

Report Item No: 1

APPLICATION No:	EPF/1606/10
SITE ADDRESS:	The Grange 75 High Road Chigwell Essex IG7 6DL
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr Stuart Issacs
DESCRIPTION OF PROPOSAL:	Certificate of lawful development for existing use of buildings and land for the sale and display of motor vehicles and the repair and restoration of motor vehicles.
RECOMMENDED DECISION:	Lawful

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/Anite!M.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=520345

REASONS

- 1 The evidence submitted by the applicant has demonstrated, that the following activities are lawful, under the provisions of Sections 191 (2) and (3) of the Town and Country Planning Act 1990:

The primary use of the site (and the buildings within) for the purposes of car sales. Customers visit the site on an appointment only basis;

The use of the buildings referred to on drawing DHA/7615/01 (site plan) as 1 and 3 for the display of motor vehicles;

The use of the building referred to on drawing DHA/7615/01 (site plan) as 2 for the ancillary repair of cars in association with the use for the site for car sales; and

The use of the building referred to on drawing DHA/7615/01 (site plan) as 4 as an office which is ancillary to the primary use for the site for car sales.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

This item was deferred from the previous meeting of this Committee, on 26th January 2011, in order that a member of the Council's Legal Services section could be available to answer questions relating to points of law.

Description of Proposal:

This application is made under Section 191 of the Town and Country Planning Act 1990 ("the Act") and seeks a certificate of lawful existing use for the 'use of buildings and land for the sale and display of motor vehicles and the repair and restoration of classic cars.

The applicant resides at The Grange, 75 High Road, located to the south east of the site. It is claimed that the applicant's business 'Thoroughbred Cars', has been operating from the site since 1995.

Description of Site:

The application site covers an area of approximately 0.07 hectares and forms part of the garden of The Grange and is occupied by four outbuildings. There is no record of planning permission having been granted for the erection of these buildings. Whilst they fall within land associated with 75 The Grange, it is considered less likely that they are located within the residential curtilage, where they may have benefitted from permitted development rights. Notwithstanding this, the larger buildings are referred to in previous applications from 1999 and it is considered likely, on this basis, that they are lawful.

Relevant History:

EPF/0003/10 Demolish outbuilding and construct a four bedroom house within curtilage of existing plot. Refused 29/04/2010 for the following reasons:

- 1 The proposed dwelling would be an inappropriate development within the Metropolitan Green Belt which is by definition harmful. No very special circumstances exist which are sufficient to outweigh this harm and the development is therefore contrary to National guidelines and to policy GB2A of the Adopted Local Plan and Alterations.
- 2 Insufficient information has been submitted to enable full consideration of the impact of the proposed development on trees within the application site, contrary to policy LL10 of the Adopted Local Plan and Alterations.
- 2 By reason of the subdivision of the site to create a new planning unit with its associated additional activity and as a consequence of the height and bulk of the proposed house, the development would have an excessive adverse impact upon the openness, rural character and visual amenities of the Green Belt, contrary to policies CP2 and GB7A of the Adopted Local Plan and Alterations.

Policies Applied:

None relevant

Regard must be given to the relevant provisions of the Town and County Planning Act.

Government guidance is also provided in Annex 8 to Circular 10/97: Enforcing Planning Control.

Summary of Representations:

Letters have been sent to Chigwell Parish Council and to 8 neighbouring addresses.

The following representations have been received:

CHIGWELL PARISH COUNCIL: Objection. The Council objects to this application on the grounds that there is insufficient evidence that this business has been operating at these premises since the date stated. Furthermore, the Parish Council would not wish cars to be displayed at these premises and is concerned that this proposal would turn a residential area/property into a business premises.

"MILESTONE", 65 HIGH ROAD, CHIGWELL. I would advise that I've known about Mr Isaac's activities for many years. These activities have been handled in a very discrete way which has caused absolutely no bother to us at all. My property adjoins that of 75 High Road, Chigwell.

Issues and Considerations:

The only issue to be considered in this application is whether or not the described use is lawful. The certificate is sought on the basis that the time for taking enforcement action has expired. A breach of planning control becomes "immune" from planning enforcement action if no such action has been taken within certain time-limits. By virtue of section 191 (2) and (3) of the 1990 Act, a breach of planning control which has obtained immunity by the passage of time also becomes "lawful" for planning purposes. As stated in Section 171B(3) of the Act, the time limit for this type of development is ten years.

It is for the applicant to prove that the use is lawful. However, at Annex 8 to Circular 10/95, it is stated *"the Court has held (see F W Gabbitas v SSE and Newham LBC [1985] JPL 630) that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the LPA have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability"."*

Accordingly, it must be determined whether there is sufficient evidence to prove, on the balance of probability, that the described use has taken place for a continued period of at least ten years.

The Applicant's Evidence

- A statutory declaration (by the applicant) witnessed by a Solicitor and Commissioner for Oaths.
- Samples of sales documents and invoices to cover the period from 2000-2010.
- Advertisements of cars for sale from magazines: Classic Cars, Classic and Sports Cars and Thoroughbred and Classic Cars.
- Letters from professionals including insurers; accountants and bankers advising of their knowledge and involvement with the business operation.
- Letters from customers.

The Council's Evidence

- There is no record of business rates having been paid in respect of the use of the land for business purposes.
- At the time of a previous site inspection (January 2010) relating to a planning application for a dwelling, no sign of cars being displayed was evident (however, no internal inspection of buildings was undertaken).
- There is no record of planning enforcement investigations relating to this site.

Appraisal of Evidence relating to Car Sales

The evidence submitted relating to car sales over the last ten years is only a sample extract of the information held by the applicant. Further documentation was made available to the case officer during the site visit, but this additional information has not been extensively viewed or catalogued. Accordingly, the decision as to whether or not the use has been proven to be lawful must be taken on the basis of the evidence that has been submitted.

An initial appraisal of the evidence submitted found that insufficient information had been provided to prove, on the balance of probability that the use had operated continuously and as a primary use, rather than one which was ancillary to the residential use of The Grange. In particular it was considered that there was inadequate evidence (in terms of the number of sales invoices provided) relating to the period 2000-2007. Following a request for additional information the applicant has provided a further sample of ten sales invoices for each of the years within the seven year period. A total of 13 sales invoices for 2008, 23 invoices for 2009 and 11 invoices for 2010 were also received with the application. Further documentation relating to cars purchased has also been provided.

The invoices submitted generally have the Seller's contact details section blank and are not, therefore, easily linked with the application site. In instances where this section has been completed it is stamped with the details 'Thoroughbred Cars Head Office: 785 Cranbrook Road, Barkingside, Ilford, Essex IG6 1HJ'. This matter has been raised with the applicant's agent, who has provided the following clarification:

Thoroughbred previously operated from 544-546 High Road, Leytonstone E11 3DH. The company vacated the premises in August/September 1994 following a violent armed robbery attack...It is this reason and for the security of the business that the location of the business is not disclosed in any sales documents of publicity information (magazine advertisements)...all VAT receipts issued in connection with the business are handled by Mr Isaacs accountant Soares & Co...located at 785 Cranbrook Road, Barkingside...prior to their relocation to new premises...785 Cranbrook Road, Barkingside is not and never has been used by Thoroughbred Cars other than by virtue of the fact that it was the office of Thoroughbred Cars Accountant.

It is considered that the above clarification provides a reasonable explanation, however no evidence has been submitted in support of this assertion. However, when this explanation is considered against the other forms of evidence submitted – for example, photographs which show some of the cars referred to in the invoices displayed at The Grange and customer letters confirming purchase arrangements addressed to The Grange, it is considered that it is sufficient to prove, on the balance of probability, that the sales are associated with The Grange. The numbers of car sales demonstrated through the invoices provided are considered to be sufficient to prove that the use has been operating at a level which is a material change from the previous residential use as it has operated beyond the level which may be operated as an ancillary use.

Finally, it must also be considered whether or not the use has operated from the site itself, rather than from the remainder of the property known as The Grange, 75 High Road. This is a difficult matter for the applicant to prove, as the sites are both within the same ownership and there is no separate postal address for the application site. Accordingly there is a distinct link between the two sites, with post arriving at the residential property. Furthermore, the 'office' (referred to on the plans as building '4') does not have either a telephone or internet connection. The applicant has advised that much of the business correspondence is undertaken with the use of a mobile phone and that the office is mainly used for meeting with clients. Having regard to the activities which are undertaken within the site, it is not considered that the use of the residence for some correspondence (including the receipt of post) undermines the use of the site for the purposes stated in this application.

Appraisal of Evidence relating to Display of Vehicles

Although there is photographic evidence which depicts cars being stored outside, these appear staged. It is considered likely that the cars are not displayed outside, but are photographed outside and perhaps brought outside when a client is visiting the property. There would be little commercial benefit to displaying the cars outside as the site is not visible from the road due to the large solid gates across the site entrance. On this basis, it is not considered that it is proven on the balance of probability that cars are displayed outside on the land.

There is greater provision of evidence to show that cars are stored inside buildings within the site. This relates specifically to the use of the buildings referred to on the site plan as numbers 1 and 3. It is considered that this evidence meets the test of the balance of probability.

Appraisal of Evidence relating to Car Repairs and Restoration

- Evidence (in letter format) from Phil Read, Automobile Interior Restoration, Basildon – has visited premises many times over the last 15 years, where I have carried out repairs and restoration to car interiors which Thoroughbred Cars have for sale, as well as their customers cars. Work carried out in the Thoroughbred Car workshop (copies of invoices from Phil Read for work undertaken in April 2004; June 2006; August 2007; January 2008 also provided).
- Evidence (in letter format) from H Kauffman, customer of 5 cars since 1995 – occasionally when one of my cars has developed a fault I have taken it to (the site) in order to have work carried out.
- Evidence (in letter format) from SG Services – I have carried out paint work and body repairs on cars belonging to Thoroughbred Cars for the last 6 years (to 2010) delivering and collecting cars from their workshop and sometimes repairs have been carried out in Thoroughbred Cars workshop.
- Evidence (in letter format) from GS Autos – I have carried out many mechanical repairs on cars belonging to Thoroughbred Cars, often working in the Thoroughbred Cars workshop.
- Letters from customers setting out repair works required to be undertaken prior to agreed purchase (location of works not specified).
- Few invoices for car parts. Invoices addressed to Thoroughbred Cars.

The submitted evidence confirms that repair works are not always undertaken on the site itself, for example, SG Services confirms that 'sometimes' repairs are carried out on the site and GS Autos confirm that repairs are carried out, 'often' working in the Thoroughbred Cars workshop. The evidence also indicates that the repairs are undertaken to cars which are either within the ownership of Thoroughbred Cars or are cars which have been sold by Thoroughbred Cars. On this basis, it is considered that it has only been demonstrated that repairs are undertaken as an ancillary function to the use of the site for the sale of motor vehicles. It is not, therefore, considered that it has been demonstrated that the use of any part of the site (or buildings within) for an independent car repairs use would be lawful.

Conclusion

In light of the above appraisal, it is considered that the evidence submitted by the applicant has demonstrated, on the balance of probability, that the following activities are lawful, by virtue of the passage of time which has lapsed since they were commenced:

- The primary use of the site (and the buildings within) for the purposes of car sales. Customers visit the site on an appointment only basis.
- The use of the buildings referred to on drawing DHA/7615/01 (site plan) as 1 and 3 for the display of motor vehicles.
- The use of the building referred to on drawing DHA/7615/01 (site plan) as 2 for the ancillary repair of cars in association with the use for the site for car sales.
- The use of the building referred to on drawing DHA/7615/01 (site plan) as 4 as an office which is ancillary to the primary use for the site for car sales.

For the avoidance of any doubt, it is not considered that it has been demonstrated that the following activities have taken place over the preceding ten years:

- It has not been demonstrated, on the balance of probability, that vehicles have been displayed for sale on external areas within the site over a continuous period.
- It has not been demonstrated that there is any display of advertisements at the site intended to attract passing custom. Furthermore, the activity has not been visible from the adjacent road.
- It has not been demonstrated, on the balance of probability, that vehicles have been repaired on the site at a level which exceeds that which is ancillary to the primary car sales activity.

Accordingly, the introduction of these activities may result in a material intensification of the use which may necessitate a planning permission.

It is, therefore, recommended that a Certificate of Lawful Existing Use is granted for the elements of use that have been proven beyond the balance of probability. It is further recommended that the Certificate should contain an informative, advising of those areas of use which have not been proven on the balance of probability and which the Council would consider unlawful as a result.

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

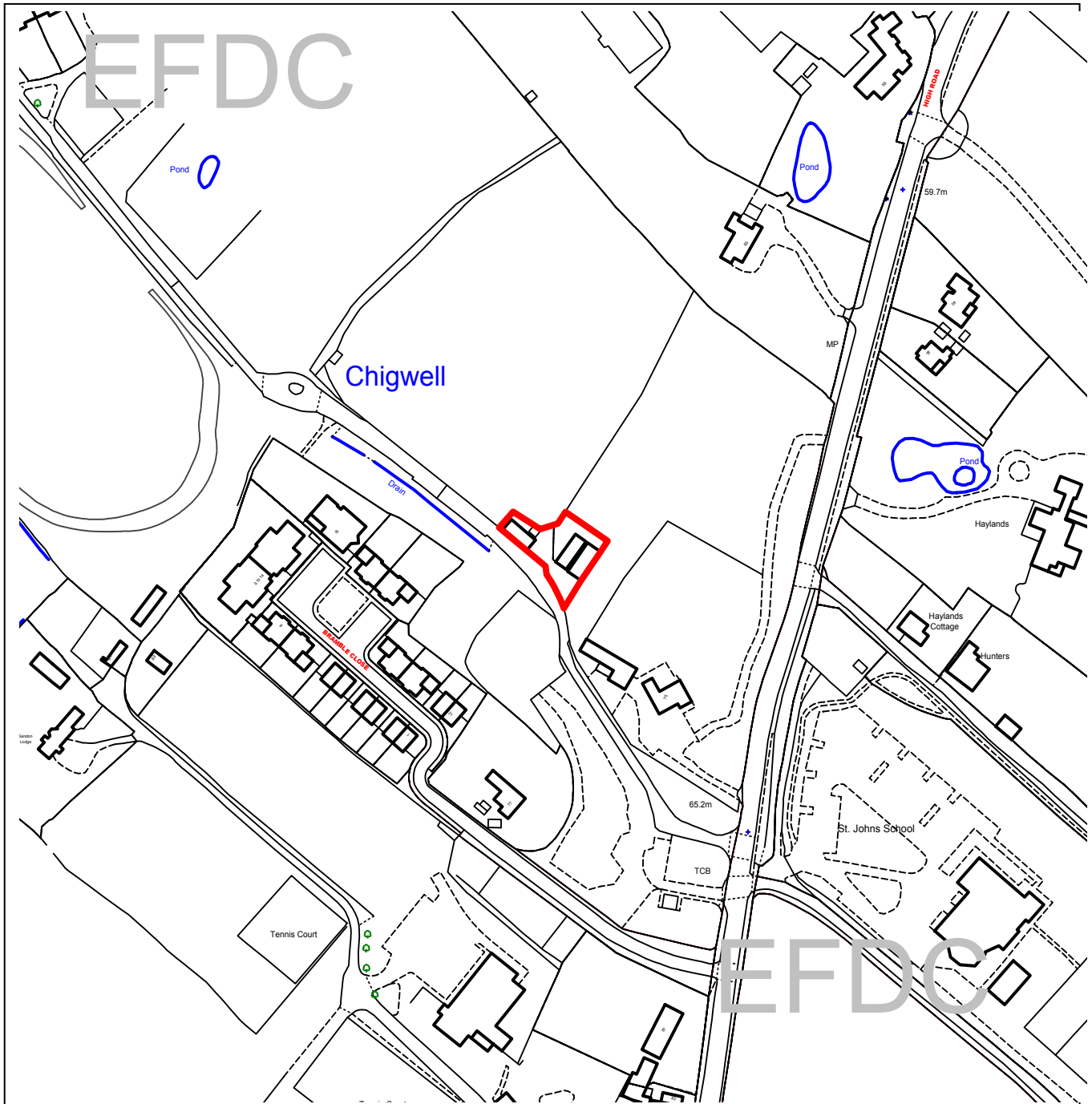
***Planning Application Case Officer: Mrs Katie Smith
Direct Line Telephone Number: (01992) 564109***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	1
Application Number:	EPF/1606/10
Site Name:	The Grange, 75 High Road, Chigwell, IG7 6DL
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/1900/10
SITE ADDRESS:	15 The Crescent Loughton Essex IG10 4PY
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Ken Fox
DESCRIPTION OF PROPOSAL:	Demolition of existing bungalow and erection of a single detached dwelling.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=521433

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 have taken place until details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 3 Prior to first occupation of the development hereby approved, the proposed window opening(s) in the side elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 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 generally permitted by virtue of Schedule 2, Part 1, Classes A and B shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

6 No development shall take place until details of the proposed surface materials for the hardstanding to the front of the dwelling (as indicated on approved plan no. 10/054/03) have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.

7 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.

8 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.

This application is before this Committee as it is for a form of development that can not be approved at Officer level if there are more than two expressions of objection to the proposal. (Pursuant to Section CL56, Schedule A(f) of the Council's Delegated functions).

Description of Proposal:

This application seeks planning permission for the demolition of the existing bungalow on the application site and its replacement with a two storey detached dwelling with integral garage.

The dwelling would have a staggered rectangular footprint, being approximately 8.7 metres in width and 15 metres in depth. At first floor level, the depth of the dwelling would be reduced to 11.8 metres adjacent to number 17 (the neighbouring bungalow). Distances of approximately 1.1 and 1.2 metres respectively would be retained to the side boundaries of the site with 11 and 17 The Crescent. The proposed dwelling would have a hipped pitched roof with a central ridge of 3.7 metres in length. The proposed dwelling would have a height to eaves of 5.1 metres adjacent to no.11 and 4.5 metres adjacent to number 17. It would have a maximum height of 9.7 metres. The dwelling would have small square dormer windows and projecting gabled elements to the front and rear elevations. A conservatory is also proposed to the rear. The site frontage would be partially landscaped and would include a permeable hard surfaced area of approximately 5.8 metres in width and 9.5 metres in depth.

Description of Site:

The application site is an area of approximately 11 x 62 metres. It is presently occupied by a detached bungalow and is located on the north eastern side of The Crescent. There are a variety of property sizes and designs within the locality. The immediate neighbouring property to the north-west (no. 11) is a two storey dwelling with additional second floor accommodation contained within a hip to gable extension and large rear dormer and to the neighbouring dwelling to the south east (no. 17) is a bungalow with additional first floor accommodation contained within the roof.

Along this side of the Crescent there is a mix of single and two storey dwellings. Generally, the single storey dwellings are detached and the two storey dwellings are semi-detached. On the opposite side of the street, properties are generally detached and single storey. There are several examples of loft conversions within the street, both to single and two storey buildings. There is a decrease in the level of the site, with the land falling from no. 11 towards no. 17. There are several trees along both side boundaries to the rear garden of the site and at the rear is a pair of two storey semi-detached dwellings, which have short gardens in relation to the application property.

The bungalow is unoccupied and in a poor state of repair. The site is enclosed by temporary metal fencing to secure the premises.

Relevant History:

EPF/1507/09 Demolition of existing bungalow and erection of a pair of semi detached houses. Refused 08/10/2009 and subsequently dismissed at appeal. Reasons for refusal (by the Council):

1. The proposed development, by virtue of its height and proximity to 17 The Crescent, would result in a material loss of light to the side bedroom window of this neighbouring property to the detriment of the occupiers enjoyment of their property, contrary to policies DBE2 and DBE9 of the Adopted Local Plan and Alterations.

2. The proposed development would be an inappropriate development within this locality, which is characterised by larger plot sizes and with main entrance doors being located to the front of dwellings. The proposal would constitute an overdevelopment of the site and would set an undesirable precedent for future similar developments, contrary to policies CP2(iv), CP7 and DBE1 of the Adopted Local Plan and Alterations.

NB The Inspector's decision notice is attached to the end of this report.

Policies Applied:

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
LL10 – Adequacy of Provision for Retention of landscaping
LL11 – Landscaping Schemes
ST4 – Road Safety
ST6 - Vehicle Parking

Summary of Representations

Notification of this planning application was sent to 109 neighbouring properties and to Loughton Town Council. The following representations have been received:

LOUGHTON TOWN COUNCIL. No objection.

12 THE CRESCENT. Objection. The proposed building is not appropriate to the area, it will appear bulky, overbearing and out of scale with neighbouring properties. Its height will affect our privacy.

11 THE CRESCENT. Objection. There will be side windows which will face my property – in particular the first floor windows will have a view into my staircase and bedroom. It would be better if these windows were obscured. The two storey part of the building would exceed my property and will overlook the velux widows in my ground floor extension. This means I will lose considerable amounts of light and privacy. Would prefer the two storey element to end level with my own property. A large ground floor extension would not cause me any trouble.

17 THE CRESCENT. Objection. Letter includes a report detailing a daylight survey, carried out using the BRE tests. Test shows that there would be a material reduction in daylight and sunlight hours would also be reduced. These were the same reasons for which the last proposal was dismissed at appeal. This new proposal also does not pay enough attention to the impact this would have on our standard of amenity we enjoy at the moment. This building, although slightly lower, is near enough the same size. The chimney stack outside our back door will be an eyesore every time we open our back door.

Issues and Considerations:

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

Neighbouring Amenity

The main properties which would be affected by the proposed development are the immediate side neighbours, 11 and 17 The Crescent. With regard to number 17, this property has been extended to the rear with the benefit of planning permission granted in 1991. As a result of that extension, the dwelling has a bedroom which has its only window in the flank elevation, facing towards the application site. There would be a reduction in light and outlook to this window, although the gap between the properties would be very slightly increased. Furthermore, without planning permission (but presumably as a permitted development), number 17 has also had a loft conversion which includes the addition of roof lights within the rear and side roof slopes.

The impact of the proposed development on the amenities enjoyed by the occupiers of number 17 was identified as the key issue by the Planning Inspector when determining the appeal against the refusal of application ref EPF/1507/09. The Planning Inspector considered that the development previously proposed would have resulted in a material loss of light and outlook to the ground floor side window (serving the bedroom) and the roof lights above. By comparison to the appealed scheme, the current proposal is for a development which would be approximately 0.2 metres further away from the flank wall of no. 17 (a total distance of 3.1 metres compared with 2.75 at present) and with a reduced eaves height of approximately 4.6 metres (0.8 metre lower than previously proposed). The ridge of the proposed dwelling would be slightly higher than previously proposed, although the change to a hipped roof would result in this maximum height being located considerably further from the side boundaries of the site. Accordingly it must be considered whether these alterations, which are relatively minor, overcome the harm identified by both the Council and the Planning Inspector in respect of the previous scheme.

The issue of outlook, although not identified by the Council in its reason for refusal, was introduced by the Planning Inspector. Accordingly, this issue must be afforded some considerable weight when considering this revised proposal. Whilst outlook would be reduced to this window, it is one within the master bedroom suite created in the loft of the neighbouring dwelling. It is not the only window serving the room, nor is it the largest. The angle and position of the roof light within the roof slope and the secondary nature of the window was such that it was not considered by the Council that there would have been a material reduction of outlook to this room caused by the development previously proposed. This current proposal would result in the side roof slope of the proposed building being 0.8m lower and entirely hipped so that the bulk of the roof as viewed from both neighbouring dwellings would be significantly reduced. As the roof light is positioned in the north facing elevation of no.17, it would receive very little direct sunlight. Whilst the proposed development would result in the amount of daylight received by this window being reduced, it is not considered that the reduction would be material, having regard to the existing levels of light which are received.

With regard to the ground floor window, it is also considered to be unlikely that there would be a material reduction to outlook. Notwithstanding the revisions to the revised proposal, which slightly increase the aspect from this window, the window is obscure glazed. The planning permission for the extension to no.17 was subject to a planning condition which required the window to be retained with obscure glass. The nature of obscure glazing is such that a reasonable level of outlook may not be enjoyed. Bearing this in mind, it is not considered that the proposed development would cause a material reduction in outlook to this window. With regard to light, as discussed above, the orientation of the window is such that it would not receive significant amounts of direct sunlight. The occupiers of number 17 have submitted a test undertaken in

accordance with BRE guidelines which demonstrates that there would be a reduction in daylight received. The test finds that both the existing and proposed situation would result in the light received being below the value recommended by BRE. The Council has undertaken its own test, which approximately concurs with the submitted test. Notwithstanding this, the proposed development, due to the slightly reduced dimensions of the proposed building does improve the aspect that would be achieved in relation to the proposal that was previously refused planning permission and dismissed at appeal. The issue of whether or not the reduction in light to this window would be material to the extent that the refusal of planning permission would be justified is very finely balanced. However, it is the opinion of the case officer that, in this instance, the reduction from the existing level of natural light received by the roof is such that it would not amount to a detrimental reduction in amenity because the window does not presently receive the level of daylight recommended by BRE and the degree of change would be too small to be material.

The occupier of no. 11 has raised concern that there would be a loss of light to that property arising from the proposed development. It is considered that there would be a reduction to sunlight in the rear garden of no. 11 as the existing bungalow is located directly to the south of this garden. Notwithstanding this, the resultant situation would be comparable with that further along The Crescent, for example in the garden of no. 11's adjoining property, and it is not therefore considered that this reduction in amenity would be detrimental to the enjoyment of that neighbouring property. Concern has also been raised regarding privacy inside the dwelling from the proposed side windows in the new dwelling. Any such harm may be mitigated by the use of a planning condition requiring the use of obscure glazing at first floor level. It is considered that any reduction in light to the roof lights in the extension of no. 11 would not result in a material reduction to amenity.

The proposed dwelling would also result in increased overlooking of the neighbouring gardens, due to the increased height. However, this would also be comparable with other examples within The Crescent, including the large rear dormer of the rear roof slope of no. 11. It is not considered that the increased overlooking of neighbouring gardens would amount to a material loss of amenity.

Character and Appearance of the Area

There has been some objection from local residents to this application on the basis that the proposed development would be out of keeping with surrounding development and harmful to the character and appearance of the area.

It is considered that The Crescent is characterised by a variety of property sizes and styles. There is a lack of uniformity, which it is considered contributes towards the character of the area. The application property is located adjacent to a run of three pairs of two storey dwellings and accordingly it is considered that its height is acceptable. It is further considered that the use of a hipped roof serves to integrate the two and single storey buildings either side of the site. The front and rear building lines of the proposed building would be in keeping with surrounding development, although the rear would extend further into the garden than either neighbouring dwelling. With regard to the detailed design of the dwelling, this does not replicate anything which already exists in the street. Notwithstanding this, it is considered that the development would have an acceptable appearance, which would not be harmful to the street scene. Loft conversions are commonplace within the street, although these do not generally involve front dormers. However, examples of front dormers do exist within the street. The front dormer proposed on the front elevation is considered to be appropriately sized and located within the roof slope and it is not, therefore considered that this would be harmful to the character and appearance of the area.

Parking and Highways

A hard surfaced area of 5.9 x 9.5 is proposed to the front of the dwelling. This would provide sufficient parking for at least two cars. In addition, a garage is also proposed. This level of car parking provision is considered to be acceptable.

Trees and Landscaping

This proposal would result in the loss of an apple tree in the rear garden. The applicant has also advised that it is their intention to relocate 3 leylandii from the middle of the garden to the rear boundary (to improve screening along this boundary). The Council's Arboricultural Officer has raised no objection to this.

In order to protect the rear garden (for existing and future planting) protective fencing should be placed across the width of the garden. The fencing would need to be approximately in line with the ash tree in the neighbouring garden. This will ensure the protection of planting, whilst providing adequate construction working space. The erection of the protective fencing may be secured by the use of a planning condition.

A landscape scheme may also be required by the use of a condition. This would ensure that the gardens are suitably landscaped prior to the property being occupied, to soften the development within the street scene.

Conclusion:

This proposal has been considerably modified from the previous proposal, but the merits of the case remain finely balanced. It is considered that the proposed development would sit comfortably in, and indeed enhance, the street scene. The development would, however, result in some reduction in the level of natural light received by a bedroom in a neighbouring dwelling. However, on balance and for the reasons discussed in this report, it is considered that the proposed development would be acceptable. Accordingly, it is recommended that planning permission be granted, subject to planning conditions.

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

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

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



Appeal Decision

Site visit made on 21 June 2010

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

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

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

Decision date:
14 July 2010

Appeal Ref: APP/J1535/A/09/2116796

15 The Crescent, Loughton, Essex IG10 4PY

- The appeal is made by Mr D Hunt under section 78 of the Town and Country Planning Act 1990 against a refusal by Epping Forest District Council to grant planning permission.
- The application Ref PL/EPF/1507/09, dated 11 August 2009, was refused by notice dated 7 October 2009.
- The development proposed is the demolition of the existing bungalow and erection of a pair of semi-detached houses.

Decision

1. I dismiss the appeal.

Reasons for the decision

2. The main issues in the appeal are the effect of the proposed development on the character and appearance of The Crescent and its effect on the amenities of the occupiers of the adjoining dwellings, 11 and 17 The Crescent.
3. The Crescent has a pleasant residential character and appearance. The plot sizes are generous and there is not much variation in their widths and depths. There are, however, considerable differences between dwelling sizes and styles, which range from bungalows to semi-detached and detached houses. Many of the dwellings have been extended. Some front gardens have been converted to paved forecourts.
4. The bungalow at No 15 would be demolished and replaced by a pair of two-storey, semi-detached houses with accommodation in the roof space. The height and bulk of the development would be comparable to other two-storey developments in The Crescent. The two plots created would be narrower than the rest, but this would not be obvious from public viewpoints, since the two semis would look like a single detached house when seen from the road, this being achieved by a projecting front gable on one side only, a shared forecourt and only one of the houses having its entrance at the front. The appearance of the forecourt could be improved by more planting. Planning conditions could ensure that this took place and that the other features of the design and layout of the development I have referred to were implemented and retained.
5. For these reasons, the development would in my view sufficiently respect the character and appearance of The Crescent and not create a damaging precedent for similar development in the area. The criteria for new urban development set out in Policies CP2(iv), CP7 and DBE1 of the Epping Forest District Local Plan would be met in this regard.

6. 11 The Crescent is a semi-detached house on slightly higher ground, which has been extended at the side and at roof level. The flank wall and side roof of the nearer of the two proposed semis would be lower at the eaves and the ridge than No 11's eaves and ridge. The separation distance between the houses would be between about 2m (to the nearest point of the single-storey side extension) and 4.3m (to the original flank wall). The only openings facing No 11 would be a ground-floor entrance door and hall window and first-floor windows serving a bathroom and a shower, which could be required to be obscure glazed.
7. The relationship between No 11 and the new house would not be out of the ordinary for neighbouring two-storey dwellings in this locality or elsewhere. The impact on No 11's outlook, privacy, daylight and sunlight would not be substantial and there would be no conflict with the standards called for by Policies DBE2 and DBE9 of the Local Plan, so far as No 11 is concerned.
8. I do, however, have significant reservations about the impact of the other new house on No 17, which is a bungalow with accommodation in the roof space. It has a ground-floor bedroom served only by a window on the side next to the proposed house. There is another bedroom in the roof space served by two roof lights on the side next to the proposed house and one rear roof light.
9. I note the appellant's comments about the history of No 17's extension, but I propose to consider No 17's situation as it exists today. I also note that there are permitted development rights relating to the bungalow still standing at No 15 that would affect No 17, but I do not consider them to be important, because there is little prospect of them being exercised and the new house would far exceed their limitations.
10. The flank wall of the new house would be much higher at the eaves than the bungalow it replaced and the roof would be much higher and bulkier. The side of No 17 would be dominated by the new house and the ground-floor bedroom window and side roof lights would lose light and outlook. In my opinion, the design of the new house does not pay enough attention to the impact on the standard of amenity enjoyed by the occupiers of No 17, contrary to Policies DBE2 and DBE9 of the Local Plan. I have therefore dismissed the appeal.

D.A.Hainsworth

INSPECTOR



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	2
Application Number:	EPF/1900/10
Site Name:	15 The Crescent, Loughton, IG10 4PY
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/2409/10
SITE ADDRESS:	188-194 High Road Loughton Essex IG10 1DN
PARISH:	Loughton
WARD:	Loughton St Marys
APPLICANT:	EP Investments Ltd
DESCRIPTION OF PROPOSAL:	Extension of time limit on EPF/0020/07 (Conversion of existing offices to create a total of 14 flats allowed on appeal).
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=523202

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 have taken place until details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 3 Prior to the commencement of development, details of the proposed means of access for people with disabilities, the car parking layout, provision for cycle parking and storage of refuse shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with approved details prior to first occupation of the vehicles of residents, visitors and employees.
- 4 Prior to the commencement of development, a full noise survey shall be carried out to establish which noise category the proposed flats fall into. A scheme for protecting the dwellings from noise shall be submitted to and agreed in writing by the local planning authority for any dwelling that falls into NEC B and C (as detailed in PPG 24), or bedrooms likely to be exposed to noise levels that do not meet the reasonable resting/sleeping conditions specified in British Standard BS8233: 1999 - Sound insulation and noise reduction for buildings - code of practice. The approved works shall be implemented before occupation of the building.
- 5 No development shall take place until appropriate arrangements to preclude the future residents from applying for a parking permit in the Clifton Road Residents Parking Zone have been secured.

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 CL56, Schedule A (c) of the Council's Delegated Functions).

Description of Proposal:

The applicant seeks planning permission for the extension of time to planning permission ref: EPF/0020/07 which was for the conversion of existing offices to create a total of 14 flats.

Description of Site:

The application site comprises shops at ground floor and vacant offices at the upper floors. The site is within Loughton Town Centre and fronts onto the key frontage. There is a large car park located at the rear with direct access off of Clifton Road.

Relevant History:

EPF/0020/07 - Conversion of existing offices to create a total of 14 flats. (refused at sub committee south 2/4/07, allowed on appeal 24/12/07)

Policies Applied:

H3A – Housing Density
H9A – Lifetime Homes
TC3 – Town Centre Function
E4A – Protection of Employment Sites
DBE9 – Amenity Considerations
ST1 – Location of Development
ST2 – Accessibility of Development
ST6 – Vehicle Parking
CP1 – Achieving Sustainable Urban Regeneration
CP4 – Energy Conservation
CP5 – Sustainable Building

Summary of Representations

TOWN COUNCIL: No objection

NEIGHBOURS:

The application was advertised to adjoining property owners by mail and a site noticed placed on site. The following neighbours have objected to the application:

- 15 FOREST ROAD, LOUGHTON
- 15 CLIFTON ROAD, LOUGHTON

Their main concerns are as follows:

- The development would result in a loss of privacy due to overlooking
- The development would result in a devaluation of adjoining properties
- The development would result in more noise and disturbance than the existing office use.
- A condition should be placed on the extension of time that no residents of the dwellings would be able to apply for a parking permit in Clifton Road.

Issues and Considerations:

The original application EPF/1857/07 was refused under delegated powers for the following reasons:

- The loss of employment would have a negative impact on the vitality and viability of the town centre and would result in an increased pressure to find alternative employment sites in less sustainable locations, contrary to policies TCR3, CS1 and BIW4 of the Replacement Structure Plan and policy TC3 of the adopted Local Plan and Alterations.
- Insufficient evidence is submitted to show that the existing office use has been marketed for a sufficient period of time and that there is no demand for the continuation of this use, contrary to policy E4A of the adopted Local Plan and Alterations.
- The proposed development fails to meet the Lifetime Homes Standards of the Joseph Rowntree Foundation, contrary to policy H9A of the adopted Local Plan and alterations.

Consequently, the applicant appealed against Council's decision and the appeal was allowed. This extension of time limit application was submitted before that permission expired on 24 December 2010.

The Planning Inspector identified within his formal decision that the main issues to the appeal are whether the premises are suitable for further office use and whether their loss would harm the economic well-being of the town centre. Also another issue was whether the proposal would provide satisfactory residential accommodation, having regard to the Council's lifetime home standards.

It was the Inspector's opinion that there is a limited prospect of the premises being re-occupied for office purposes in the near future given the financial appraisal that was submitted by the appellant. The Inspector also went on to say that a lengthy period of vacancy of the premises would clearly have a greater effect on the vitality and viability of the town centre than the use of the premises as residential accommodation. It should be noted that at the time of a site inspection the ground floor still comprised of shops whilst the upper floors still appeared to be vacant. Therefore there has been no change since the previous application was granted planning permission.

Also taken into account was the fact that the Council had granted planning permission in August 2006 for the conversion from offices to 10 flats of an adjoining building. These flats have been provided and are occupied, the external design of which has enhanced the appearance of the locality. The Inspector concluded that the proposal would not have a harmful effect on the economic well-being of the town centre and would make a valuable contribution to the provision of small dwellings in the area.

In respect of the Lifetime Homes Standards, policy H9A seeks the provision of at least 10% of new homes to a higher standard than provided by the Building regulations alone in order to better meet the needs of residents with disabilities. With parking at the immediate rear for all residents, including those with disabilities, and the access to the flats and layout appears to be capable of adaption to meet this standards, the Inspector concluded this was capable of being dealt with by condition.

Therefore the main issues to be addressed in this case are whether there has been a material change in circumstances since the previous approval.

Since the previous approval, the policy changes that would be considered material to the determination of this application are the amendments to Government advice as contained in

PPS3. Recent Government amendments to PPS3 have excluded residential gardens from the definition of previously developed land in Annex B and the minimum density of 30 dwellings per hectare has been deleted from paragraph 47. This is not a residential garden site and whilst the development is not below the minimum density, PPS3 does still promote the efficient use of land in the provision of housing, where it respects the character of the area. The immediate area around the development site is characterised by a mix of housing styles including flat complexes of a similar density and size. It is a town centre location and quite in keeping to have residential use above shops in a High Road frontage so well served by public transport. Visual impact on the street scene will be minimal as there are no extensions associated with this.

Also since the previous approval, the adoption of new parking standards has been incorporated as part of the Local Plan. The Essex parking standards seek a minimum of 2 spaces per each 2 bedroom unit and 1 space for each 1 bedroom unit. A total of 19 spaces have been provided on site. The site has good access to public transport links and is considered to be in a sustainable location. It is concluded that the proposed building meets the minimum standards in relation to adopted parking standards. There are also parking permits in Clifton Road and when this issue arose recently at this committee in respect of extending planning permission for a new build flatted development on the adjacent site (184-186 High Road), it was decided by Members to condition against the future residents of the development from applying for parking permits. A similar condition has been attached to this recommendation in this case as the number of parking spaces in Clifton Road controlled in this way are only sufficient in number for the occupants of the existing terraced houses.

In respect of the two neighbour objections, there are existing windows in the rear elevation and becoming residential will be far enough away (40m) from the nearest rear houses in Forest Road and Clifton Road. Access is directly off Forest Road in a town centre location and vehicles will only park at the rear (which is already a car park). As Clifton Road serves the rear of shops, a public paid car park and 21 existing houses, there will be no loss of amenity to existing residents. Loss of value of property is not a planning matter and in fact the issue in this case appears not to be relevant.

Conclusion

There do not appear to have been any other material changes in circumstances. The previous refusal in 2007 was very balanced and at a time when the Local Plan policies (as amended) were in its infancy and pulled both ways between loss of office/employment against new residential use in a sustainable town centre location. Looking from a perspective in 2011, the development is considered to be in accordance with adopted policies and the application is therefore recommended for approval subject to the imposition of the suggested conditions, including those by the Planning Inspector. There is little doubt that refusing again, given the appeal decision, would not be supported on appeal and in fact may leave the Council open to costs for being unreasonable.

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

***Planning Application Case Officer: Lindsay Trevillian
Direct Line Telephone Number: 01992 564 337***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	3
Application Number:	EPF/2409/10
Site Name:	188-194 High Road, Loughton IG10 1DN
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/2414/10
SITE ADDRESS:	Bald Hind Hainault Road Chigwell Essex IG7 5DW
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Central Investment Properties (Chigwell) Ltd
DESCRIPTION OF PROPOSAL:	Demolition of existing public house and construction of a fourteen unit residential development.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=523222

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 No development shall have taken place until details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 3 The development hereby approved shall be implemented in accordance with the approved plans (which are listed as an informative to this decision), unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

- 5 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 6 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 7 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 8 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

- 9 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 10 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 12 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 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 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 14 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.
- 15 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously

damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 16 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 17 A flood risk assessment and management and maintenance plan 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 best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 18 Prior to the commencement of the development hereby approved, details of boundary treatment(s) shall be submitted to the Local Planning Authority for Approval in writing. The agreed boundary treatment(s) shall be erected prior to the first occupation of the development hereby approved and shall be retained in that form thereafter.
- 19 Prior to the commencement of the development hereby approved, details of 1.7 metre high screening to the balconies and terraces of the dwellings referred to as Number 6 (on plan no. ESG-203 rev.A); Number 10 (on plan no. ESG-204 rev.A); and Number 14 (on plan no. ESG-205) shall be submitted to the Local Planning Authority for approval in writing. Prior to the first occupation of the development hereby approved, the screening shall be erected in accordance with the approved details and maintained in that condition thereafter.
- 20 Prior to the commencement of the development hereby approved, details of elevational treatment to be applied to the living room window in the northern elevation of the dwelling referred to as Number 10 (on approved plan no. ESG-204 rev.A) shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved detail.
- 21 The works shown on drawing no.ESG-202 Rev - D "Proposed Lower Ground Floor Layout" to include a minimum access width of 4.8m and the 2.4m x 43m visibility splay, clear to ground level, measured from Linkside along the nearside edge of the carriageway of Hainault Road to the south.
- 22 The vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall be hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Subject to the completion of an agreement under S.106 of the Town and Country Planning Act 1990 within 9 months requiring financial contributions of 20,671 for the provision of education and £100,000 for the provision of affordable housing, and requiring the developer to provide raised kerbs at 2 bus stops in Hainault Road and a Travel Information and Marketing Scheme for sustainable transport approved by Essex County Council.

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 CL56, Schedule A (c) of the Council's Delegated Functions). It is also before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

It is proposed to demolish a public house and erect a part two, three and four storey building to provide 14 flats.

The building would have an L shaped footprint fronting Hainault Road and Linkside. The 2-storey element would align with the house at 9 Linkside and be set 1m from the boundary with that property. It would rise to 3 storeys some 18m from that boundary and step up to 4 storeys a further 7.5m from that boundary. The building would step down to 3-storeys again some 18m from the site boundary with an adjacent Shell filling station leaving the 4-storey element to act as a focal point at the junction of Hainault Road and Linkside. The building would include a 29 space basement car park accessed off Linkside. A further two parking spaces would be provided at lower ground floor level.

The site would be excavated to not only provide a basement, but also to set the building at a lower level. Lower ground floor flats would have direct access to private sunken garden areas adjacent to Hainault Road and Linkside and to a private terrace rear of the Hainault Road wing. Upper ground floor and second floor flats would have balconies fronting Hainault Road and Linkside, while flat 5 would have a balcony looking into the site. The third floor would solely comprise of a penthouse flat with two roof terraces, one to its west and one to its east elevation.

There would be a ramped pedestrian access off Hainault Road to the lower ground floor while vehicular access to the site would be off Linkside, adjacent to the site boundary with 9 Linkside.

Refuse storage would be at basement and ground level with a refuse collection point east of the vehicular access. A store for 14 bicycles would be included within the building.

The building would be of modern design with flat roofs. Varying positions of external walls and mix of materials would be used to add interest. The predominant materials would be stone cladding, facing brick and aluminium panels to the walls, glass for the balconies and zinc for the roofs. The 2-storey element of the building would have a green roof.

The maximum height of the building above existing ground level would be 6.5m for the 2-storey element, 9m for the 3-storey element and just under 12m for the 4-storey element. In relation to neighbouring buildings, the 2 storey element would match the eaves height of 9 Linkside and the 3-storey element would be 1.5m higher than the ridge of 1 Linkside.

Description of Site:

The site is situated off the west Side of Hainault Road and south side of Linkside, a short, narrow cul-de-sac. It has an area of just over 0.2 hectares. The locality is residential in character, predominantly comprising of 2-storey detached houses. Immediately to the south is a Shell filling station while to the south-west is Montpellier House, a substantial 4-storey block of 20 flats. A

substantial residential care home is situated on the south side of Manor Road at its junction with Hainault Road.

The lawful use of the site is as a public house and it is dominated by an imposing 3-storey building adjacent to Hainault Road. The ground level of the site is elevated above the adjacent roads and the existing building is 12m high on land approximately 1m above the level of Hainault Road and Linkside. The site is almost entirely hard surfaced with the exception of a group of trees on the boundary with Linkside adjacent to no. 9 and further vegetation on the western site boundary. An electricity sub-station is located in the south-west corner. Vehicular and pedestrian access is only off Hainault Road adjacent to the filling station.

Outside of the site, land falls to the north, east and south. Clear views of it are available from the junction of Hainault Road and Manor Road, a Green east of the filling station and on Hainault Road. Bus stops are situated nearby on Hainault Road.

Relevant History:

None relevant.

Policies Applied:

East of England Plan

ENV7 Quality in the Built Environment

Epping Forest District Local Plan and Alterations

CP2 Quality of Rural and Built Environment
CP3 – CP5 & ST1 Sustainability policies
H2A Previously Developed Land
H5A Provision for Affordable Housing
H6A Site Thresholds for Affordable Housing
CF12 Retention of Community Facilities
DBE1 Design of New Buildings
DBE2 Effect on Neighbouring Properties
DBE3 Design in Urban Areas
DBE8 Private Amenity Space
DBE9 Loss of Amenity
LL11 Landscaping Schemes
ST6 Vehicle Parking

Summary of Representations:

NEIGHBOURS: - 35 neighbours were consulted objections were received from the occupants of 14 properties in the locality: 59 Hainault Road, 21 View Close, 126 and 146 Manor Road, 17 Dacre Gardens, and 1-9 (consecutive) Linkside, Chigwell.. In addition, a petition opposing the development containing 219 signatures was received.

The grounds of objection raised are summarised as follows:

1. The proposed vehicular access off Linkside would cause harm to the amenities of residents and cause harm to the interests of public safety by generating a large additional amount of vehicular traffic using Linkside.
2. The formation of a new vehicular access off Linkside is unnecessary since a good existing access off Hainault Road already exists.

3. The development would lead to additional pavement parking, which would be dangerous for pedestrians and impede access for emergency vehicles.
4. The formation of the vehicular access to Linkside would reduce the availability of on-street parking and add to congestion.
5. Proposed landscaping at the junction of Hainault Road and Linkside would obscure sightlines and make it dangerous to turn right onto Hainault Road from Linkside.
6. Large vehicles cannot easily get down Linkside therefore it will be very difficult to service the proposed flats.
7. The provision of only 2 visitors parking spaces is inadequate and would generate additional on-street parking to the detriment of residents amenities and safety.
8. The vehicular access would not have adequate sight lines and therefore its use would cause harm to the safety of people travelling along Linkside.
9. The gate controlling access to the car park would cause congestion on Linkside while vehicles waited in queues for it to open.
10. The proposal is too large for the site and would exacerbate an over development of the locality which is already overpopulated with blocks of flats/houses.
11. No more than 12 flats should be permitted on the site.
12. The proposed building would appear bulky and out of scale with neighbouring properties.
13. The design of the building would not be in keeping with the existing street scene.
14. The proposal would lead to excessive overlooking of neighbouring properties.
15. The building would cause a loss of light to a landing window at 9 Linkside. The window enjoys a legal right to light that the proposal would contravene.
16. The balcony of flat 5 would lead to excessive overlooking of 9 Linkside.
17. The building would reduce light to neighbouring properties.
18. The use of the proposed access would cause excessive vibration and noise at all hours to the detriment of the amenities of neighbours.
19. The headlights of vehicles using the vehicular access would cause harm to the amenities of 3 Linkside since they would be aimed directly into the lounge window of that property.
20. The refuse collection area adjacent to Linkside would give rise to unpleasant odours to the detriment of amenity.
21. The Linkside elevation of the building is particularly high and would have a severe impact on the openness of the road to the detriment of its character.
22. The loss of the existing building would result in the removal of an historic landmark of architectural merit. The existing building should be preserved rather than replaced by an uninteresting standard modern development.
23. Existing trees on site should be retained.
24. The construction process would be extremely disruptive. The developer should compensate residents in advance.
25. The proposal would involve deep excavations adjacent to 9 Linkside therefore any permission should be subject to a condition requiring a Party Wall Agreement to be in place before the commencement of works.
26. The deep excavation adjacent to 9 Linkside may cause subsidence at that property.
27. The area of land adjacent to 9 Linkside and the electricity sub-station on site has been used by the occupants of that house for over 40 years and should be considered part of 9 Linkside. The developer should transfer title of that land to 9 Linkside at their cost.
28. A replacement boundary wall should be constructed on the boundary with 9 Linkside at the developers cost.

The residents of Linkside have also employed ID Planning Limited to make representations on their behalf. The representations made are summarised below:

1. No arboricultural statement has been submitted with the application.
2. No ecological statement has been submitted with the application.
3. No transport statement has been submitted with the application
4. No viability assessment of the public house has been submitted with the application.

5. No acoustic report has been submitted with the application.
6. No contribution to public open space or education provision is included with the application.
7. The development is a clear overdevelopment of the site.
8. Amenity space provision is inadequate and not sufficiently private.
9. Lower ground floor flats would receive inadequate daylight.
10. Due to the proximity of the building to Linkside and size and position of windows in the north facing elevation the proposal would cause excessive overlooking of houses on the opposite side of the road.
11. The proposed vehicle access arrangements would cause harm to the amenities of residents and to the interests of highway safety.
12. Inadequate visitor parking spaces are provided.
13. The proposal would, without proper justification, result in the loss of a community facility.
14. Due to its bulk and height the proposal would detract from the character and appearance of the locality.
15. Refuse storage/collection arrangements are inadequate.

CHIGWELL PARISH COUNCIL – The Parish Council initially raised no objection but upon reconsideration raised objection on the grounds the bin store would have an adverse effect on residents of Linkside and that the proposed access is straight rather than sweeping. Concern was expressed about the siting of the access to the flats in Linkside.

HIGHWAY AUTHORITY – There are no highway issues with access off Linkside as proposed. The removal of the existing access off Hainault Road adjacent to a filling station, which is a point of conflict on a busy road, would be of benefit to all users of the highway. The proposal will also increase the visibility splay from Linkside across the site frontage, to the benefit of all users of Linkside. Notwithstanding those benefits, however, no objection would be raised to accessing the development off the existing access onto Hainault Road. Conditions and a planning obligation are requested in relation to matters of detail in the event of planning permission being granted.

Issues and Considerations:

The applicant sought formal pre-application advice from Officers in respect of a similar proposal that included a detached house and the main access off Hainault Road. In very broad terms, Officers advice was that the pub is considered to be a community facility and therefore the preferable option would be to redevelop the site for an alternative community facility or a mixed development including a community facility and affordable housing. However, if it remained the intention to redevelop the site for 100% open market residential scheme the principle of such a proposal may be acceptable subject to full justification. The applicant was requested to consider making a financial contribution to the provision of off-site affordable housing as a way of addressing those issues and advised it would be necessary to make a contribution for education provision. In terms of design the developer was advised the site would be appropriate for a landmark building but should respect the height of neighbouring buildings. The proposed house was not considered acceptable. On the basis of advice from the Highway Authority the applicant was advised the developer should provide raised kerbs at adjacent bus stops and provide a Travel Information and Marketing Scheme for sustainable transport, approved by Essex County Council.

The main issues raised by the proposal are whether there is proper justification for the replacement of the pub, which amounts to a community facility, with an entirely private residential development, its consequences for the character and appearance of the locality, the appropriateness of the detailed design of the proposal in respect of access arrangements, parking and amenity space provision and refuse storage/collection and the consequence of the proposal for the amenities enjoyed by neighbours.

Principle of the Development:

The loss of the pub amounts to the loss of a community facility. The applicant makes the case that the pub was not viable and that since alternative pubs and restaurants are situated within a reasonable distance of the site therefore it is not an essential community facility. However, it remains the case that the site could be redeveloped for an alternative community facility which would ensure the site continued to be used for a purpose that would be of benefit to the wider community. This approach is a requirement of Local Plan policy CF12 and the redevelopment of the site for open market flats as proposed would remove that opportunity.

The supporting text of policy CF12 states community facilities include a wide range of uses which not only meet local needs but can often involve some employment opportunities. The text goes on to state affordable housing may also be an appropriate alternative use of a site. Following consultation, no requirement for any specific alternative community facility has been identified. Nevertheless, there is significant identified need for affordable housing in the District. The Council's Strategic Housing Market Assessment (2010) finds that up to 2026, 70% of future housing in the District will need to be affordable and, having regard to the Council's 5 year land supply, there is virtually no need identified for open market housing within the next 5 years.

The applicant is clearly not proposing an affordable housing scheme and disputes the need for making any contribution for such provision in connection with this proposal. However, the general need for affordable housing is not disputed and in verbal discussion with the applicant's agent it was made clear that the applicant recognised that financial contributions towards the provision of off-site affordable housing had recently been made by another developer in connection with residential developments of 14 units where no community use could be found for the site. In the circumstances the applicant's agent verbally advised the applicant would be willing to make a similar level of contribution to off-site affordable housing provision. That level was £100,000 and it is Officer's assessment that this would satisfy the requirements of Policy CF12 in this case. Written agreement has been sought but was not available in time for the deadline for reports to this agenda. On that basis, the principle of redeveloping the site for an entirely private residential development is acceptable.

Character and Appearance of the Locality:

Although the locality is predominantly characterised by two-storey detached houses, the site, together with the adjacent filling station, does not accord with that pattern. Indeed, its lawful use together with the height and design of the existing building, the raised site level and extensive hard surfacing is in sharp contrast to the established local character. Furthermore, the locality does include large blocks of flats or residential care homes nearby on Manor Road therefore the redevelopment of the site for flats is not inconsistent with the character of the wider locality.

Having regard to the position of the site and the design and scale of the existing building it is appropriate that any development of it appears as a strong focal point in the street. The applicant was therefore advised to put forward a landmark building for the development and he has clearly risen to the challenge with a bold modern design that nevertheless respects the scale and height of neighbouring buildings. This would be in part achieved by excavating the site so that the building would sit at lower level within it compared to the existing building.

The design includes considerable variety in terms of height, position of its façade and use of materials which adds interest but is not so busy that the building appears incoherent. The design is unified by the careful use of the palette of material selected and indicative robust landscaping on the site boundaries with Hainault Road and Linkside.

By careful attention to siting, scale and detailed design the proposed development would respect its setting while achieving the objective of being a high quality landmark in the locality.

Detailed design:

Vehicular access

Considerable objection has been raised to the siting and design of the vehicular access to the site off Linkside. This is particularly in terms of the potential for harm to be caused to the interests of highway safety. Having regard to the considered comments of the Highway Authority as set out above in the Summary of Representations it is concluded that there is no justification for taking a position that the access would be harmful to such interests. Indeed, the Highway Authority makes it clear that the proposed access arrangements would achieve an improvement in safety for road users, whether they be pedestrians or drivers.

The consequences of the access for amenity are considered below under the heading of Amenity.

Parking provision:

The site is situated in a sustainable location within an urban area. The mix of accommodation comprises 8 two-bedroom units, 5 three-bedroom units and 1 one-bedroom unit. The minimum off-street parking provision for those flats as prescribed in the 2009 Parking Standards is 28 spaces with a further 4 spaces for visitors bringing the total to 32 spaces. The proposed level of provision is 29 spaces, 3 short of that required by the parking standards. However, the parking standards do allow for a lower level of provision in urban areas that are well served by public transport. Given the proximity of the site to good bus services and that there are 2 underground stations within reasonable walking distance of it there is no doubt that it is appropriate to require a lower level of provision in connection with this development. The proposed level of provision is therefore acceptable.

Private amenity space provision:

Private amenity space provision would be in the form of balconies and sunken gardens associated with each flat. Normally amenity space provision for flats is in the form of a communal garden but dedicated space for each unit is equally valid and may well be of greater benefit to the occupants of the flats. That benefit is to some extent weakened by the fact that much of the space would be visible from public areas and that the total amount of space provided is limited. However, having regard to the accessibility of public open space within walking distance the level of provision is, on balance, acceptable.

Refuse storage/collection:

Refuse would be stored within the building and brought to a collection point at the site boundary with Linkside east of the proposed access point when it is due to be collected. That arrangement is a modification of the original proposal following discussion with the Council's Waste Management Officer. It is not ideal because it relies on waste being moved from a storage area to a waste collection point but subject to the waste actually being placed in the collection area there would be no difficulty in collecting it. Given the disadvantages to the occupants of the flats of not having their waste transferred to the collection point the risk of waste not being collected from the development is small. On that basis and having regard to the views of the Waste Management Officer the arrangements proposed are acceptable.

Amenity:

Objection is raised to the vehicular access point on the basis that its use would cause harm to the amenities of neighbours in Linkside. Having regard to the size of the development – 14 flats – it is not of an order that it would generate high numbers of vehicle movements. The noise and

vibration associated with such movements is in any event low and together with their low frequency the use of the access would not cause excessive disturbance to neighbours.

The occupants of 3 Linkside have objected to the proposal on the basis that headlights of vehicles using the vehicular access would be aimed directly into the lounge window of that property. In fact that house is set at slightly lower level to the carriageway and orientated at an angle to it. The relationship of the access to that house is such that headlights would not normally shine directly into the windows of habitable rooms and, in any event, the vehicles generating the light would be turning so the light would not be strongly focused in one place. In the circumstances the impact of headlights would not cause such harm to the living conditions of 3 Linkside that planning permission should be refused.

Overlooking is raised as an issue by neighbours and is an important matter to consider. The relationship of the building to neighbouring properties is such that no. 2 Linkside is the neighbour most likely to be overlooked. There are no main windows in 1 Linkside that look to the site, other houses in Linkside would not be directly overlooked and a balcony to flat 5 would be recessed within the building so that there would be no direct overlooking of 9 Linkside. Other properties on Hainault Road and Manor Road are too far away to experience any material loss of privacy from the development.

A distance of some 14m would separate the front elevation of 2 Linkside from the proposed building. Due to the level of the lower ground floor and proposed landscaping on the site boundary with Linkside, there would be no overlooking of 2 Linkside from any lower ground floor flat. A balcony off the living room of flat 6, an upper ground floor level flat, would face 2 Linkside as would a terrace and living room window of flat 10, a first floor flat, and the western terrace of the top floor flat (flat 14). This arrangement would give rise to a material reduction in the level of privacy currently enjoyed by the occupants of 2 Linkside. However, it is possible to amend the design to prevent excessive overlooking. The applicant has been requested to enclose the balcony of flat 6 and the terraces of flats 10 and 14 where they face Linkside by 1.7m high obscure glazing and to replace the relevant living room window of flat 10 by a wall. The living room of Flat 10 would be left with a similarly large west facing window that would not cause excessive overlooking. There has not been time to secure this prior to the preparation of this report therefore it is proposed to secure this by appropriate conditions.

Other Matters:

Contribution for education:

The Education Authority advise there is a shortfall of secondary school places in the locality. On the basis of the formula outlined in the Education Contribution Guidelines Supplement a contribution of £20,671 is requested. The applicant's agent has verbally advised the applicant is willing to the contribution to education provision requested by the Education Authority. Written agreement has been sought but was not available in time for the deadline for reports to this agenda.

Landscaping:

Indicative landscaping is shown on the submitted plans and can be secured by a planning condition. The Council's Tree and Landscaping officer advises that none of the trees and bushes on site are worthy of retention.

Other highways matters:

It is appropriate to secure raised kerbs at adjacent bus stops and provide a Travel Information and Marketing Scheme for sustainable transport to be approved by Essex County Council by planning obligation. Written agreement has been sought but was not available in time for the deadline for reports to this agenda.

Archaeology:

This matter can be resolved by a suitable planning condition.

Land contamination:

This matter can be resolved by a suitable planning condition.

Conclusion

The loss of the site for a community use or development for affordable housing is remedied by the applicant's agreement to make a contribution of £100,000 to the provision of affordable housing elsewhere within the District. The development would generate a need for additional secondary school place provision, which can be secured by a financial contribution of £20,671, which the applicant's agent has also verbally advised the applicant is agreeable to. These contributions can be sought by way of a S.106 agreement as can the provision of necessary minor off-site works and a Travel Information and Marketing Scheme. The applicant's written agreement to these heads of terms has been sought very late and was not available in time for the deadline for reports to this agenda. The applicants have been advised that if this is not received before the day of the Committee meeting Officers will withdraw this application from the agenda.

On the basis that a contribution towards off-site affordable housing would be received, the principle of the development of the site for an open market residential development is acceptable. In terms of the detail of the proposal, by careful attention to siting, scale and detailed design the proposed development would respect its setting while being a high quality landmark in the locality. The Highway Authority makes it clear that the proposed access arrangements would achieve an improvement in safety for road users, whether they be pedestrians or drivers. Furthermore, the use of the access would not cause excessive disturbance to neighbours. Parking provision and arrangements for facilitating the collection of refuse are all acceptable and, subject to minor alterations to a part of the building that can be secured by condition, the proposal would not cause harm to the amenities of neighbours sufficient to justify withholding consent. On balance, the provision of amenity space is acceptable. All other matters can be resolved by planning conditions.

Accordingly, the proposal complies with adopted planning policy and it is recommended that conditional planning permission be granted following the completion of an agreement under S.106 in respect of the matters referred to above.

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

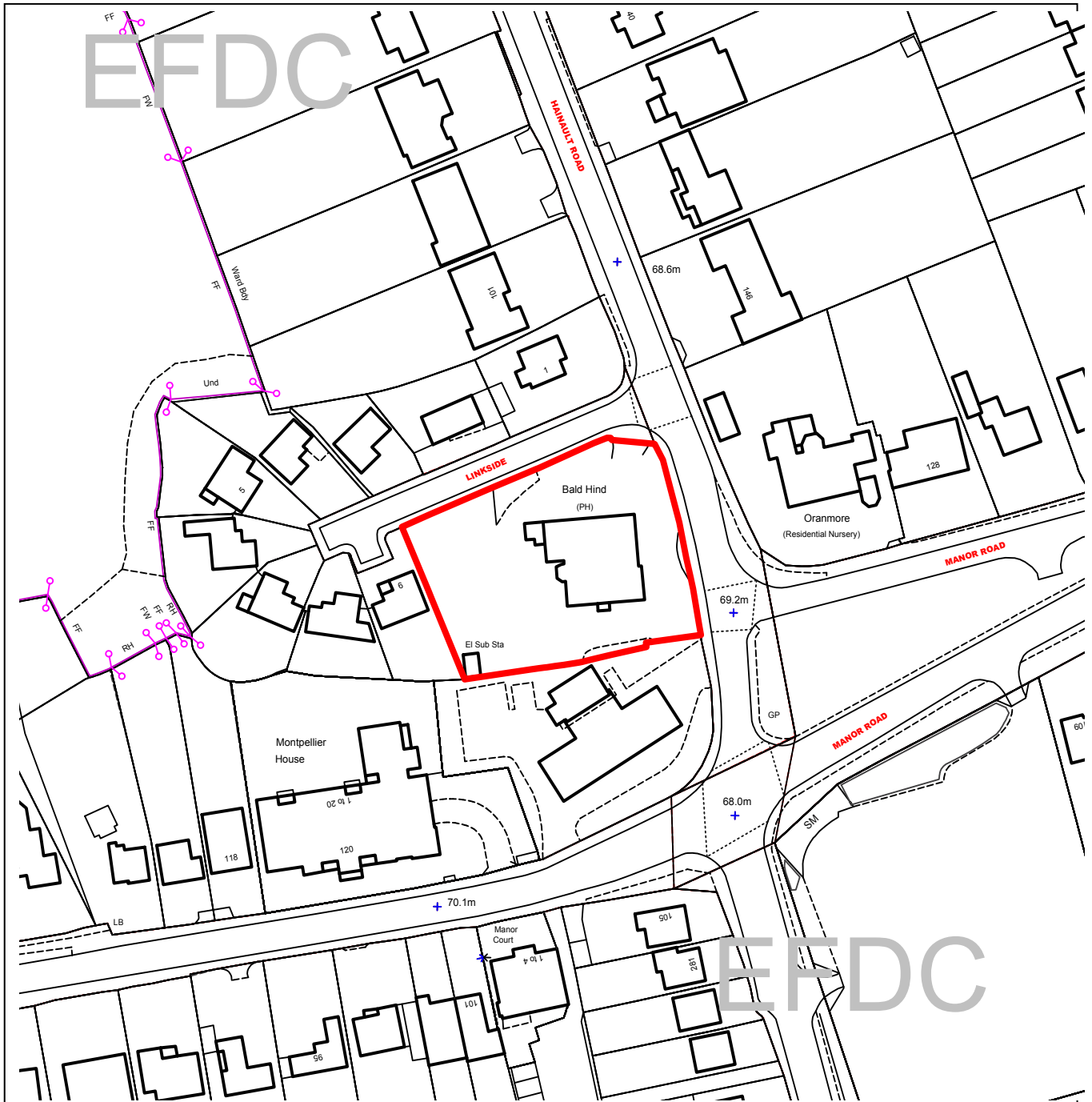
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	4
Application Number:	EPF/2414/10
Site Name:	Bald Hind, Hainault Road Chigwell, IG7 5DW
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/2498/10
SITE ADDRESS:	Ye Olde Kings Head High Road Chigwell Essex IG7 6QA
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr James Hughes
DESCRIPTION OF PROPOSAL:	Display of signage to front elevation.
RECOMMENDED DECISION:	Grant Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=523456

CONDITIONS

Standard Advertisement reasons

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 express consent to display an advertisement to the front façade of an existing building that is known as the 'Ye Old Kings Head'. It should be noted that since the application was submitted to Council, the advert has been displayed.

The advert has replaced an existing advert that was displayed centrally in the front projecting gable end to the far north of the building. The advert consists of individual lettering that is 0.3 metres high. Its overall width would be 1.8 metres. The advert consists of black lettering with gold edging.

Description of Site:

The subject site is located on the eastern side of the High Road adjacent Roding Lane within Chigwell Village. Located on the site is a triple storey timber framed building known as the Ye Old Kings Head Public House. The building is Grade Two Star Listed with the original part of the building dating back to the 1620's. Over the centuries it has been extended. Associated car parking and landscaping are located to the rear of the building.

The subject site and the surrounding area are located within the Chigwell Village Conservation Area. Surrounding the site there is a mixture of different uses ranging from residential, education facilities, shops and a church.

Relevant History:

EPF/1939/10 - Grade II listed building consent for proposed brickwork wall with black painted metal gates. (withdrawn)

EPF/1243/10 - Grade II* listed building application for the removal of 20th century partitions and ceilings to recreate original volume within 20th century extension. Removal of minor 20th century partitions in main coaching inn (approved)

EPF/2144/03 - Various new / replacement illuminated pub signage. (approved)

EPF/2145/03 - Grade II* Listed Building application for various new / replacement illuminated pub signage. (approved)

EPF/0297/02 - Formation of internal alterations to a Listed Building. (approved)

EPF/1722/99 - Listed building application for internal alterations. (approved)

Policies Applied:

CP2 Protecting the quality of the rural and built environment

DBE9 Loss of amenity

DBE13 Advertisements

ST4 Road safety

HC7 Development within Conservation Areas

Summary of Representations

CHIGWELL PARISH COUNCIL:

The Council objects to this application on the grounds that the plans do not show the full scale of the proposed signage which has already been erected on the building. The Council is also of the view that the proposed signage is too obtrusive for the frontage of this historical building.

NEIGHBOURS:

6 neighbouring properties were consulted. At the time of writing this report, no representations have been received.

Issues and Considerations:

The main issues to be addressed in this case are the impact of the advertisement upon public amenity and public safety.

The advert comprises of individual lettering stuck to the façade of the building. Lettering can evoke an image and provide great decorative interest if appropriately designed. Where no fascia exists, it is acceptable for individual lettering to be attached directly to the building.

It is considered that the proposed advert uses a traditional font in capital letters and the colours are appropriate in that it would take into account the character and features of the existing building and the surrounding area.

The design and appearance of the advert does not result in a dominant and visually intrusive feature within the street scene and it preserves the historic character of the surrounding area. The size, proportion and the materials of advert are all appropriate.

In terms of public safety, displaying the advert in this position does not result in a distraction to motorists of vehicles driving along this part of the highway and it is high enough as not to impede upon pedestrian walking along the footpath. As a result the advert would not cause a harmful or detrimental impact in terms of public safety.

Conclusion:

In conclusion, the advert is appropriate as it would not cause harm to the interests of public amenity or public safety. It is in accordance with the policies contained within the adopted local plan and alterations and therefore it is recommended that express consent be granted to display the advert.

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

***Planning Application Case Officer: Lindsay Trevillian
Direct Line Telephone Number: 01992 564 337***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	5
Application Number:	EPF/2498/10
Site Name:	Ye Olde Kings Head, High Road Chigwell, IG7 6QA
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/2553/10
SITE ADDRESS:	40 Stanmore Way Loughton Essex IG10 2SA
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Mrs Lisa Minkey
DESCRIPTION OF PROPOSAL:	Erection of outbuilding in rear garden for ancillary recreational/office use to main house.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=523688

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 outbuilding hereby approved shall not be used as primary living accommodation, for example as a living room, bedroom, or kitchen.

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 Councils delegated functions).

Description of Proposal:

Erection of outbuilding in rear garden for recreational/office ancillary use to main house.

Description of Site:

A detached house on the east side of Stanmore Way. This road is characterised by large detached homes, and on this east side the houses have very long rear gardens.

Relevant History:

None relevant.

Policies Applied:

DBE1 – Design of new buildings;
DBE10 Loss of amenity;
GB2A – Development in the Green Belt;

DBE4 Design in the Green Belt.

Summary of Representations:

LOUGHTON TOWN COUNCIL – It appeared to the Committee on inspection of the District Council's Local Plan proposals map that this development was in the Green Belt. If this is the case then the Committee would object on the grounds of it being contrary to policies GB2A and GB4 of the Epping Forest District Council's adopted Local Plan and Alterations. However, if it was not on Green Belt land and planning permission is granted, members sought a planning condition prohibiting use of the outbuilding for residential occupation. The Committee was also concerned by the overall size and height of the proposed building.

NEIGHBOURS – 2 properties consulted and no replies received.

Issues and Considerations:

Many outbuildings do not require planning permission. In this instance planning permission is required because the building is more than 2.5m high and it lies within 2m of a boundary. Even if it were more than 2m from the boundary, its ridge height, at 4.15m exceeds the permitted development height of 4m.

The proposed building will be sited one metre away from the side boundary with the neighbouring house at 42 Stanmore Way. It will run parallel with this boundary and hence its end elevation will be viewed from the rears of houses facing this side of Stanmore Way, although this view would be partly screened by trees. The building will be 14.8m long, 4.5m wide, with a height to eaves of 2.6m, and height to ridge of 4.15m. Its walls would be made of stained timber and with timber shingles on the roof. In terms of its design and materials used the building would have an acceptable appearance.

However, two other issues are raised by this application. Firstly, the rearmost 60% of these very long gardens lie within the Metropolitan Green Belt, and some 80% of the proposed outbuilding would therefore lie within the Green Belt. The Town Council have raised an objection in this regard. However domestic outbuildings to houses in the Green Belt are a common feature, not least because many can be erected without planning permission as permitted development. Where permission is required, as in this case, provided that they are of an acceptable size and appearance outbuildings can be an appropriate form of development which do not detract from the open character of the Green Belt. These very large rear gardens in Stanmore Way are heavily screened by mature trees, and the proposed building will have a minimal effect upon the open character of the Green Belt. In addition, to resite this building out of the land designated as Green Belt would mean moving it closer to the rears of these Stanmore Way houses, and this is not particularly desirable on visual amenity grounds.

The adjoining garden at number 42 is not only very long it is much wider than other gardens. The proposed building would also lie a considerable distance (35m) away from the rear of this neighbouring house. In this very spacious context therefore the 14.8m length of outbuilding has considerably less impact on neighbours than it would have in smaller and more compact rear gardens. For these reasons therefore the proposed outbuilding would only have a small effect on the amenity and outlook of the neighbouring house and garden at number 42. It is also noted that no objections or concerns have been raised by neighbours to this proposal.

There are other outbuildings in nearby gardens, notably a much larger outbuilding in the rear garden of number 34 Stanmore Way, which lies 3 gardens away. Whilst the existence of this larger building is a consideration it is not in itself a reason to grant permission.

Finally, and as mentioned in the Town Council's comments, this outbuilding should not be used as primary residential accommodation, and a condition is proposed to cover this issue.

Conclusion

The proposed extension complies with relevant local planning policies and conditional planning permission is recommended.

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

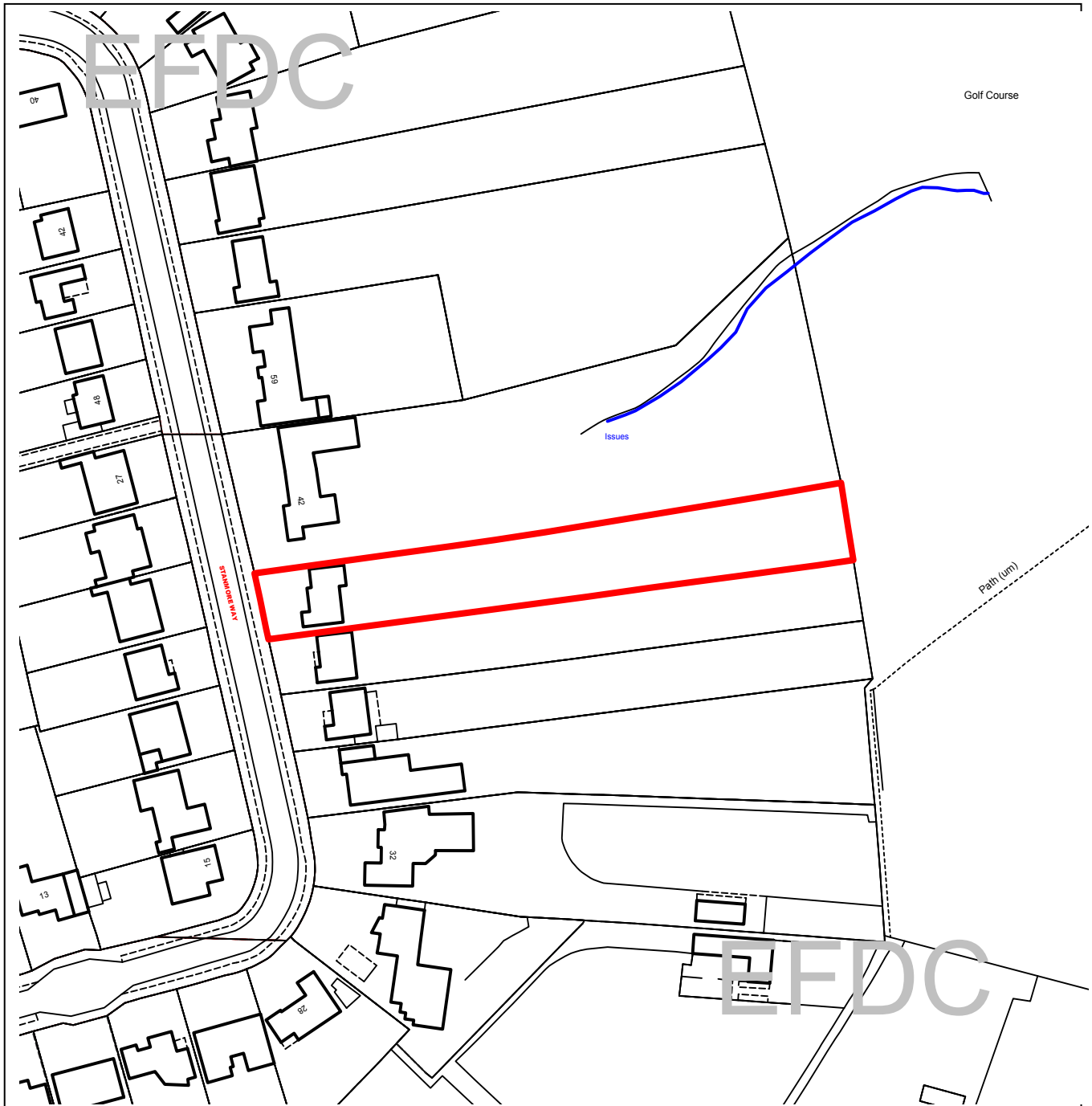
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	6
Application Number:	EPF/2553/10
Site Name:	40 Stanmore Way, Loughton IG10 2SA
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/2556/10
SITE ADDRESS:	10A High Road Buckhurst Hill Essex IG9 5HP
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr Goodfellow
DESCRIPTION OF PROPOSAL:	Two storey side extension.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=523691

CONDITIONS

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

This application is before this Committee since it has been 'called in' by Councillor Sutcliffe (Pursuant to Section P4, Schedule A (h) of the Council's Delegated Functions).

Description of Proposal

The proposal is to extend the dwelling over two storeys on the side elevation. The addition would extend 2.0m from the existing flank wall and would be set back 1.0m from the front elevation. The application dwelling includes rooms in the roof and a rear dormer would be further extended. Materials proposed will match the existing structure. There are no side windows proposed.

Description of Site:

The proposal site is the end plot on a terrace of 7 dwellings. The site slopes down from front to rear and there is a heavy cover of vegetation along the entire block of dwellings. The roofs in the terraces form habitable space with front and rear dormers. The neighbouring dwelling on the north east boundary (No12) is a chalet bungalow type house. A wall of heights varying from 2 -3 m provides the rear boundary treatment.

Relevant History:

EPF/1617/09 - Certificate of lawfulness for proposed alterations and extensions to existing garden room. Lawful - 03/11/2009.

Policies Applied:

Policy CP2 – Protecting the Quality of the Rural and Built Environment
Policy DBE9 – Loss of Amenity
Policy DBE10 – Design of Residential Extensions

Summary of Representations:

(9 properties consulted – 1 reply received)

12 HIGH ROAD: Objection. Not in the character, scale or design of the immediate locality. The building will encroach closer to the boundary and this may also cause issues in relation to emergencies e.g. access for fire hazards. The proposal will result in the loss of a hedge and exotic plants which I have tended for years. Extra noise and disturbance with the properties so close together. The application is a profit making exercise. Need for more parking at the site. Disturbance during building work.

BUCKHURST HILL PARISH COUNCIL: No Objection.

Issues and Considerations:

The main issues to consider are any potential impacts the development would have on neighbour amenity and the appearance of the area.

Neighbour Amenity

The proposed extension would fill the space between No10A and the immediate neighbour No12. There would not be an excessive increase in overlooking and no side windows are proposed. No12 is served by one obscure glazed window on the side elevation. This proposal would result in an increase in overshadowing. However this would not be excessively greater than the current scenario, where overshadowing already exists to some degree from the main house. The window is not a primary window serving a habitable room. The proposed addition would not be excessively overbearing given that the only window facing the application site is obscure glazed. The extension largely fills the space to the side of No12 and therefore would not be overbearing from the rear garden area. Impact on the amenity of occupiers of the neighbouring dwelling is deemed acceptable.

Impact on the Appearance of the Area

The extension is set back from the front elevation and down from the main ridge in a subservient manner; therefore the symmetry of the block would be retained. The extension is to the boundary; however, as this is a terrace of properties this is deemed acceptable and the retention of gaps in the streetscene is not as necessary as may be in roads where gaps between detached and semi-detached type houses are important to its character. The dormer feature is continued along the rear roof slope and this is deemed a reasonable addition.

Neighbour Comments

The occupants of No12 have made a number of points some of which have been addressed in the previous sections of the report. However, concerning the other points so far not covered, it is not

considered that a side extension would necessarily lead to an increased demand for parking at the site. This is also the case with increased noise and disturbance for occupants. The loss of the hedge would not be a planning matter. Whether the proposal is to increase the value of the house is also not a material planning consideration.

Conclusion:

The proposed addition to this building is reasonable. Although some impact on the amenity of residents of No12 is recognised; it would not be material to justify a refusal or stand up on appeal. Consequently the proposal is recommended for approval with conditions.

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

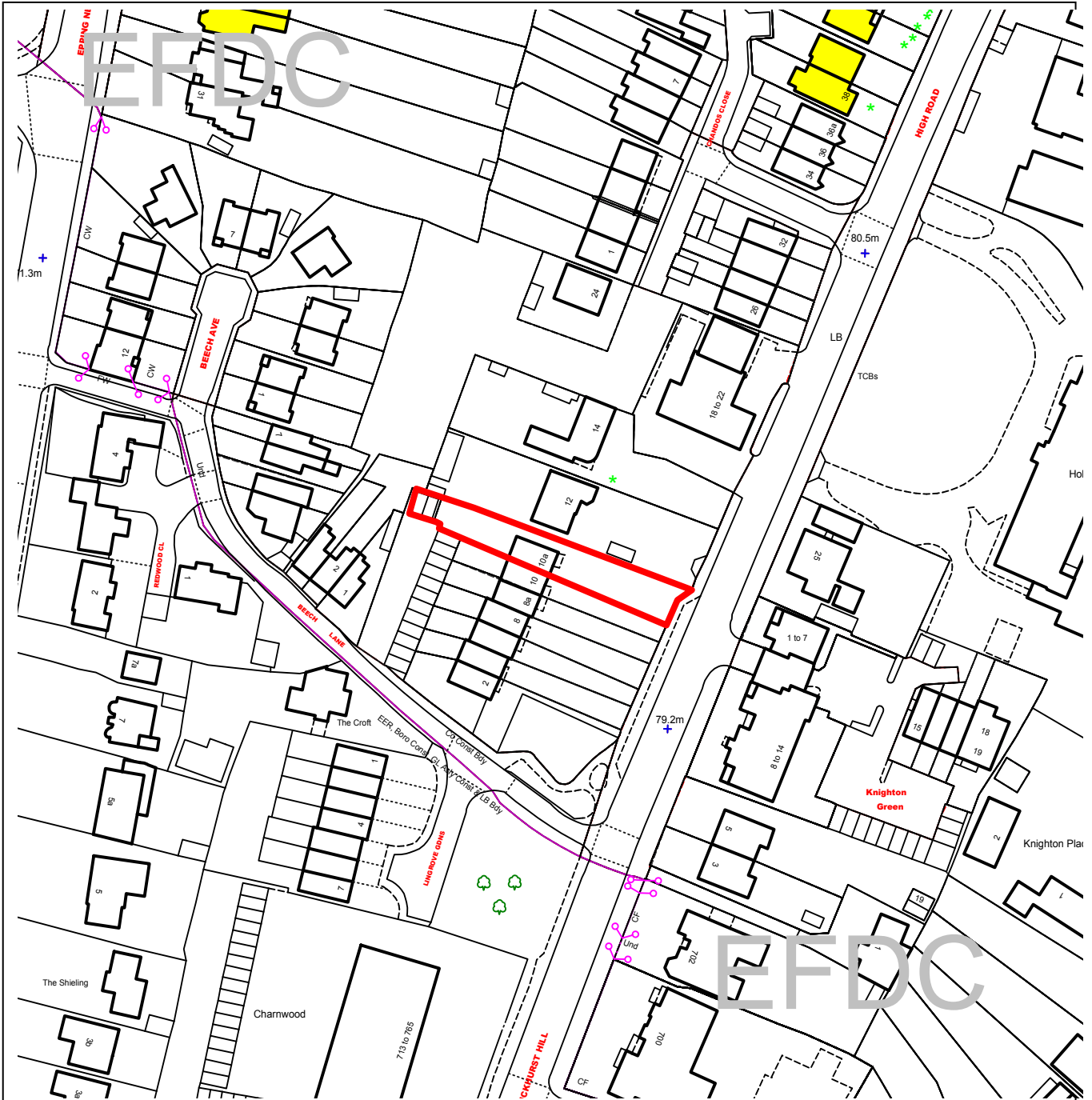
***Planning Application Case Officer: Dominic Duffin
Direct Line Telephone Number: 01992 564336***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	7
Application Number:	EPF/2556/10
Site Name:	10A High Road, Buckhurst Hill IG9 5HP
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/2606/10
SITE ADDRESS:	142 High Road Chigwell Essex IG7 5BQ
PARISH:	Chigwell
WARD:	
APPLICANT:	Robert Whitton
DESCRIPTION OF PROPOSAL:	Front garden boundary wall and gates.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=523922

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall match those shown on the submitted drawings 2537_PL24 and 25, unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

The proposal is to erect in and out gates and a railing-topped wall with pillars. The structures would be 2.1m at their highest point. The wall would be 0.70cm in height with the railings above. The proposed boundary treatment would stretch along the entire front of the plot for approximately 18.0m.

Description of Site:

The proposal site contains a large detached dwelling set on a spacious plot. This is the character of the immediate area. The site rises from front to rear such that the structures would be set approximately 0.60cm above the level of Chigwell High Road. There is a mix of boundary treatments in the immediate locale, with some open plan and other similar structures nearby.

Relevant History:

No history relevant to this application.

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 DBE9 – Loss of Amenity
Policy ST4 – Road Safety

SUMMARY OF REPRESENTATIONS:

(5 properties consulted – no replies).

PARISH COUNCIL: Objection. The proposed height and materials are out of keeping with the streetscene.

Issues and Considerations:

The main issues relate to impact on the appearance of the area, neighbour amenity and road safety.

Neighbour Amenity

The proposal would have no impact on neighbour amenity.

Impact on the Appearance of the Area

The proposed structure provides a reasonable amount of railing which allows the front boundary of the property to retain a relatively open aspect in its relationship with the streetscene. The pillars would be relatively well spaced across the boundary of the plot. Chigwell Parish Council have objected and stated that the proposed height and materials would be out of keeping within the streetscene. The submitted heights for this development would result in a front boundary treatment that is 2.1m at its highest point. This is a similar height to both neighbouring properties, and similar to other boundary treatments along this part of the road. The proposal would not look out of place within this streetscene in terms of its height.

Concern is also recorded that the materials would be out of keeping. Limited information is provided about the proposed materials, save for the submitted drawings. This suggests grey brick with some detailing which would not exactly correspond with the existing house or other red brick front boundaries along the road. This is not considered a serious design flaw in relation to this proposal and other boundary treatments do have some coloured brick detailing. However members may form the view that the materials are out of keeping and that a red brick finish is necessary to complement the immediate locale.

Road Safety

There are no objections to this development from Essex County Council Highways Department and it therefore raises no road safety issues.

Conclusion:

The proposed additions to the front boundary of this dwelling are deemed acceptable and recommended for approval.

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

Planning Application Case Officer: Dominic Duffin

Direct Line Telephone Number: 01992 564336

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	8
Application Number:	EPF/2606/10
Site Name:	142 High Road, Chigwell IG7 5BQ
Scale of Plot:	1/1250

Report Item No: 9

APPLICATION No:	EPF/2614/10
SITE ADDRESS:	Marchings Farm Gravel Lane Chigwell Essex IG7 6DQ
PARISH:	Chigwell
WARD:	Chigwell Village Lambourne
APPLICANT:	Mr Terry Willsons
DESCRIPTION OF PROPOSAL:	Demolition of the existing house and associated buildings and the erection of a new house with associated garage. (Revised application)
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=523943

REASON FOR REFUSAL

- 1 The proposed replacement house is materially greater in volume than that which it would replace and due to its size and scale it would have a greater impact on the openness of the Green Belt than the existing house. The proposed house is therefore inappropriate development which by definition is harmful to the Green Belt. Moreover, by reason of its size, siting and design, it would appear conspicuous in the Green Belt to the detriment of its rural character and visual amenities as well as its openness. No very special circumstances sufficient to outweigh the harm that would be caused by the development have been demonstrated by the applicant. Accordingly, the proposed house is contrary to policies GB2A, GB7A and GB15A of the Epping Forest District Local Plan and Alterations.
- 2 The proposed replacement dwelling, due to its grandiose neo Georgian/classical design is not a traditional building form found within the local rural landscape. Along with its excessive size, scale and bulk, the new dwelling would be visually intrusive, overbearing and it would not reflect the wider landscape setting of the site and would be harmful to the character of the surrounding area contrary to policies CP3, LL2, DBE1, DBE2 and DBE4 of the Adopted Local Plan and Alterations.
- 3 The design of the proposed dwelling being of a neo Georgian/classical design along with its excessive size, scale and bulk would appear unduly prominent in relation to the Marchings, a neighbouring listed building, to the detriment of its setting, contrary to policy HC12 of the Adopted Local Plan and Alterations.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

It is proposed to demolish an existing house together with associated buildings and erect a new house with associated garage. The proposal is a resubmission of a similar proposal refused at the meeting of the Area Plans South Sub-Committee on 1 December 2010.

The proposed house and garage would be situated within the centre of the application site, some 100m from the site boundary with Gravel Lane and 35m from the nearest neighbour, Marchings.

The house would be two-storey with a rectangular footprint, approximately 22m by 11m. It would have 3 floors of accommodation at ground, first floor and roof level. The overall height of the house would be 8.5m.

The house would be of classical appearance. The roof would appear hipped with a concealed central flat element. Six curved roofed dormer windows to the front and rear elevations and one to each flank elevation would provide light to the rooms in the roof. A short central projection with large portico and canopy supported by Tuscan columns would dominate the centre of the front elevation. A flat roofed 6m deep single-storey projection some 11.5m wide would dominate the rear elevation. The flat roof would be enclosed by a balustrade to form a large balcony. Tall evenly spaced sash windows would dominate the ground and first floor.

The garage would be sited adjacent to the south west corner of the house. It would be a simple structure with a hipped roof and flat central section with a footprint some 9.5m by 6.5m. A short walkway between the house and garage would be covered by an open canopy.

The house and garage would be finished in similar materials. Roofs would be slate and main walls would be brick with portland stone detailing. Balustrading would be portland stone and the dormer windows would be lead clad.

The buildings it is proposed to be demolished are primarily single-storey agricultural buildings, typically 4.5m high, but would also include a two-storey house linked to a stable. The two-storey element is 6m high. This element of the proposal was largely carried out in January 2011. At the time of writing the only building that exists is the two-storey house.

Description of Site:

The site is located on the eastern side of Gravel Lane approximately 2km north of Chigwell Row. It is roughly rectangular in shape and has an area of approximately 2 hectares.

The site levels fall from Gravel Lane to a watercourse, Little London Brook, which marks the eastern site boundary. Elsewhere hedgerow of varying height and species encloses the remaining boundaries, the taller hedgerow being sited on the boundary with Gravel Lane and screening views into the site. To the north of the site are open fields and Marchings, a Grade II listed farmhouse. Open fields are to the south and on the opposite side of Gravel Lane. To the east beyond the watercourse is a farmyard associated with Marchings, beyond which are open fields that rise to the east.

As indicated above, with the exception of a two-storey house, buildings previously situated on the site have been demolished. They were situated in the lower eastern part of the site which is flood risk zones 2 and 3. The entire site is within the Metropolitan Green Belt.

Relevant History:

EPF/1635/79 Conversion of existing stables for use as an extension to house, and erection of a single storey extension. Approved.

EPF/0460/07 Demolish existing house and all associated buildings and erection of replacement house. Withdrawn

EPF/1428/07 Demolish existing house and all associated buildings and erection of replacement house. Approved with conditions on 8 October 2007.

No subsequent application for approval of details pursuant to conditions has been received. These include pre commencement conditions relating to land contamination, flood risk, site levels, landscaping and materials of construction. The permission will lapse if it is not lawfully implemented by 8 October 2011.

EPF/1585/10 Demolition of existing house and all associated buildings and erection of replacement house (revised application). Refused for the following reasons:

1. The proposed replacement house is materially greater in volume than that which it would replace and due to its size and scale it would have a greater impact on the openness of the Green Belt than the existing house. The proposed house is therefore inappropriate development which by definition is harmful to the Green Belt. Moreover, by reason of its size, siting and design, it would appear conspicuous in the Green Belt to the detriment of its rural character and visual amenities as well as its openness. No very special circumstances sufficient to outweigh the harm that would be caused by the development have been demonstrated by the applicant. Accordingly, the proposed house is contrary to policies GB2A, GB7A and GB15A of the Epping Forest District Local Plan and Alterations.
2. The proposed replacement dwelling, due to its grandiose neo Georgian/classical design is not a traditional building form found within the local rural landscape. Along with its excessive size, scale and bulk, the new dwelling would be visually intrusive, overbearing and it would not reflect the wider landscape setting of the site and would be harmful to the character of the surrounding area contrary to policies CP3, LL2, DBE1, DBE2 and DBE4 of the Adopted Local Plan and Alterations.
3. The design of the proposed dwelling being of a neo Georgian/classical design along with its excessive size, scale and bulk would result in a harmful impact upon the setting of the Grade II Listed Building known as Marchings, contrary to policy HC12 of the Adopted Local Plan and Alterations.

Policies Applied:

East of England Plan

ENV7 Quality in the Built Environment
LA1 London Arc

Local Plan

CP2 Protecting the Quality of the Rural and Built Environment
CP3 New Development
GB2A Development within the Green Belt
GB7A Conspicuous Development
GB15A Replacement Dwellings

LL2	Rural Landscape
LL10	Adequacy of Provisions for Landscape Retention
LL11	Landscape Schemes
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE4	Design in the Green Belt
DBE9	Loss of Amenity
HC12	Development Affecting the Setting of Listed Buildings
ST4	Road Safety
ST6	Vehicle Parking
U2A	Development in Flood Risk Areas
U2B	Flood Risk Assessment Zones

National Planning Guidance:

PPG2 Green Belt

Summary of Representations

CHIGWELL PARISH COUNCIL

The Council **SUPPORTS** this application on the grounds that the proposal:

- Increases the openness of the Green Belt
- Equates to a 35% reduction in building volume which, it is considered, constitutes special circumstances.
- Moves the new development further away from the setting of the neighbouring listed building.
- Moves the new development further away from the known flood plain.

NEIGHBOURS:

The occupants of 7 neighbouring properties were notified of the application by mail and a site notice displayed on site. No representations were received at the time of writing this report.

ENVIRONMENT AGENCY:

The Agency advises it will provide comments prior to the Committee meeting. They will be reported verbally.

Issues and Considerations:

The main issue raised by the proposal is its appropriateness in the Green Belt and, if it is inappropriate development, whether very special circumstances exist sufficient to outweigh the harm caused. Related to this is the impact of the proposal on the visual amenities of the Green Belt and local landscape character as well as the appropriateness of its design and its impact on the setting of Marchings. Other issues include impact on amenity and consequences for flood risk

Green Belt:

The erection of a replacement dwelling can be appropriate development provided it meets all of the following tests:

1. It is not materially greater in volume than that which it would replace.

2. It would not have a greater impact on the openness of the Green Belt than the original dwelling and
3. It would not have garden that exceeds the size of that serving the original house.

The proposal does not include enlarging the existing garden therefore the main matters to assess when evaluating appropriateness is the difference in volume and visual impact between the original and proposed houses.

Having regard to drawings submitted with this application the remaining part of the original house has a volume of approximately 250m³. A former stable that has been demolished but had consent to be used as an addition to the house had a similar volume. The original house therefore had a maximum volume of not more than 500m³. When considering previous applications the house was understood to have a volume of just under 800m³.

The proposed house would have a volume of 1924m³. That amounts to a fourfold increase in volume over that of the original house therefore the proposal is clearly inappropriate development. Moreover, the new house would be some 2.5m taller (8.5m compared to 6m) and situated on significantly higher land within an open context. As a consequence of its bulk, height and siting the proposed house would appear highly prominent within the site and have a far greater impact on the openness of the Green Belt than the original dwelling.

In the circumstances it is necessary for the applicant to demonstrate very special circumstances in favour of the building that outweigh the harm that would be caused to the Green Belt.

The applicants say that the total volume of all the buildings that were on the site was 2959m³ and their removal in exchange for the new house amounts to an improvement in the openness of the Green Belt that can only be achieved on this site and consequently amounts to a very special circumstance. Since the buildings have largely been demolished it was not possible to verify the dimensions of the buildings. It is noted that application EPF/1428/07 described their volume as 3400m³, but this was not verified.

Since nearly all of the building volume the applicants rely on to make their case no longer exists, it is not possible to take that volume into account. It is only appropriate to consider the volume of real buildings that actually exist when assessing whether a proposal would result in an improvement in the openness of the Green Belt. In this case, the demolition of nearly all of the buildings on site has achieved a significant improvement in the openness in the Green Belt. A justification for erecting a large prominent house on the basis that it would allow the District Council to secure the demolition of other buildings of greater volume does not exist because nearly all the buildings put forward for demolition do not exist.

However, it remains open to the landowner to take up the previous consent to erect a replacement house in a similar position to that now proposed. It is possible for an extant planning permission to amount to a very special circumstance therefore it is necessary to compare the approved house with that proposed. Indeed, this is the most appropriate basis upon which to assess the impact of the proposal on the Green Belt

The replacement dwelling approved under planning permission EPF/1428/07 would have a volume of some 1700m³. The proposed house would have a volume some 200m³ larger. This would equate to an increase of some 12%.

There would be no material difference in the height of the proposed and approved building but the difference in their bulk would be reflected in the difference in volume.

Due to its bulk and volume the proposed building would have a materially greater impact on the openness of the Green Belt than the approved house. That impact would be not only harmful to its

openness, but it would also be harmful to its visual amenities due to its greater conspicuousness. Consequently the proposal amounts to inappropriate development for which no very special circumstances have been demonstrated. The proposal is therefore contrary to policies GB2A, GB7A and GB15A of the Adopted Local Plan and Alterations.

For Members information, had the buildings on site not been demolished, the current proposal would have resulted in a 35% reduction in built volume on the site. Using the volume calculations for the demolished buildings provided by the applicant, the approved house would have resulted in a 42% reduction in built volume on site. As indicated above, however, since the buildings on site have nearly all been demolished such a comparison is meaningless. The appropriate basis on which to assess impact on the Green Belt in this case is a comparison of the impact of the proposed and approved houses.

Members are further advised that the current proposal would have a volume 144m³ (7%) less than that previously refused. This reduction does not alter the assessment that very special circumstances have not been demonstrated.

Design and appearance:

Policy DBE4 requires new buildings to respect the wider landscape setting of the site and be of a design that is in keeping with the local character in terms of traditional plan form and detailing.

It should be noted that the house that was approved under planning permission EPF/1428/07 would be of a traditional appearance, typical of a modern building found within a rural landscape. The design and layout of a new development should ensure that surrounding landscape is the dominant feature and that space must be made available to reinforce any existing landscaping.

The house now proposed would have a more classical appearance. Its design would give emphasis to its scale and bulk and thereby increase its prominence. The proportion of the roof compared to the wall height along with the grander features is an imposing design which would not respect the character of the site.

It would not respect the wider landscape setting of the site or respect the local character in terms of its appearance. It is excessive in terms of its overall size and scale and for these reasons the development is contrary to policies DBE1 and DBE4 of the Adopted Local Plan and Alterations.

Landscaping

A new development should be sympathetic to its setting within the surrounding landscape. Policy LL2 states that planning permission should not be granted unless the development respects the character of the landscape or enhances the appearance of the landscape. Given the development's excessive size and inappropriate design it would also not respect the landscape character of the locality and as a result is contrary to policy LL2.

Setting of listed building

The site is located adjacent to a Grade II Listed building known as Marchings Farmhouse.

In respect of the previous very similar proposal the Council's conservation officer advised it would not only be too large in terms of its size and scale, but that it would also be inappropriate in terms of its design. Since there is no material difference in bulk and architectural style between the previous and current proposal that assessment is unchanged. It would be in sharp contrast to Marchings and together with its size and siting would appear over-dominant in relation to it. The consequence of its size, inappropriate design and poor relationship to Marchings is that it would

have a harmful impact upon the setting of an adjacent listed building and therefore be contrary to Local Plan and Alterations policy HC12.

Other issues:

The proposal would cause no harm to the amenities enjoyed by the occupants of any neighbouring property.

The proposed house would be sited outside the designated flood risk assessment zone towards the rear of the site. The Environment Agency's comments will be reported verbally but the District Councils' Engineering, Drainage and Water Team advise that as buildings are being demolished the proposed development will cause no increase in surface water runoff.

Conclusion:

The proposal amounts to inappropriate development for which no very special circumstances have been demonstrated. It would not respect the wider landscape setting of the site or respect the local character in terms of its appearance. It is excessive in terms of its overall size and scale. Given the development's excessive size and inappropriate design it would also not respect the landscape character of the locality. Moreover, it would have a poor and over-dominant relationship to Marchings, a Grade II Listed Building, such that it would cause harm to its setting. The proposal is therefore contrary to policies CP3(v), GB2A, GB7A, GB15A DBE1, DBE4, LL2, and HC12 of the Adopted Local Plan and Alterations and it is recommended that the application be refused for similar reasons to those that application EPF/1585/10 was refused.

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

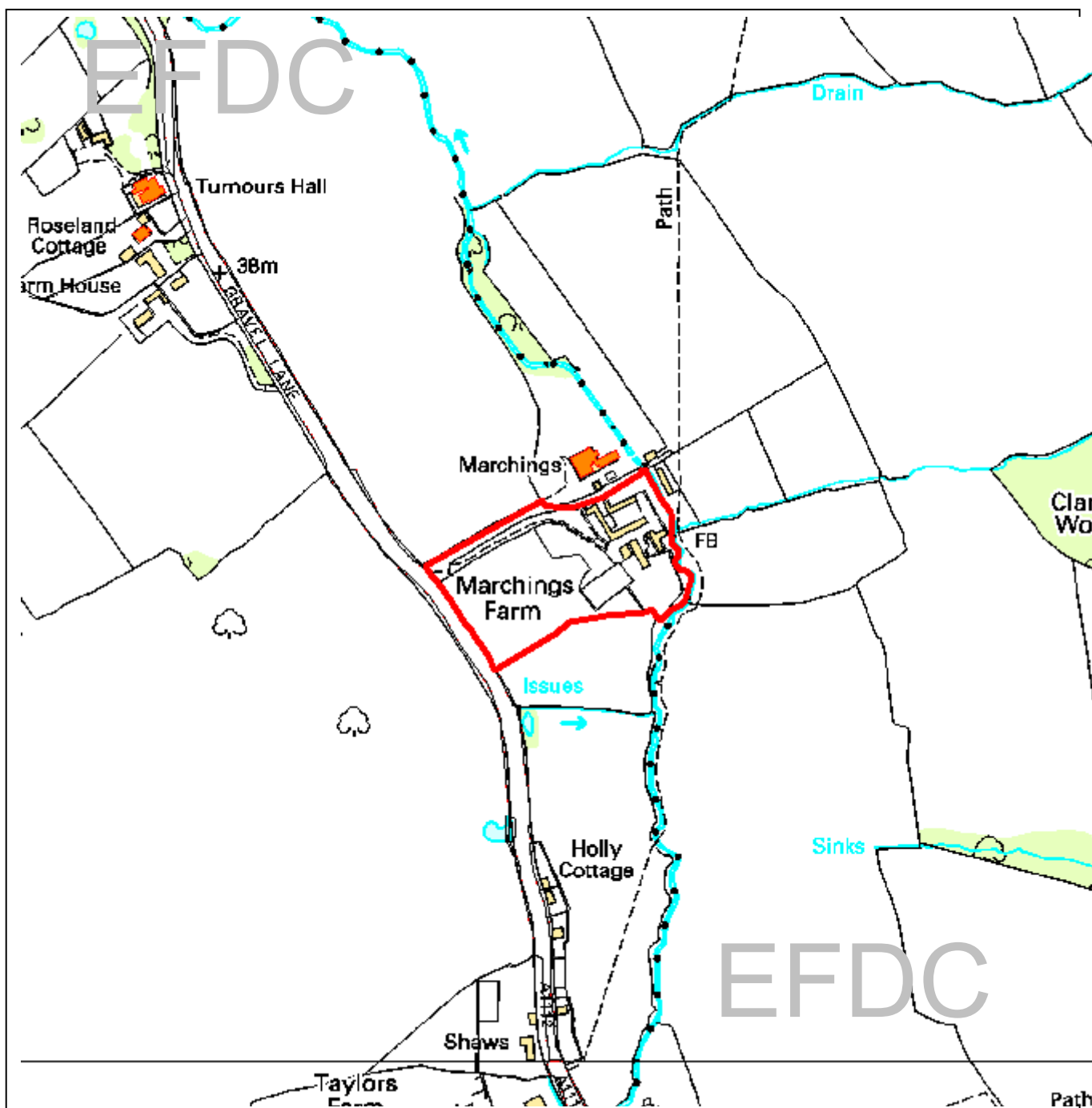
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	9
Application Number:	EPF/2614/10
Site Name:	Marchings Farm, Gravel Lane Chigwell, IG7 6DQ
Scale of Plot:	1/5000

Report Item No: 10

APPLICATION No:	EPF/2624/10
SITE ADDRESS:	148 Forest Edge Buckhurst Hill Essex IG9 5AD
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr M Collins
DESCRIPTION OF PROPOSAL:	Single storey side and rear extensions.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=523959

CONDITIONS

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

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

Description of Proposal:

Single storey side and rear extension.

Description of Site:

A semi-detached, two-storey house on the east side of Forest Edge.

Relevant History:

None relevant

Policies Applied:

DBE9 – Loss of amenity; DBE9 – Residential extensions.

Summary of Representations:

BUCKHURST HILL PARISH COUNCIL – Object - overbearing for neighbours and overdevelopment of the site.

NEIGHBOURS – 4 properties consulted and no replies received at the time of preparing report.

Issues and Considerations:

It is proposed to erect a 3m. deep rear extension, and to demolish the existing side garage and store and erect a replacement side extension. This side extension would project beyond the rear wall of the house by 3m and would join up with the proposed rear extension to form what is termed a 'wrap round' ground floor extension. This form of extension is becoming increasingly popular.

The Parish Council are concerned that the proposal will be overbearing to neighbours. However, the 3m depth rear extension is 'allowed' by policy DBE10. Although it has a sloping roof, at a modest depth of 3m it will not have a significant effect on the outlook and amenity of the adjoining semi at number 150 Forest Edge and is basically a typical extension which exists in the local area and throughout the built-up areas of the District.

With regard to the side extension, the existing garage is set in 0.9m from the side boundary with number 146 and the proposed side extension will be set in by 0.7m from this boundary. Number 146 is set in a more forward position than the application property and hence there will be some adverse impact on the outlook that neighbours in this house will have from their rear facing windows and patio. Again however, this impact will not be significant, particularly because number 146, and the proposed extension to number 148, will be set in from the common boundary, and also because number 146 is on land that is 1/1.5m higher than the application property. In addition no objections or concerns have been raised by the neighbour.

The Parish Council also raise concerns about overdevelopment. An often mis-used term, but it is thought that they perhaps feel it is too large. Although a sizeable extension the proposal is far from being excessive, and indeed some 90% of the proposed extension would lie within the scope of permitted development, and hence would not require planning permission. In effect planning approval is only required for the rearwards projection of the side extension beyond the existing rear wall of the house. The house has a relatively large rear garden of some 38m in depth and 9.5m in width, and in this context the size of the extension is easily accommodated on the plot.

Both the rear and side additions will have a sloping roof, and an appropriate style of window is proposed in the front of the proposed side addition. The application forms state that facing brick and tiles to be used will match the existing house, and in terms of appearance the proposal is acceptable.

Conclusion

The proposed extension complies with local planning policies DBE9 and DBE10 and conditional planning permission is recommended.

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

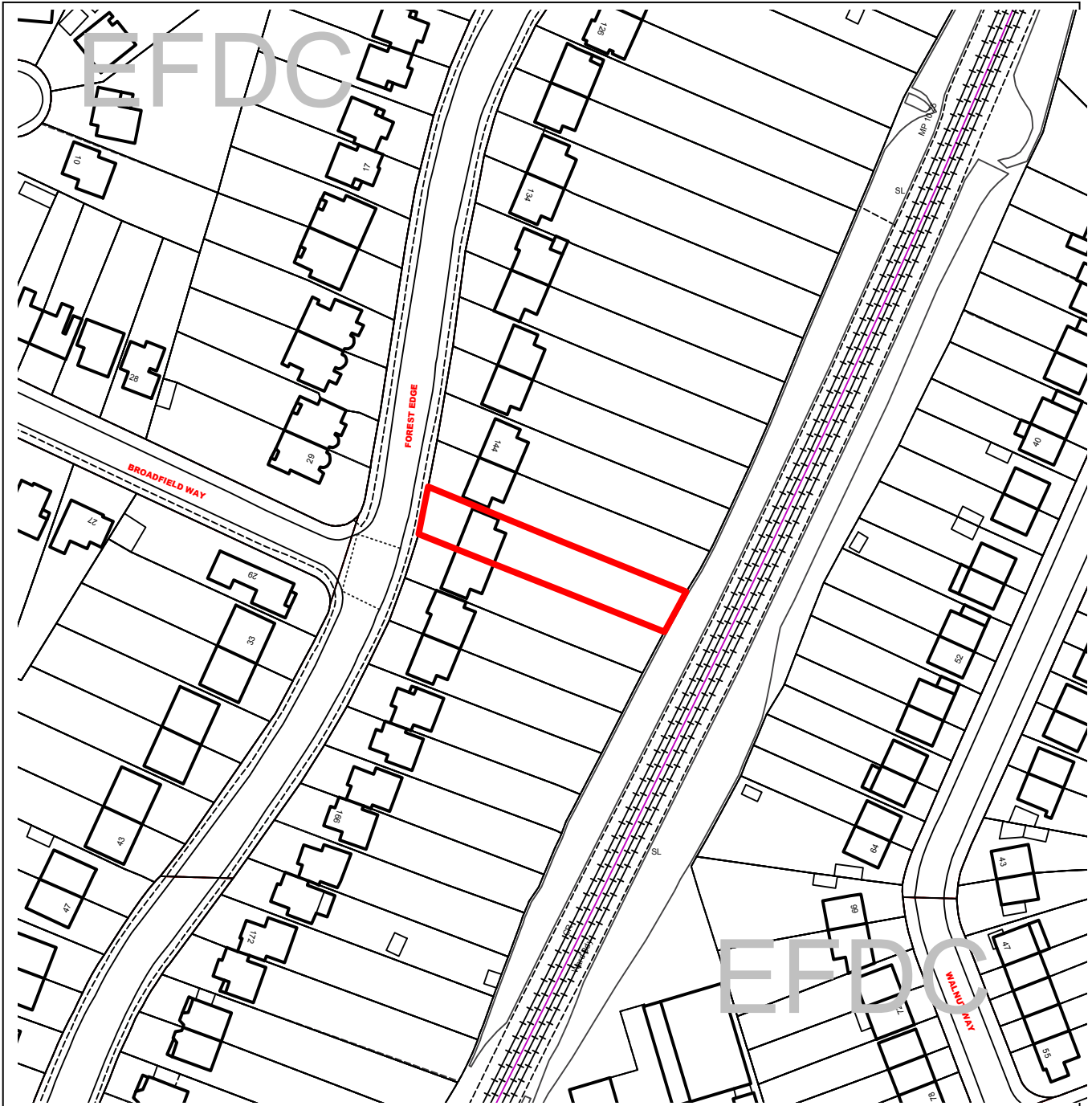
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	10
Application Number:	EPF/2624/10
Site Name:	148 Forest Edge, Buckhurst Hill IG9 5AD
Scale of Plot:	1/1250

Report Item No: 11

APPLICATION No:	EPF/2660/10
SITE ADDRESS:	38 -40 Station Road Loughton Essex IG10 4NX
PARISH:	Loughton
WARD:	Loughton St Marys
APPLICANT:	Mr Vinod Patel
DESCRIPTION OF PROPOSAL:	Demolition of No. 40 Station Road, erection of residential care home as extension to No. 38 Station Road to include retention of 1) enlargement of basement 2) light well around basement 3) alterations to the arrangement and type of window and door openings 4) alterations to extension / conservatory
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=524114

CONDITIONS

- 1 Materials to be used for the external finishes of the proposed extensions, shall match those of the existing building.
- 2 The window openings in the first and second floor flank elevation adjacent to No42 Station Road 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.
- 3 The entire basement area of the development hereby approved shall at no time be used as bedroom accommodation for residents of the nursing home.
- 4 Within one month of the date of this decision a scheme of landscaping and a statement of the methods of its implementation shall be submitted for approval to the Local Planning Authority. 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.

- 5 The parking area shown on the approved plans 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.
- 6 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.
- 7 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 8 The new vehicle access shall be 5.0 metres wide and shall be formed by way of a dropped kerb vehicle crossing.
- 9 The flat roofs of the development hereby approved shall not be used for sitting out and no furniture, including tables and chairs, shall be placed on or fixed to the roofs.

This application is before this Committee since it has been 'called in' by Councillor Barrett (Pursuant to Section P4, Schedule A (h) of the Council's Delegated Functions).

Description of Proposal

The proposal is for retention of amendments to a previously approved enlarged residential care home. These amendments relate to the extension of a basement area and the addition of light wells around this, the removal of south side elevation doors and their replacement with windows, additional windows on the north and east elevation and changes to the external finish of a conservatory at the rear of the building. A number of skylights have been added to the single storey extension at the rear.

Description of Site:

An existing residential care home on the eastern side of Station Road, covering two sites, Nos.38 and 40. The part of the care home within the plot of No40 is currently under construction with the section at No38 still operational. The rest of the street consists of residential dwellings of various types and styles, and shops at the northern end of the road where it joins the High Road. The premises either side are single dwellings.

Relevant History:

EPF/1977/06	Demolition of No 40 and erection of replacement care home and extensions	approved.
EPF/669/07	Conservatory and first floor extension	refused.
EPF/1483/07	First Floor side extension	approved.
EPF/0229/09	Conservatory	approved.
EPF/1174/09	Amendment to EPF/1977/06 - Demolition of No. 40 and erection of replacement residential care home and extensions - to include erection of first floor side extension.	approved.
EPF/2270/09	Non-material amendment to elevations of roof design and front gable wall on EPF/1174/09.	refused.
EPF/0313/10	Demolition of No. 40 and erection of replacement residential care home and extensions - to include amendment to roof design to form gable feature. (Retrospective application).	refused.
EPF/0911/10	Demolition of No40 Station Road, erection of residential care home as extension to 38 Station Road to include amendments to front right gable end elevation and side elevation to form side extension, installation of skylights in loft space, installation of wider window openings on front elevation, ridge of main roof increased, lift shaft roof ridge increased.	approved.
EPF/2056/10	Removal of cond 8 'Access to site' of planning approval EPF/0911/10. (Demolition of No40 Station Road, erection of residential care home as extension to 38 Station Road to include amendments to front right gable end elevation and side elevation to form side extension, installation of skylights in loft space, installation of wider window openings on front elevation, ridge of main roof increased, lift shaft roof ridge increased).	approved.
EPF/2057/10	Retrospective application for changes to approved scheme EPF/0911/10 to include additional windows, light wells and changes in use of materials on conservatory.	withdrawn.

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 DBE9 – Loss of Amenity

SUMMARY OF REPRESENTATIONS:

(8 properties consulted – 0 replies received at the time of report, but should any be subsequently received, they will be summarised and verbally reported at the meeting).

LOUGHTON TOWN COUNCIL: No comments received at the time of the report and will be reported verbally at the meeting.

Issues and Considerations:

The main issues to consider are any potential impacts these amendments would have on neighbour amenity and the appearance of the area.

Neighbour Amenity

The scheme, originally approved in 2006 (EPF/1977/06), has been the subject of various amendments and changes throughout the period of construction. These particular changes are

minor in relation to neighbour amenity and would have no adverse impacts. The additional windows on the north and east elevation and the change from doors to windows on the west elevation would not increase overlooking of neighbouring dwellings. The north elevation windows largely replace conservatory windows. The east elevation windows are rear facing and the change from doors to windows on the south elevation would have no increased impact. All additional fenestration is at ground floor level. The skylights would have no impact.

Impact on the Appearance of the Area

The changes are largely cosmetic in nature and would have no adverse impact on the appearance of the area.

Basement Extension

Previous approved applications at the site had a basement extension under the main building of the extended care home. This application, and the previously withdrawn application (EPF/2057/10), outlines a significant increase to the basement under the single storey rear element. These rooms are indicated as for use in relation to storage relevant to the operation of the care home. The extension of the basement area is generally acceptable. However there is concern that if used as bedroom accommodation for residents this would provide unsatisfactory living accommodation in terms of amenity. For the sake of clarity a condition ensuring that the basement is not used as living accommodation is deemed necessary.

Conclusion:

The proposed changes to the building are deemed acceptable and recommended for approval with conditions.

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

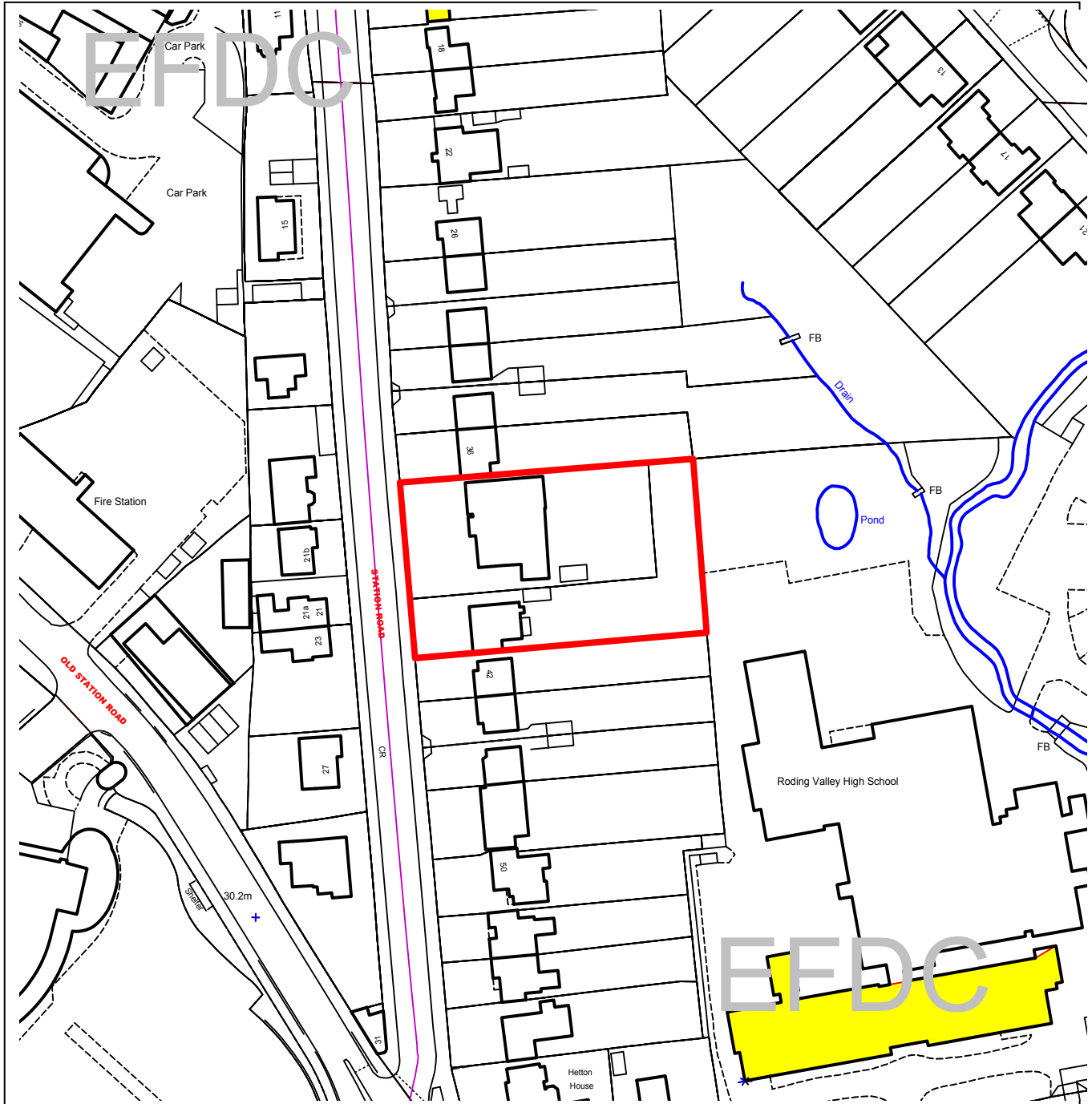
***Planning Application Case Officer: Dominic Duffin
Direct Line Telephone Number: 01992 564336***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	11
Application Number:	EPF/2660/10
Site Name:	38 - 40 Station Road, Loughton IG10 4NX
Scale of Plot:	1/1250