considerations
ST6 – Car Parking Standards
LL11 – Landscaping Schemes
E4A – Protection of Employment Sites
E4B – Alternative uses for Employment Sites

Summary of Representations:

Notification of this application was sent to Buckhurst Hill Parish Council and to 61 neighbouring properties.

The following representations have been received:

BUCKHURST HILL PARISH COUNCIL. No objection. There are concerns however with regard to the impact on local infrastructure, i.e. schools and doctors. In addition due to sites close proximity to forest land we would like to see more information with regard to landscaping.

ST JOHN'S C OF E SCHOOL. Objection. Lack of infrastructure, particularly education, in Buckhurst Hill. There are two state schools in Buckhurst Hill, although one of these (Buckhurst Hill Primary School) is set to expand in 2011, there will still be a shortage of school places in this area from September 2010 onwards. St John's is also at capacity and currently has no room for expansion. The problem is further accentuated by the population growth in London which has a ripple effect on schools in West Essex. I understand from ECC that all local schools are likely to be full from next year. Therefore to construct another 14 houses on the doorstep of this school is inconceivable and very ill-advised.

Representations of objection have been received from 10 neighbouring residents (127, 139 ARDMORE LANE; BROOKWOOD, BROOK ROAD; 169 PRINCES ROAD; 71 AUDLEY GARDENS (x2); 3 GLEBEWAY, WOODFORD GREEN; 52 RUSSELL ROAD; 21 DEVON CLOSE; 35 HORNBEAM ROAD; 2 ALBANY VIEW). Their concerns are summarised below:

- Lack of infrastructure, particularly education. A number of children who already live within the catchment are unable to secure a place at local state schools. Also more GP's will be needed, roads will be busier. 14 additional families will make this situation worse.
- Rather than residential development couldn't this site remain as a much needed commercial site? Or indeed be converted into an additional state school site?
- Wish to prevent an overdevelopment of the area.
- Recent developments/approvals north of Epping New Road, at Stag Lane and opposite Holly House hospital are located within 'Catchment A' for St. John's and children who live in 'Catchment B' are unable to get into either school.
- Specifically with regard to Brookwood, Brook Road – Restriction of existing right of access to car port, access arrangements to manhole cover within site, loss of daylight, potential for noise, disruption and vibrations during construction.

CITY OF LONDON (EPPING FOREST CONSERVATORS). No objection.

Issues and Considerations:

The main issues in this case are:

- The loss of employment use on the site;
- The principle of the residential development;
- The suitability of the proposed design;
- The impact of the development on neighbouring residents;
- Level of amenity for future occupiers of the site;
- Highways, access and parking issues; and
- Tree and landscape issues.

The Loss of Employment Use

Policy E4A of the Local Plan seeks the protection of employment sites within the District. It states that redevelopment for residential uses will only be permitted where it has been shown that either:

- (i) The site is poorly located in relation to housing or access by sustainable means;

- (ii) There are material conflicts with adjoining land uses (e.g. due to noise, disturbance, traffic, environmental and amenity issues);
- (iii) Existing premises are unsuitable in relation to the operational requirements of modern business; or
- (iv) There is a demonstrable lack of market demand for employment use over a long period that is likely to persist during the development plan period;

And there are very significant development or infrastructure constraints making the site unsuitable or uneconomic to redevelop for employment purposes.

With regard to criterion ii, the applicant identifies that *'the existing B2 use is one which is normally discordant with adjacent residential use and a new more intensive B2 use is likely to generate noise, dust and traffic generation'*.

Turning to criterion iii, the marketing report states that the building on the site (constructed in the 1960's) *'is of poor quality, outdated and not suitable for modern business with B2 consent. The current premises do not lend themselves to B1, B2 or B8 uses for the following reasons and as a result would require some form of redevelopment/refurbishment prior to occupation.'*

- *Low eaves/clear working height.*
- *Sloping site.*
- *Poor configuration of space.*
- *Ongoing maintenance liability'.*

With regard to criterion iv, the application is accompanied by details of the marketing activity relating to this site. This report explains that the site has been marketed by BNP Paribas Real Estate since July 2008. The site has been marketed by the display of 2 'For Sale' boards on the site, by the mailing of sales particulars, by online advertising and through an open day, in August 2008. The report notes that *'The commercial property market has suffered significantly over the past year due to the global economic recession. Businesses generally are suffering from a downturn in trade and few companies are expanding, many are contracting and looking to cut costs where possible. The lack of bank finance available has resulted in a number of buildings and sites still on the market that failed to sell in a stronger market and remain available even at discounted process and or with significant incentives. ... Buckhurst Hill is...considered a tertiary industrial location. We are not aware and have been unable to find any notable transactions within Buckhurst Hill that would indicate any demand for industrial accommodation'*.

The report confirms that during the marketing process, 75 enquiries have been made in relation to the site and as a result, 25 offers have been received. The site was advertised without a price in order not to deter prospective purchasers. Of these offers, only two related to business and industrial uses. These were not pursued as the report claims that they were well below the market value for employment purposes. Most of the offers (16) related to residential developers and 5 related to care home/healthcare facilities.

Having considered the information submitted, Officers are satisfied there is good justification for the loss of the site for employment purposes. Accordingly, the requirements of Policy E4A are met.

Policy E4B of the Local Plan states that where it can be proven that there is no further need for employment uses on a site, the Council will permit alternative uses which fulfil other community needs. Furthermore, the policy states that where there is an identified need for a particular facility, the Council will have to be satisfied that the site is unsuitable for that use prior to considering the site for open market housing.

In this instance, Buckhurst Hill Parish Council identified a local need for additional school facilities during pre-application discussions with the applicants. The applicants have explored whether the site would be suitable for the siting of additional school facilities, but have stated in the submitted planning statement that the site is too small for such a development, having stated that a suitable site would need to be a minimum of 2 hectares. Accordingly, the applicant does not accept that this site would be suitable for this purpose. Officers agree that a site such as this with an area of less than 0.5 hectares is insufficient to develop as a school.

The supporting text within the Local Plan makes it clear that affordable housing may be appropriate as a use which fulfils community need. As a result, the applicant is willing to make a financial contribution of £100,000 towards the provision of off-site affordable housing. The Director of Housing has suggested that the sum should be the maximum amount available from the development and that this should be demonstrated through the submission of a financial appraisal. However, it is the view of the Planning Officer that, having regard to the scale of the proposed development, the lack of any other community need which would be capable of being provided on the site and bearing in mind the current economic climate and other proposed contributions, this sum would be acceptable.

The Principle of the Residential Development

Policy H2A of the local plan alterations states that the re-use of previously developed land will be encouraged when considering residential use. The proposed development, making use of an existing Brownfield site, would be in accordance with this policy.

Policy CP3 of the Local Plan states that when considering planning applications the Council will require that the development can be accommodated within the existing, committed or planned infrastructure capacity of the area (or that sufficient new infrastructure is provided by the new development/developer). The policy clarifies that the Council may use planning obligations to satisfy this criterion.

It is considered that there is sufficient highway infrastructure to accommodate the proposed development and the site is located in reasonably close proximity to local services including convenience shopping. There is however, significant local concern regarding the capacity of local schools. The latest Essex Schools Organisation Plan (SOP)(March 2010) demonstrates that there is no additional capacity at Roding Valley High School, which is the only secondary school within 3 miles, via a safe walking route, of the proposed development. With regard to Primary education, the SOP indicates that there would be sufficient space to accommodate the future residents of the site, having regard to a planned expansion of Buckhurst Hill Primary School. However, Essex County Council has advised that the figures within the School Organisation Plan have been superseded by figures related to increased birth rates within the area, beyond that which was predicted. As a result there will be a deficit in primary education places by 2014. On this basis, Essex County Council has sought financial contributions of £47,716 towards 4.2 primary places and £48,208 towards 2.8 secondary places. Having regard to the need for both primary and secondary education places within the local area, it is considered that such a contribution would meet the tests set out in Circular 05/05 and would be in accordance with Policy I1A of the Local Plan. It is considered that the contribution would be necessary to ensure that the proposal accords with Policy CP3(i).

Design

Development surrounding the application site is mixed in character, with properties in the vicinity of the site facing onto Brook Road and accessed from cul-de-sacs off Brook Road generally being modest sized two storey dwellings. To the east of the site is a single storey warehouse building (part of a car dealership) and on the other side of Brook Road is Icen Court, a purpose built residential development which rises to 4 stories in height.

This application proposes a fairly high density development to the site frontage, reducing to a much more open development at the rear of the site. Along the site frontage, the development would be 2 ½ storeys in the western part of the site and three storeys in the eastern part of the site. Having regard to the character of the surrounding area and in particular Icen Court, it is considered that the design of the development, including the inclusion of 2nd floor accommodation, would be acceptable. The dwellings would be of brick construction with tiled roofs, in keeping with surrounding development.

The layout of the development has had some regard to the principles of the Essex Design Guide, for example with regard to the siting of garages/car parking away from the main street frontage. Notwithstanding this, the garages would be quite prominent with the cul-de-sac. Furthermore, the dwellings on plots 6, 7 and 8 do not sit particularly comfortably in relation to the road. However, the proposed layout is influenced by the shape of the site and it is not considered that these elements of the design would justify the refusal of planning permission.

It is considered that a high standard of on site landscaping will be required to soften both the street frontage of the development and the area around the turning head, particularly with regard to the garages.

Impact on Neighbouring Amenity

The neighbouring property which would be most affected would be Brookwood, located to the side of the proposed plot 14. As the proposed built development would be located to the side of this dwelling, there would be no material impact in terms of loss of light or outlook. There may be some additional overlooking of this property from the future occupants of plot 10, but the distance between the properties and the position of the dwelling at plot 10 is such that this would not result in a detrimental loss of amenity.

Amenity for Future Occupiers

The development would comprise a mix of property designs and plot sizes. Habitable rooms in all dwellings would benefit from an acceptable level of natural light and outlook. There would be a suitable relationship between dwellings to ensure that there would be an acceptable level of privacy, subject to the use of planning conditions requiring windows to be fixed closed and obscure glazed where necessary.

With regard to the provision of private amenity space, there would be considerable variation across the development, with garden sizes varying from approximately 42m² (plot 4) to 269m² (plot 10). Plots 4 and 11, located either side of the access road into the site, would have the smallest gardens. These would be 3/4 bed properties, with garden depths of approximately 8.4 and 7.6 metres. These gardens would be very small in relation to what would normally be expected and would fall significantly below the Council's normal standard for private amenity space, which is set out in Policy DBE8 of the Local Plan. These reduced garden sizes are partly due to the relocation of the car parking to the rear of the plot so that it is not overly prominent within the street, but it is clearly also due to the desire to create larger plot sizes in the rear part of the site. The rear gardens of these plots would have a fairly open aspect to the rear, broken only by the likely boundary treatments enclosing the garden area. The gardens, although small would provide a reasonably private area in which a family could sit out. Having regard to this, it is considered on balance that the small garden sizes would not justify the refusal of the planning application.

Highways, Access and Parking

The estate road leading into the site would be via a new access onto Brook Road. A rumble strip would be located on the road between plots 4 and 11. Beyond this point the road surface would

be shared by pedestrians and vehicles. The final design of this access has resulted from discussions between the applicant and the officers at the Highways Authority. Subject to the imposition of some suggested planning conditions, the Highways Authority is satisfied that the proposed access and road layout would be acceptable.

With regard to parking, each dwelling would have a parking space with a garage to the front. This would be acceptable in accordance with the Council's parking standards. However, it will be necessary for a planning condition to be imposed requiring that the garages remain available for the purpose of vehicle parking.

A further condition should be imposed preventing the creation of hard surfaces for additional parking without the need for planning permission. This is to ensure that sufficient green and landscaped area remains within the site and along the street frontage.

Trees and Landscape

There are no trees within the site at present. There is a protected (by TPO) sycamore in the grounds of the car repair business to the east, and there are several trees along the access road (owned by City of London) to the west. There is only one tree within the vicinity of the site which will need tree protection, this is identified within the submitted Arboricultural report and is an oak just beyond the site boundary with a canopy that overhangs the boundary. Since this tree is located outside of the proposed construction area and subject to the use of a tree protection condition, the development should not be detrimental to this tree.

As with any new development, a robust landscaping scheme should be implemented. This should include an element of greening at the frontages of the houses that face onto Brook Road. This landscape scheme would be supported by the planning condition suggested previously, which would remove permitted development rights for hard surfaces.

Planning Obligations

Policy I1A of the Local Plan relates to planning obligations generally and refers to Government advice contained within Circular 05/05.

As discussed, there is an identified need for additional school places within the local area. The need for the secondary school places is demonstrated in the School Education Plan (March 2010) prepared by Essex County Council. The need for the primary places is not evident from the School Organisation Plan, but is supported by evidence of increased birth rates in the local area which supersedes this document. Policy CP3(i) states that the Council will require that new developments can be accommodated within existing, committed or planned infrastructure capacity. The policy confirms that planning obligations may be used to satisfy this. The applicant is willing to make a financial contribution of is £95,924 towards additional school places.

Policy E4B of the Local Plan requires that consideration must be given to uses which fulfil a community need prior to the use of sites for open market housing. The supporting text to the policy confirms that affordable housing may be appropriate. On this basis, a contribution of £100,000 is sought for this purpose.

Finally, the Highways Authority has sought the provision of a Travel Information and Marketing Scheme for sustainable transport, which would include vouchers for 12 months free bus travel within the local area. The provision of such a scheme for the future residents of the development would accord with Policy CP9 of the Local Plan.

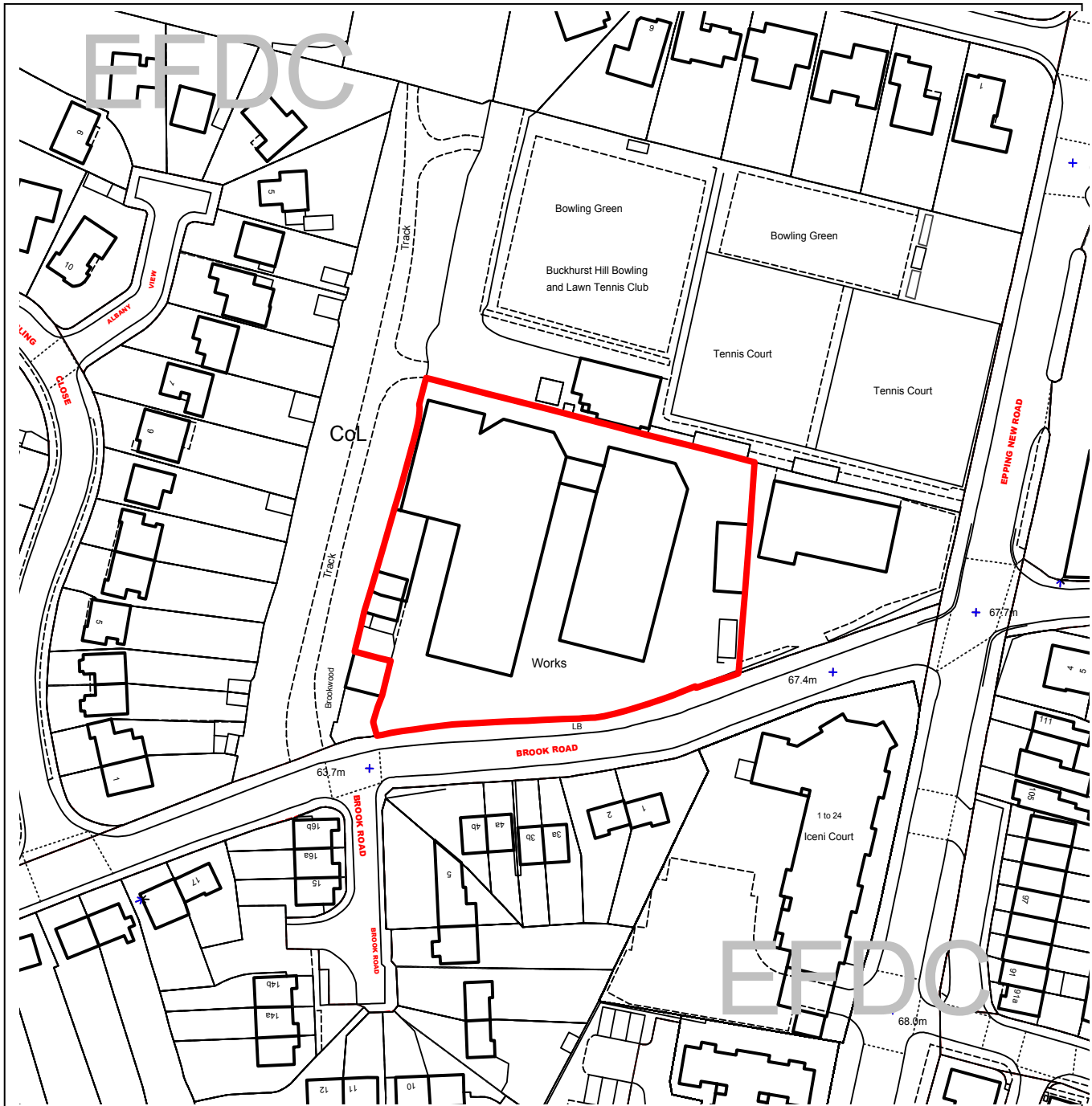
Conclusion:

In light of the above appraisal, it is considered that policies E4A and E4B of the Local Plan have been addressed. The site, due largely to its size, would not accommodate an additional school for which there is an identified community need. Whilst there is a forecast deficit of school places over the next few years, the applicant is willing to make a financial contribution towards the cost of providing additional school places. Accordingly the principle of the residential development of this Brownfield site is accepted. The development proposed is considered to be acceptable in terms of its design and impact on neighbouring properties. Overall, it is considered on balance that there would be a satisfactory level of amenity for the occupiers of the proposed dwellings. It is, therefore, recommended that it is resolved to grant a conditional planning permission, subject to the completion of a Section 106 legal agreement to secure the matters discussed in this report.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	2
Application Number:	EPF/0446/10
Site Name:	BPI Poly Site, Brook Road Buckhurst Hill, IG9
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0796/10
SITE ADDRESS:	15 Tomswood Road Chigwell Essex IG7 5QP
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mrs Kalvinder Kaur Rooprai
DESCRIPTION OF PROPOSAL:	Two storey rear extension, loft conversion with three rear dormer windows, internal alterations, front porch and balcony above. (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 Prior to first occupation of the extension hereby approved the proposed window openings in the first floor flank wall facing number 17, Tomswood Road, shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed, and shall be permanently retained in that condition.
- 3 Materials to be used for the external finishes of the proposed extension and dormer windows shall match those of the existing building.
- 4 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

- 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 The site shall only be accessed from Tomswood Road for the purposes of carrying out the development hereby approved and for the purposes of the delivery of materials and removal of material and debris in connection with carrying out the development.

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

Description of Proposal:

Two storey rear extension, loft conversion with three dormer windows, front porch and balcony above.

Description of Site:

A large two storey detached house lying in a large plot in a row of similar properties on the south side of Tomswood Road close to the junction with Audleigh Place.

Relevant History:

EPF/0766/10 – A planning application for a very similar development to the current proposal was withdrawn recently.

EPF/431/107 – An application to remove a preserved beech tree to the rear of the house was also withdrawn earlier this year.

Policies Applied:

DBE9 – Loss of amenity
DBE10 - Residential extensions

LL9 – Felling of preserved trees
LL10 – Adequacy of provision for landscape retention.

Summary of Representations:

CHIGWELL PARISH COUNCIL – Object since the proposal is overbearing and will have an adverse impact on the adjacent properties. Concern was also expressed that an application has not been submitted for the proposed felling of the existing tree on site which is subject to a Preservation Order.

8 neighbours have been consulted and no replies have been received.

Issues and Considerations:

The main issues raised by this application are the effect, if any, of the proposed extension on the amenity of neighbours, the design and appearance of the extension and alterations, and need to remove a preserved beech tree which lies close to the rear of the existing house.

It is proposed to erect a 2 storey rear extension projecting rearwards by 5m, which would involve the removal of an existing ground floor extension on the east part of the rear elevation. On the east boundary with no. 17 Tomswood Road the ground floor part of the extension will be built up to the side boundary in common with the existing flank of the house, but the first floor will be set in by 1.2m to reduce impact on the outlook and amenity of no.17. This 1.2 m set in at first floor level is a change from the previously withdrawn application EPF/0766/10. In addition the house at no.17 stands a considerable distance of 5.2m away from the common boundary with no. 15. This is because a public right of way or access road from Tomswood Road to lands at the rear has been stopped up, and it has now been incorporated within the curtilage of no.17. No.17 also stands on land that is some 0.6m higher than no.15, and its rear wall lies some 1.7m rearwards of the existing rear wall of no.15. All these factors combined mean that the effect of the 2 storey rear extension on the amenity of no.17 will not be significant, and in this respect the views of the Parish Council are not shared by officers. The occupants of no.17 have also not raised any objections to the proposed development. Finally the plans show that a new first floor flank window in the proposed extension, and two more in the existing flank, will be fitted with fixed obscured glass so as to prevent any overlooking.

On the west boundary with no.9 Tomswood Road the proposed two storey rear extension will retain the existing gap of 1.5m between the flank of the house and this boundary. The nearest building at no.9 is a single storey garage building and the actual house at no. 9 lies a considerable distance of 7m distance from the common boundary. Whilst no. 9 does lie on land that is 0.6m lower, the retention of the 1.5m gap together with the distance between the boundary and the actual dwelling at no.9 will again mean that the effect on the latter's amenity and outlook will not be appreciable.

Finally, in respect of possible impact on neighbours, it needs to be emphasised that these houses are large, occupying wide plots. In this context, a 5m. long, two storey rear extension is more easily absorbed than would be the case if the houses were more closely aligned on narrower plots.

The proposal also includes the provision of 3 dormer windows at the rear, each with a pitched and hipped roof over. The outer 2 of these dormers have been reduced in size from that shown on the previously withdrawn application, and are now satisfactory in appearance. At the front of the house a modest porch is proposed with balcony over, and these changes do not adversely affect the appearance of the property, or the privacy of neighbours.

Chigwell Parish Council has expressed concern that correct procedures are not being followed for dealing with the matter of the proposed felling of a preserved tree. That matter is presented as

part of the development proposed in this application. There is no procedural difficulty raised by this approach and the merits of the proposal to fell the tree can be properly dealt with as part of this application. It is therefore not necessary for the applicant to submit a separate application for the proposed felling.

The trunk of a preserved beech tree lies just 3m away from the existing ground floor rear wing, and its branches both hit the main house, and fall on the roof of this ground floor wing. If the proposed extension is built this preserved tree would need to be felled. This would normally not be acceptable, but in this instance an exception is warranted. Firstly, the Council's trees and landscape team advise this beech tree is of marginal importance, particularly when account is taken of the many finer and preserved trees that lie towards the rear of this and adjoining gardens. By contrast the front gardens and street scene in this section of Tomswood Road have far less tree cover, and the applicant has agreed in writing to plant a new tree, such as a beech tree, in the front garden where it would have a greater greening effect than the current beech tree. The applicant has also confirmed that access to the site for building work will be from the front i.e. from Tomswood Road, and not from the rear, and hence other preserved trees at the foot of the rear garden will not be affected by building works and deliveries. In these circumstances it is considered that the planting of a new beech tree at the front provides justification for the existing beech tree close to the rear of the house to be removed. Appropriate conditions are recommended, although the applicant has agreed in writing to providing a replacement tree in the front garden.

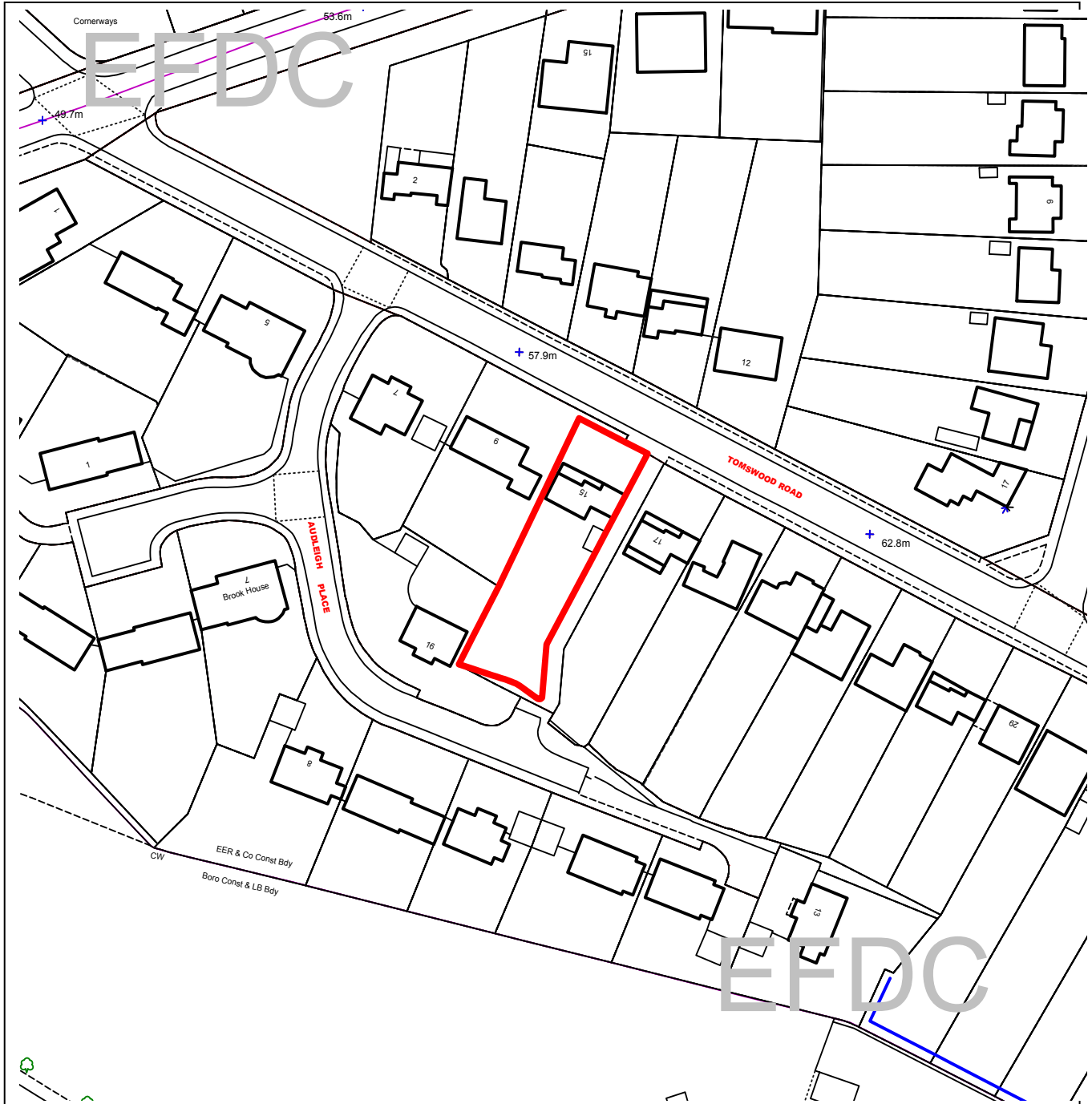
Conclusions:

Improvements have been made to this proposal, and it does not now have a material impact on neighbours' amenity. The loss of a preserved beech close to the rear wall of the house will be more than outweighed by the planting of a heavy standard tree in the front garden.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	3
Application Number:	EPF/0796/10
Site Name:	15 Tomswood Road, Chigwell IG7 5QP
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/1051/10
SITE ADDRESS:	14 Wimborne Close Buckhurst Hill Essex IG9 5DN
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	G Beccaloni
DESCRIPTION OF PROPOSAL:	Extension of time limit to EPF/0573/07. (Loft conversion with dormer window to rear.)
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 development shall be carried out in accordance with the amended plans received with the original application on 25/05/07 and the amended rear elevation received on 01/05/07 unless otherwise agreed in writing with the Local Planning Authority.

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 for an extension of time limit to planning permission EPF/0573/07 for a previously approved loft conversion with rear dormer window. The rear dormer is a box style, 5.3m wide, with a tile finish and flat roof which would slope back to the level of the ridge. The edge of the dormer would be set in 1.0m from the edge of the existing rear roof slope.

Description of Site:

The proposal building is divided into two maisonettes and the works would be carried out to the upper dwelling, No14. The area is made up of semi detached dwellings divided similarly. The side boundaries of the site are well screened by existing vegetation and the rear of the site borders Epping Forest.

Relevant History

EPF/0573/07 - Loft conversion with dormer window to rear. Grant Permission (With Conditions) - 04/06/2007.

Policies Applied:

Policy CP2 – Protecting the Quality of the Rural and Built Environment

Policy DBE9 – Loss of Amenity

Policy DBE10 – Design of Residential Extension

SUMMARY OF REPRESENTATIONS:

(7 properties consulted – 3 replies).

10 WIMBORNE CLOSE: Objection. Further expansion of the close will cause parking problems.

12 WIMBORNE CLOSE: Objection (2 Letters). Major structural alterations will affect the whole block. Impact on footings of the building. Dormer window will result in overlooking. Impact of skylights. Fire risk from electrical points. Party wall only one brick thin. Annoyance, damage and inconvenience may be caused.

16 WIMBORNE CLOSE: Objection. Noise, mess and disturbance will be unbearable. Scaffolded erected for the work would block access to my property.

18 WIMBORNE CLOSE: Objection. The proposal will result in a loss of light to my property.

PARISH COUNCIL: OBJECTION. Whilst the parish council is aware this is an extension of time limit, it feels the proposal is too large and will cause neighbours gardens to be overlooked.

Issues and Considerations:

The main issues to consider are the design of the proposal and any potential issues of loss of amenity. The fact that the District Council previously gave a planning permission for the development is a material consideration.

Impact on Appearance of Area

The proposal would overlook the rear garden of the occupiers of the ground floor maisonette, No16. This would not be any greater than from existing first floor windows in No14. The side boundaries are well screened and again overlooking of neighbouring properties would not be any greater than from existing rear facing first floor windows. The proposal complies with the relevant policy, DBE9.

Impact on Neighbours Amenity

The proposed dormer window is well set in from the sides of the roof and as such would appear as a subservient addition to the existing roof slope. There are no local examples of a similar feature; however this proposal would not impact detrimentally on the appearance of the area and would not be clearly visible within the existing streetscene. The proposal complies with the relevant policies, CP2 and DBE9.

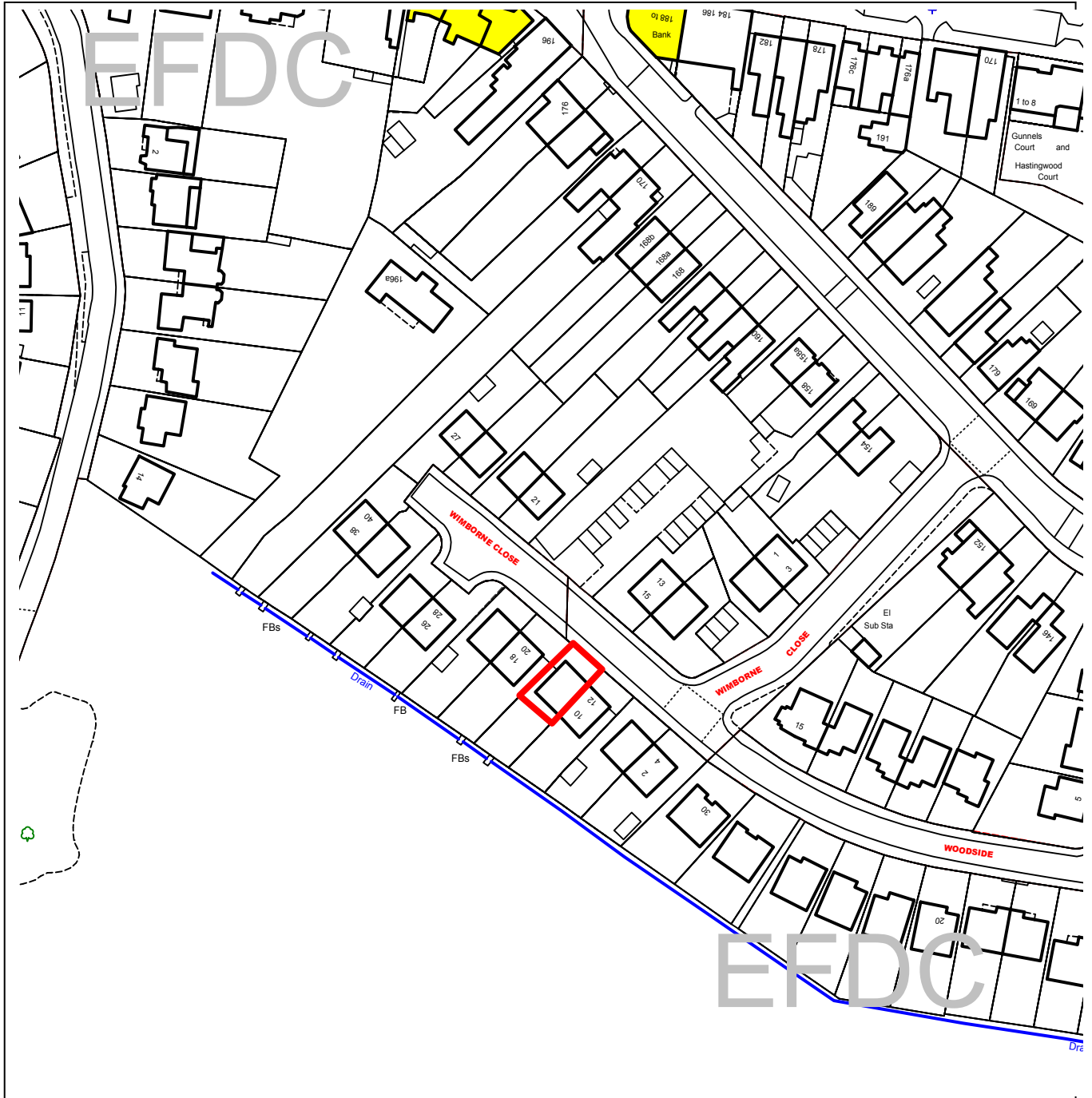
Conclusion:

The District Council previously allowed this development under planning permission EPF/0573/07. There has been no material change in the physical or policy context within which the development should be considered therefore no new issues have arisen in the period since the grant of planning permission which would warrant a different assessment of the development. As such this application is recommended for approval with the same conditions carried forward to this decision.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	4
Application Number:	EPF/1051/10
Site Name:	14 Wimborne Close, Buckhurst Hill IG9 5DN
Scale of Plot:	1/1250