

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2439/10
<b>SITE ADDRESS:</b>	Loughton Sports Centre Rectory Lane Loughton Essex IG10
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>APPLICANT:</b>	Rubyrose Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of Loughton Sports Centre. Proposal for 72 bed care home development with car parking and landscaped secure garden areas. (Revised application)
<b>RECOMMENDED DECISION:</b>	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/Anite!M.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=523295](http://planpub.eppingforestdc.gov.uk/Anite!M.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=523295)

**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 The development shall proceed in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.
- 4 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.

- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an 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.
- 6 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
- 7 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.
- 8 Trees which are to be felled and are identified within the Phase 1 Habitat Survey and Ecological Scoping Survey as having moderate-low potential to support a bat roost should be 'soft felled' (a technique involving a more cautious felling process where lowering and cushioning techniques are used to reduce the impact of felling).
- 9 Prior to the first occupation of the development hereby approved, a Travel Plan shall be submitted to the Local Planning Authority and approved in writing. The site shall operate in accordance with the Travel Plan thereafter, unless otherwise agreed in writing by the Local Planning Authority.
- 10 The parking area shown on the approved plan (Drawing no. R5902 96) shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of staff and visitors vehicles.
- 11 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]

- 12 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]
- 13 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]
- 14 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.
- 15 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.

- 16 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.
- 17 No development shall commence until a survey by a competent person has been carried out to establish the presence or otherwise of Japanese Knotweed and submitted to the Local Planning Authority. The survey should also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control programme suitable for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the substantial completion of the development hereby approved.
- 18 Prior to the commencement of the development hereby approved details of the proposed refuse storage areas shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.
- 19 During clearance, demolition and construction, there shall be no bonfires within the site.
- 20 Prior to the commencement of the development hereby approved details of extraction and ventilation equipment for the kitchens shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.
- 21 Prior to the commencement of the development hereby approved details of foul drainage shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.
- 22 No external lighting shall be erected on the site without the prior written approval of the Local Planning Authority.
- 23 Prior to the commencement of the development hereby approved details of bat boxes to be attached to the building shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.
- 24 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.

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

- **A financial contribution of £64,442 towards additional costs incurred by the Health Authority (west Essex Primary Care Trust) arising from the development proposed.**
- **A financial contribution of £3,000 towards the monitoring (by the Highway Authority) of a Travel Plan to be submitted by the applicant.**

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

This application seeks planning permission for the demolition of the sports centre and the redevelopment of the site with a 72 bed care home for the elderly. The care home would have accommodation spread across three floors, with additional storage being provided within the roof space. The building would be at one level, requiring some levelling of the existing site, which slopes down toward the rear boundary.

The proposed building would comprise two blocks linked by a three storey flat roofed glazed section. The front block would be rectangular shaped (following the removal of its front projection since the refusal of the previous planning application) and considerably larger than the rear block which would be positioned centrally within the rear part of the site. Both blocks would have hipped roofs with large central sections of flat roof. There would be some gables around the building to break the elevations and add interest. The materials proposed include clay roof tiles, render and brick elevations.

It is proposed to retain the high wall within the car park. The remainder of the boundary would have 1.8 metres high steel hoop top railings. 38 car parking spaces are shown on the submitted plans along with a refuse store and cycle and motorcycle parking.

### **Description of Site:**

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

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

A pedestrian link is provided from the north western corner of the car park through an area of woodland to the access road along Rectory Lane. A second pedestrian link provides access through the site alongside the tennis court and to Epping Forest College, situated to the rear of the

site at a lower ground level. Vehicular access to the site is via the access road running parallel with Rectory Lane. The car park to the front of the Sport Centre is located at the end of the drive and is separated from the sport centre building by a brick wall, approximately 1.7 metres in height. At the time of the officer's site visit there were a few cars parked in the Sport Centre Car park, presumably overspill from the nearby health centre. Along the southern boundary of the car park there is a high brick wall.

### **Relevant History:**

#### Loughton Hall

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

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

#### Loughton Sport Centre (non-planning related)

In September 2009 a decision was taken by the Cabinet to vary a restrictive covenant to enable Epping Forest College to sell this site for a residential care home development. Whilst it was envisaged that the development would enable the provision of sports facilities for the college and the local community, the Cabinet was concerned about the state of the College's finances and felt that it was more likely that any capital receipt from the sale of the land would be used to service the College's debt, rather than to provide new sports facilities. However, it was felt that the College should focus upon the provision of education for the young people of the District, with the new sports facilities being provided when funding became available.

#### Loughton Sport Centre (relevant planning history)

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

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

EPF/0533/10. Demolition of Loughton Sports Centre. Proposal for 85 bed care home development with car parking and landscaped secure garden areas. (Revised application). Refused 17/06/2010 for the following reasons:

- 1 *The proposal would result in the loss of a local sports facility. No provision is made for replacement sports facilities and it has not been adequately demonstrated that the site is no longer required to meet sporting needs within the local area, contrary to Government advice contained within Planning Policy Guidance Note 17.*
- 2 *The number and size of the car parking spaces proposed falls significantly below the standard set by the Essex County Council Parking Standards: Design and Good Practice (September 2007), contrary to policy ST6 of the Adopted Local Plan and Alterations.*
- 3 *The proposed care home, due to the limited size of the bedrooms, internal communal space and the amount of outdoor amenity space, would provide an inadequate level of amenity for its future occupiers, contrary to policy DBE8 of the Adopted Local Plan and Alterations.*
- 4 *There is insufficient need for the proposed facility within the local area and as a result it is likely that the future occupiers of the care home would be migrating into the locality, thereby placing an increased burden on local NHS services. The sum of the proposed financial contribution towards local GP services is insufficient to mitigate this harm, contrary to policy CP3 (i) of the Adopted Local Plan and Alterations.*

**Policies Applied:**

National Planning Policy

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

East of England Plan

ENV6 – Historic Environment

ENV7 – Quality in the Built Environment

Adopted Local Plan and Alterations

DBE1 – New Development

DBE2/9 – Neighbouring Amenity

DBE3 - Development in Urban Areas

DBE8 - Private Amenity Space

HC12 – Development Affecting the Setting of a Listed Building

NC4 - Protection of Established Habitats

RP4 - Development of Contaminated Land

CF2 - Health Care Facilities

LL11- Landscaping Schemes

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

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

CP3 – New Development

CP4 - Energy Conservation

CP5 - Sustainable Building

CP7 - Urban Form and Quality

ST4 – Road Safety

ST6 - Vehicle Parking

I1A - Planning Obligations

## **Summary of Representations:**

Notification of this planning application was sent to Loughton Town Council and 28 neighbouring properties. A notice was also displayed at the site. The following representations have been received:

LOUGHTON TOWN COUNCIL. Objection. The Committee NOTED the contents of a letter of objection. The Committee restated its previous objections given on EPF/0533/10 which were: The Committee supported all of the reasons put forward by the District Council before this application was withdrawn and considered, as many points have still not been addressed, to reiterate its previous objections made which were:

The Committee was concerned that this large development would adversely affect the setting of Loughton Hall, a listed building immediately adjacent to the proposed site, and therefore OBJECTED to this application which was contrary to Policy HC12 of Epping Forest District Council's adopted Local Plan and Alterations. It also regretted the loss of so many trees to facilitate the proposed project. Moreover, part of the site was zoned in the District's Local Plan as Urban Open Space.

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

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

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

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

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

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

LOUGHTON RESIDENTS ASSOCIATION. Objection. We object this application on the following grounds:

1. *Demand for care place*

We consider that the report provided by Pinders on the demand for care beds in the area



Fails to take any account of sites for which planning permission has been granted but where the facilities have not yet opened

Fails to include any information from the Social Services departments of any of the authorities covered and feel therefore that its findings cannot be relied upon.

*2. A need for the land for sports/educational use remains.*

College students currently have to travel to Redbridge for sports facilities, an arrangement which is described as not ideal – surely an understatement for a college running sports courses! The College wishes at some future time to provide sports facilities on site

The sports hall area is better situated for such facilities than the alternative (the field across Borders Lane, which is valued by residents as open space), which would involve students crossing and re-crossing a busy road.

*3. Extra costs on local health services and social services.*

Given the likelihood that, if the care home proceeds many of its residents will come from London boroughs and will place an extra burden on local health and social security services which would not otherwise have occurred, we also ask the committee to consider whether suitable contributions should be made for these services if the application is approved by the District Council. . If however the application is to be granted, we urge the council to negotiate a suitable contribution towards the extra costs which will fall upon local health services and social services.

126 BORDERS LANE. Objection. The development will create a very busy entrance if it enters/exits onto Borders Lane. It should be onto Rectory Lane which is not on a very busy bend also a bus lane.

SPORT ENGLAND. No objection. *See detail later within this report.*

WEST ESSEX PRIMARY CARE TRUST (WEPCT). No objection. This proposal would result in an increase in the number of elderly and other persons in need of care and is likely to have a significant impact on WEPCT's capital and revenue funding programme for the delivery of health care provision within its area, and specifically within the health catchment area of the development. WEPCT would expect these impacts to be fully mitigated by way of a developer contribution secured through a Section 106 planning obligation. Accordingly, WEPCT raises no objection, subject to the applicant agreeing to enter into a Section 106 obligation to provide the sum of £64,422 upon first occupation of the development.

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

**Issues and Considerations:**

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

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

**The Impact on Neighbouring Occupiers**

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

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

The proposed development would not directly look into any primary windows to habitable rooms within Loughton Hall. There would be some overlooking of the gardens to the rear of Loughton Hall. However, as these gardens would be for communal use, it is not considered that there would be a material loss of privacy.

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

#### Level of Amenity for Future Occupiers

The bedrooms within the care home would all be of a similar size (minimum 16.1m<sup>2</sup>) and would all have en-suite bathrooms. Whilst the rooms appear to be fairly small, the Design and Access Statement confirms that they would meet the required standards. All bedrooms would have an external window and it is, therefore, considered that they would have a satisfactory level of amenity. Several day rooms and associated communal facilities are provided within the home.

One of the reasons for the refusal of the previous planning application related to the sizes of bedrooms and internal communal areas. Following the reduction in the size of the care home from 85 to 72 beds, the average communal internal amenity space per bedroom is actually slightly lower than that for the previous application (from 5.733m<sup>2</sup> to 5.211m<sup>2</sup>), but this is still considerably in excess of national Department of Health/Care Quality Commission National Minimum Standards (2003) of 4.1m<sup>2</sup> communal space per user. Furthermore, by comparison with the previous proposal, the average bedroom size has increased (from 15.933m<sup>2</sup> to 16.176m<sup>2</sup>), and all bedrooms exceed the national minimum standard (12m<sup>2</sup>). It is, therefore, considered that suitable provision is made for an acceptable level of amenity within the building.

As proposed previously, a number of usable, secure landscaped areas are proposed to enable residents to sit outside the building. The provision of outdoor amenity space was also a concern in respect of the previous application. Comparison of the plans proposed both previously and as part of this application shows that the amount of usable (excluding overgrown and unlevel areas) amenity space provided on the two proposals is comparable: approximately 1,160.8 square metres on the previous proposal and a very slight increase to approximately 1,168.9 square metres on the current proposal. However, due to the reduced number of beds in the current proposal, the amount of external amenity space per resident has increased from 13.6 square metres to 16.2 square metres. This provides suitable outdoor amenity space for the occupiers of the proposed building.

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

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

The bulk of the proposed building is broken down into a number of smaller elements and a series of gabled projections combined with the palette of materials to add interest and improve the aesthetics of the building. The relationship between the walls and the roof of the building is considered to be well proportioned.

The design of the care home has improved following the submission of previous planning applications and it is considered that the design of the current proposal would enhance the appearance of the site.

### Impact on the Setting of the Listed Building

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

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

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

### Need for Care Home Facilities

Policy H9A of the Local Plan and the supporting text acknowledges the increasing need for adaptable housing as a result of an increasing elderly population who typically suffer with greater levels of disability or dependency as people live longer and develop these disabilities. The aging population is a national trend demonstrated by the national census data and identified in the Council's last Housing Need Survey in 2003. The Housing Strategy 2009-2012 (adopted in February 2009) also acknowledges a possible need for one or more extra-care schemes for older people, which would provide higher levels of care than sheltered housing schemes, but less than residential accommodation.

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

This planning application is accompanied by a report entitled 'Long Term Care for the Elderly: Needs Assessment Report' which concludes that there is a need for this development. However, the report contains several inaccuracies and inconsistencies (including in relation to the number of existing beds within the District and with regard to population data for the District). On this basis, no weight has been attached to the conclusions of this report when assessing the merits of this planning application.

Notwithstanding this, there is no policy requirement for the applicant to demonstrate that the facility is needed. This only becomes relevant if there is some unmitigated harm identified by the Council and the applicant must then rely on the need for the development as a mitigating factor. For example, when the previous application was determined it was considered that the harm to local NHS services was not mitigated by the need for the care home, as that need had not been adequately demonstrated. Within this application, the applicant has made provision to mitigate the harm to local NHS services by undertaking to make a substantial financial contribution to the Health Authority (this contribution is discussed further under the section of this report headed 'Planning Obligations').

### Loss of the Sports Facility

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

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

This planning application is supported by a report commissioned by the applicant which purports to justify the loss of the sport centre. Sport England has commented on the report and has raised no objection to this revised application. The applicant has commissioned Sports Solutions GB to prepare an assessment of the need to retain the sports centre in response to the issues raised previously by Sport England. Having considered the submitted assessment Sport England are satisfied that it covers all of the matters that were requested to be included in the assessment and that the methodology used to undertake the assessment is robust.

The assessment concludes that there is insufficient demand to justify retaining or replacing the sports centre and that therefore it would accord with Planning Policy Objective 2 of Sport England's Spatial Planning for Sport and Active Recreation: Development Control Guidance Note (2009) which aims to prevent the loss of existing sports facilities. Sport England confirms that this conclusion is accepted because the assessment has demonstrated the following:

- All former users of Loughton Sports Centre have now been successfully relocated.
- The fitness gym previously provided at the Loughton Sports Centre has been replaced within Epping Forest College
- There is a small undersupply of provision within a 4 mile radius of Loughton, however following consultation with the operators of each sports hall within the assessment spare capacity was identified at each one. Furthermore, no halls within the 4 mile catchment area are fully booked at peak times (peak time assumptions are the same as those that Sport England uses in its Facilities Planning Model). These alternative sports halls in the catchment offer better facilities (in terms of quality and accessibility) with similar access to those previously provided at Loughton Sports Centre and would therefore have the capacity to accommodate the displaced users of Loughton Sports Centre.
- Given the spare capacity reported at many alternative facilities and the fact that these are reported to be of very good quality (and better quality than the former sports centre), Loughton

Sports Centre may not be commercially viable if it was re-opened as it may not be able to compete with the other halls available

- Epping Forest District Council has identified no major issues with squash court provision since the closure of Loughton Sports Centre

Sport England have confirmed that the proposal to redevelop Loughton Sports Centre is, therefore, considered to accord with the above planning policy objective as they are satisfied that based on the submitted assessment there is insufficient demand for a replacement facility.

### Highways and Parking

There is no change proposed to the existing vehicular access to the site and this is acceptable.

The Council's parking standards require one space per full time staff member and one space per three beds within a residential care home. Provision of disabled spaces is to be considered on the merits of the development proposed.

This application proposes 38 car parking spaces which is at the maximum level (on the basis that up to 14 members of staff would be onsite at any one time). Two of the bays would be designated for disabled users and separate areas would also be proposed for motor cycle and bicycle storage.

The size of the proposed parking spaces also complies with the Council's requirements and the distance between spaces is acceptable and will enable vehicles to manoeuvre within the site.

The County Council have requested a Travel Plan and a financial contribution of £3,000 towards the cost of monitoring the travel plan. This would enable the occupiers of the care home to promote more sustainable methods of transport.

### Planning Obligations

Through consultation with interested parties, three suggestions have been made in respect of planning obligations which could be sought. Firstly, Essex County Council has requested a Travel Plan and a payment of £3,000 towards the monitoring of the plan. Secondly, the Health Authority, supported by Loughton Residents Association and Loughton Town Council, have sought a financial contribution towards their anticipated additional costs incurred due to the development and Loughton Town Council have also suggested a financial contribution towards replacement sports facilities within the locality. The merits of these suggestions will be considered in turn.

The use of a Travel Plan would be in accordance with local plan policies which encourage alternative methods of transport to private car use. It is considered that the cost of monitoring such a plan arises directly from the development proposed and it is therefore appropriate for the developer to meet this cost, having regard to both Local Plan policy (I1A) and the test set out in national planning guidance presented in Circular 05/05: Planning Obligations and in Section 122 of the Community Infrastructure Levy Regulations (2010). The applicant has advised that they are agreeable to such an obligation.

With regard to the proposed financial contribution towards replacement sports provision, a planning obligation under Section 106 of the Planning Act could only be necessary if it were to address some harm arising from the development proposed. In this case, however, Sport England has accepted that there is not sufficient demand for a replacement facility. On this basis, officers do not consider that it would be reasonable to seek a financial contribution towards replacement facilities.

With regard to a contribution towards health infrastructure, the assertion by Loughton Town Council and Loughton Residents Association that the development would increase demand on local health facilities is rational and is supported by the PCT, which has provided evidence of the anticipated additional costs which would be incurred. The additional costs to the PCT can be broken down into capital costs and revenue costs. The capital costs relate to the 'one-off' cost of providing the additional staffing and floor space necessitated by the additional patient numbers. The PCT has reviewed the capacity of the existing four GP surgeries within the catchment area of the application site (Forest Practice, Traps Hill Surgery, Loughton Health Centre and High Road Surgery) and has confirmed that all are over subscribed. Between the four surgeries, their patient lists exceed their capacity by 5,443 patients. Accordingly, there will be some capital cost incurred by the development proposed. The PCT has advised that the 72 residents of the proposed care home would bring a requirement for an additional 4.8 square metres of floor space (split between all four surgeries). Based on the standard cost multiplier for primary health care facilities from the SPONs Architects and Builders Price Book (2010), this would incur an additional capital cost of £9,600. With regard to the revenue cost to the PCT, this is incurred due to a three year 'lag' in the receipt of Government funding. The PCT has advised that the average cost of providing care is £1,429 per patient per annum. For residents requiring extra care (i.e. the future occupants of the proposed development) this sum rises to £1,711 per patient per annum. Accordingly the revenue cost is calculated by deducted the 'average' rate for the extra care rate and multiplying first by the number of beds proposed (72) and then by 3 (due to the three year lag in Government funding). Following discussions with the applicant's agent, the PCT has agreed to apply a multiplier of 0.9 to this sum, to recognise the probability that some residents will already be living within the administrative area of the PCT. This calculation generates an additional revenue cost to the PCT of £54,822. It is considered that the combined capital and revenue costs to the Health Authority arise directly from the development proposed and it is, therefore, appropriate for the developer to meet this cost having regard to both Local Plan policy (11A) and the tests set out in national planning guidance presented in Circular 05/05: Planning Obligations and in Section 122 of the Community Infrastructure Levy Regulations (2010). The applicant has advised that they are agreeable to this obligation.

### Other matters

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

*Employment Generation* - the proposal would generate approximately 60 full time jobs. It is anticipated that these would require a range of skill levels (the application suggests 12 x qualified nursing staff, 34 x care assistants, 12 x catering and household and 2 x administration/maintenance) and as a result, would be likely to be available to people locally.

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

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

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

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

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

*Renewable Energy/Sustainability* - A Sustainable Energy Statement has been submitted with the application and considers a variety of technologies that could be utilised to incorporate renewable energy sources into the buildings, in addition to considering elements of the proposed layout which would reduce energy demand. The report recommends that if planning permission is granted it is not subject to conditions restricting the project to particular technologies, in order that these may be considered at the Building Regulation stage once specific carbon emissions data is available for the development.

*Drainage and Flooding* – Due to the scale of the development, a Flood Risk Assessment will be required to ensure that surface run-off is improved. Details relating to the disposal of foul and surface water will also be required. This may be controlled by the use of planning conditions, if consent is granted.

### **Conclusion:**

In light of the above appraisal, it is considered that the development proposed has some merit. Its design would enhance the existing appearance of the site and would not be harmful to the setting of Loughton Hall. Furthermore, the development would create a considerable number of jobs, of which it is anticipated many will be filled by local residents.

With regard to the reasons for refusal raised in respect of the previous planning application, the applicant has provided sufficient information to demonstrate to the satisfaction of Sport England that there would be no unmet demand for sporting facilities caused by the permanent closure of Loughton Sport Centre. Accordingly, Sport England no longer objects to the proposal. In respect of the second reason for refusal, the application now proposes 38 car parking spaces in accordance with the Council maximum standard and the car parking bay sizes and layout also conform to the Council's standard. Turning to the third reason for refusal, the internal amenity space for future residents of the development (both in terms of their private bedrooms and communal lounges) has been shown to considerably exceed national minimum standards. Furthermore, the amount of external amenity space per resident has increased, due to the reduced number of beds proposed in this revised proposal. The amenity space proposed has been laid out such that it would provide a meaningful and useable area for residents. Finally, in respect of the fourth reason for refusal, the applicant and the Primary Care Trust have carefully considered the impact of the proposed development on local NHS services and have agreed on a contribution that will mitigate the increased burden.

The revisions made to the application following the previous refusal of planning permission are considered to have addressed the concerns raised in respect of previous planning applications. Accordingly, it is recommended that the Committee resolves to grant planning permission, subject to the completion of a Section 106 legal agreement to secure the contributions to the Health and Highway Authorities and subject to the conditions discussed within this report.

***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 564514109***

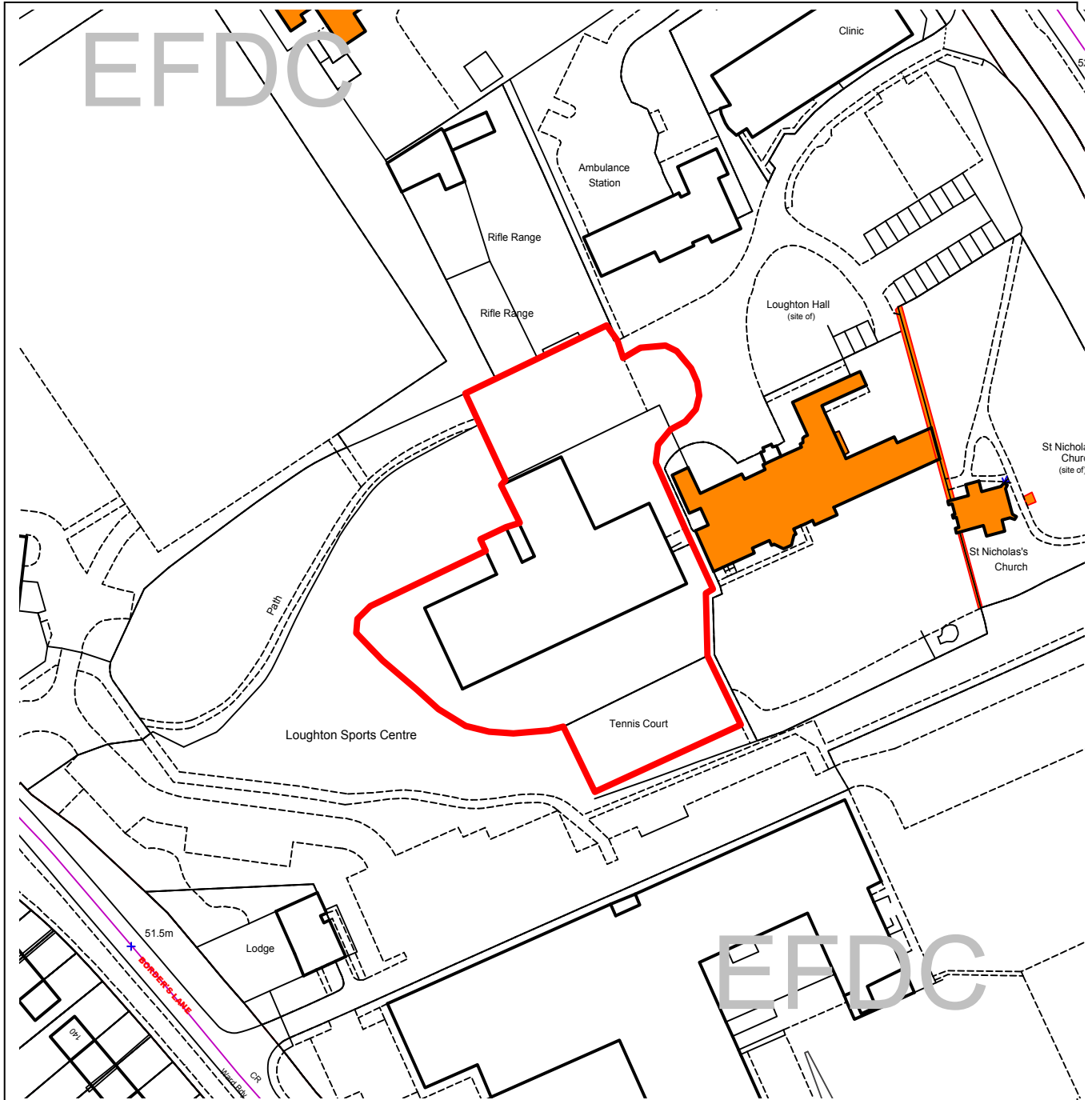
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***





# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	1
Application Number:	EPF/2439/10
Site Name:	Loughton Sports Centre, Rectory Lane Loughton, IG10
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2466/10
<b>SITE ADDRESS:</b>	Land adjacent to 44 Coopers Close Chigwell Essex
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Row
<b>APPLICANT:</b>	A Ghaffar
<b>DESCRIPTION OF PROPOSAL:</b>	Renewal of planning permission EPF/2080/05 for proposed two bedroom house with parking and amenity space.
<b>RECOMMENDED DECISION:</b>	Refuse 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=523339](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=523339)

**REASON FOR REFUSAL**

- 1 The proposal makes insufficient provision for off street parking for both the proposed and the existing dwelling, and the development would therefore exacerbate problems caused by an existing high level of on street car parking. If approved the proposal would also encourage further similar developments that would cause additional inappropriate on street car parking. The proposal would therefore be contrary to policies ST4 and ST6 of the Epping Forest District Local Plan and Alterations.
- 2 The restricted width of the proposed house would be out of keeping with neighbouring properties and would thereby be detrimental to visual amenity in the street scene. In addition the constrained size of the front area to be shared by two houses would give rise to a loss of privacy and amenity. The proposal is therefore contrary to policies DBE1, DBE2, and DBE9 of the Epping Forest District Local Plan and Alterations.

*This application is before this Committee since the recommendation to refuse permission differs from a previous decision of the Area Plans Sub Committee in 2006 in respect of an almost identical development.*

**Description of Proposal:**

Renewal of planning permission EPF/2080/05 for a proposed two-bedroom house with parking and amenity space. The proposed house would adjoin the flank wall of number 44 Coopers Close. It would be narrow having an external width of 3.6m. It would however be 10.9m long, and would project 3m beyond the rear wall of the adjoining number 44.

### **Description of Site:**

Coopers Close is a residential road in the form of a circular loop located in Chigwell Row. It borders on to Green Belt land. However, the new house proposed in this application would be on a strip of land adjoining the existing house at number 44, and this strip of land lies outside the Green Belt in the built up settlement of Chigwell Row.

### **Relevant History:**

EPF/2080/05 gave planning permission to the same house as proposed in the current application. Although the report to the Area Plans Sub Committee of Feb 06 recommended refusal of consent to this previous application, the Committee felt that the merits of this proposed small unit of accommodation was acceptable and would not harm the amenities of the surrounding area. However, the 3 year implementation period of this earlier consent expired in Feb 2009, and hence this new application seeks another grant of planning permission.

### **Policies Applied:**

CP2 - Protecting the quality of the rural and built environment  
DBE1 – Design of new buildings  
DBE2 - Effect on neighbouring properties  
DBE9 - Loss of amenity  
ST6 - vehicle parking  
ST4 - Road safety

### **Summary of Representations:**

CHIGWELL PARISH COUNCIL – No objections.

NEIGHBOURS – 3 properties consulted and no replies received.

ESSEX CC HIGHWAYS – object to the application because 1) the proposal does not provide sufficient parking provision which could result in inappropriate kerbside parking, 2) The Parking Standards Design and Good Practice September 2009 recommends minimum parking provision levels for residential properties – four spaces would be recommended for this proposal, and 3) the proposal, if permitted, would set a precedent for future similar developments which could in time lead to additional inappropriate parking and would undermine the principle of seeking to discourage on street parking in the locality.

### **Issues and Considerations:**

Number 44 Coopers Close lies in a recessed angled position next to a sharp bend in Coopers Close This means that its front area is constrained in area, and its front windows overlook more of the front garden of the neighbouring number 46 rather than the road.

The previous grant of planning permission is obviously a material consideration in assessing this current application. However this previous approval lapsed in Feb 2009 and it is therefore reasonable, and indeed expedient, to review the merits of this development again.

In particular there has been a change in parking policies between 2006 and now. In 2006 maximum parking standards were in use and the 2 car spaces proposed on the constrained front area, one for the new house and one for the existing house at number 44, were considered acceptable. However, as Essex County Council mention in their objection to the current scheme, these standards have now reverted to minimum standards of 2 car spaces for each dwelling. The applicants have revised their plans in the light of this parking shortfall. Their plans show 3 car

spaces in a shared front area. However only one of these spaces can be accessed independently, and this small front area could only realistically be used for the parking of 2 cars at most. Existing on street parking is heavy in the narrow carriageway of Coopers Close, with some vehicles being parked partly on the pavement even during a week day when car parking is normally significantly lighter than in the evenings or at weekends. In this context the objection of the Highways authority to this proposal on grounds of insufficient parking is supported.

The cramped nature of the front of this site means that residents and visitors to the proposed house will walk and manoeuvre cars within some 1.5m of the front living room of the existing house at number 44, thus causing a loss of privacy. In addition the proposed house is very narrow and would be conspicuous and out of character with other houses in this close, which are over twice as wide. The development would therefore be out of keeping in the street scene.

In other respects the proposed house would not have an undue adverse affect on the light and outlook of neighbouring properties.

**Conclusion:**

It is acknowledged that the proposed small two-bedroom home may be one that is attractive to some small households. However, the benefit it would provide is outweighed by the additional on street car parking it would give rise to. In addition its narrow width is out of keeping with the locality and its constrained front area would give rise to a loss of privacy and amenity. It is recommended that planning permission be 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:***

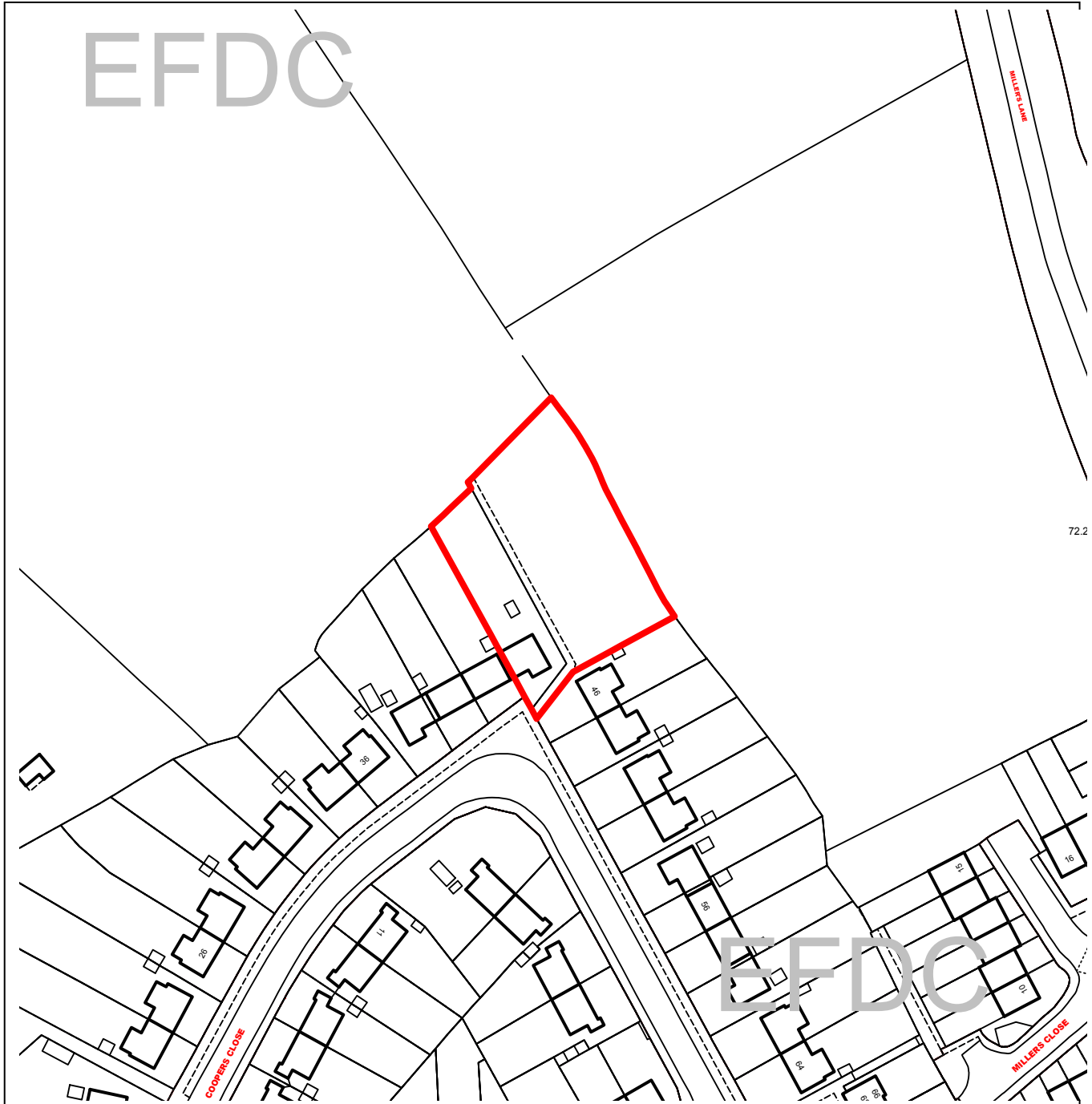
***Planning Application Case Officer: David Baker  
Direct Line Telephone Number: 01992 564514***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>2</b>
Application Number:	EPF/2466/10
Site Name:	Land adjacent to 44 Coopers Close Chigwell,
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2565/10
<b>SITE ADDRESS:</b>	10 Valley Hill Loughton Essex IG10 3AE
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Roding
<b>APPLICANT:</b>	Ms Andrea Cooper
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for the change of use of the existing outbuilding ancillary to the dwelling house to a mixed use comprising a training facility (Beauty Therapy ) and an ancillary use to the dwelling house. (Revised application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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=523732](http://planpub.eppingforestdc.gov.uk/Anite!M.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=523732)

**CONDITIONS**

- 1 The use hereby permitted (training facility) shall only be used as such between the hours of 10am to 5pm on Tuesdays, Wednesdays and Thursdays unless prior written approval is granted from the Local Planning Authority. At all other times the building is to be solely used as an ancillary outbuilding to the dwelling house known as 10 Valley Hill, Loughton.
- 2 A maximum of three (3) students/clients may undertake training within the building at any one time within the designated hours as stated in Condition 1.
- 3 The existing fence that has been erected between the dwelling house and the detached outbuilding shall be removed within 2 months of grant of planning permission. Thereafter no fence/wall or boundary treatment shall be erected without the prior written approval of the Local Planning Authority.

*This application is before this Committee since it is an application for a 'other' development and the recommendation differs from more than two expression's of objection (Pursuant to Section CL56, Schedule A (f) of the Council's Delegated Functions).*

**Description of Proposal:**

The applicant seeks retrospective planning permission for the change of use to an existing outbuilding, ancillary to the dwelling house, to a mixed use comprising of a training facility (beauty therapy) and an ancillary use to the dwelling house. It should be noted that the proposed use has been ongoing for approximately one year.

The applicant has stated on the submitted application form that the facility would be used between the hours of 10am to 5pm on Tuesdays, Wednesdays and Thursdays. The remaining days, the outbuilding would be used ancillary to the dwelling house. The applicant has also stated that a maximum of 2-3 people would use the training facility at any one time.

It should be noted that no physical changes or alterations to the building have been made since the use has been ongoing and none are proposed.

### **Description of Site:**

The subject site is located on the corner of Valley Hill and Malvern Gardens within the town of Loughton. The site itself is relatively level, rectangular in shape and comprises of approximately 373 square metres.

Located to the front of the site and facing Valley Hill is a double storey semi detached dwelling finished in render with a plain tile roof. Towards the rear of the site is a detached outbuilding that is subject to this planning application. A high timber paling fence is located on the side and rear boundaries of the site. The site comprises of two vehicle access points, one from Valley Hill and the other from Malvern Gardens.

There is a mixture of different uses within the surrounding area. Malvern Gardens, and to the west of the subject site along Valley Hill mainly comprises residential dwellings, whereas to the east of the site there is a mixture of commercial properties ranging from shops and businesses.

### **Relevant History:**

EPF/1270/10 - Change of use of the existing outbuilding ancillary to the dwelling house to a mixed use comprising a training facility (Beauty Therapy) and an ancillary use to the dwelling house. (withdrawn)

EPF/0452/10 – Removal of condition 3 'use of garage for domestic parking' on EPF/0363/09 to allow garage to be used as an outbuilding. (approved)

EPF/0363/09 - Extension of detached garage. (Revised application) (approved)

EPF/2040/08 - Extension and conversion of detached garage to one bedroom residential unit. (refused)

### **Policies Applied:**

CP1 Achieving Sustainable Development Objectives  
CP2 Protecting the Quality of the Rural and Built Environment  
ST1 Location of Development  
ST4 Road Safety  
ST6 Vehicle Parking  
DBE9 Loss of amenity

### **Summary of Representations**

LOUGHTON TOWN COUNCIL – Made the following comments:

The committee reiterated its comments previously made for EPF/1270/10 which were: the committee deplored this retrospective application but had NO OBJECTION, provided the District Council included a planning condition prohibiting the use of the outbuilding as a dwelling.

Furthermore, the committee expressed concerns on the applications effect on the parking amenities of neighbouring properties, and asked Epping Forest District Council investigate whether there was sufficient parking at this locality. Members requested that the change of use be restricted to the applicant only, as sole trader, and suggested that the hours of opening should be from 10am to 4pm. There was also additional concern over the number of students that could be accommodated in the outbuilding. The committee requested the street tree be retained and protected.

15 neighbouring properties were notified of this application. At the time of writing this report six letters of objection were received from the following addresses:

- 4 Malvern Gardens
- 5 Malvern Gardens
- 6 Malvern Gardens
- 9 Malvern Gardens
- 16 Malvern Gardens
- 12 Valley Hill

Their main concerns are as follows:

- There is a lack of parking along Malvern Gardens and as a result of the proposed change of use, it would add to the already increasing problem for residents to park in the locality.
- The proposed change of use would add to traffic congestion along Malvern Gardens and as a result would impact upon highway safety.
- Delivery vehicles to and from the site would cause a noise and disturbance.
- Concerns over what would be stored in the outbuilding itself and their disposal.
- A mixed business/residential use would be out of character with the surrounding area.
- The proposed use is already being carried out.
- The change of use would result in a loss of privacy.

LOUGHTON RESIDENTS ASSOCIATION also objected to the proposal. Their main concern was that the proposal would result in parking difficulties within the surrounding area which would lead to traffic congestion and harm upon highway safety.

### **Issues and Considerations:**

The main issues to be considered are whether the proposed change of use of part of the outbuilding to a mixed use comprising of a training facility and for it to be used ancillary to the dwelling would cause a detrimental impact on the character of the surrounding area in terms of design and appearance, with regards to highway and parking issues, and whether the development would be harmful to the amenities of adjoining property occupiers.

#### **Design and appearance:**

Given that there are to be no external changes to the building as a result of the change of use, there would not be any detrimental impacts to the existing street scene and the character of the surrounding area.

#### **Access:**

Currently, the students are accessing the site via the side entrance within Malvern Gardens through the double hung gates. It is the case that this access is already used by the house occupiers as part of their normal domestic usage.

It should be noted that the applicant has erected an internal fence that is located between the outbuilding and the dwelling. Although the fence itself is not a problem in that it doesn't require



planning permission, it does give the impression that the site has been divided into two plots and that the outbuilding is entirely disconnected from the main use of the site, which is residential.

A condition could be placed on the granted permission that this fence be removed and thereafter no further enclosure or fencing shall be erected without the prior written approval of the Local Planning Authority. As a result of this condition the outbuilding would not appear as a separate use from the dwelling.

Highway and parking:

The requirement for off street parking for a training facility under the adopted Parking Standards 2009 is that a maximum of 1 off street parking space is provided per staff member plus 1 off street space per 15 students.

The applicant has stated that there is room for five off street parking spaces, two in front of the outbuilding and three in front of the dwelling. Although it is questionable whether a total of 5 vehicles can park on the site at any one time due to the small size of the hard standing areas, given that the outbuilding is only to be used for 3 days a week (part time) for a maximum of three people, and that the proposed use is well under the maximum requirements set out within the above parking standards, it is considered that it is not a necessary requirement to have any additional off street parking as a result of the proposal.

In relation to the neighbours concerns about the overspill of vehicles parking on surrounding highways and in particular along Malvern Gardens, on this occasion given that a maximum of 3 people would be visiting the site for only 3 days a week (and during normal working hours), it is considered that the change of use would not result in significant overspill of parking and traffic congestion detrimental to public and highway safety. There is sufficient parking within the surrounding area and the site is located close to public transport links, including bus and train links. Therefore the site is within a sustainable location to carry out the proposed use.

It should also be noted that Essex County Councils highways officer has no objections to the proposed change of use as it is in accordance with the policies contained within the Council Council's Highways and Transportation Development Control.

Amenity considerations:

Given that there are only a maximum of three students on the site at any one time during the hours of 10am to 5pm three days a week, and the use is not one which would generate excessive noise or disturbance it is considered that the proposal would not result in an unacceptable increase in harm to the amenities of adjoining occupiers in terms of noise and disturbance over and above that which would normally be found within a residential location.

**Conclusion:**

In conclusion the change of use of the outbuilding is acceptable in that it would not cause a harmful impact upon the character of the surrounding area or be detrimental to the amenities of adjoining occupiers, nor would highway safety and parking within the surrounding area be compromised. The development is in accordance with the Adopted Local Plan and Alterations and therefore it is recommended that the application be approved subject to 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: Lindsay Trevillian  
Direct Line Telephone Number: 01992 564 337**

**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/2565/10
Site Name:	10 Valley Hill, Loughton, IG10 3AE
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2685/10
<b>SITE ADDRESS:</b>	72 Newmans Lane Loughton Essex IG10 1TH
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>APPLICANT:</b>	Ms Kathleen Waites
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of detached house on land/garden to side of existing house, with car space at front. (Revised application)
<b>RECOMMENDED DECISION:</b>	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=524253](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=524253)

**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 to the new house, and to the new driveway, 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.

*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 detached house on land/garden to side of existing house, with car space at the front (revised application).

**Description of Site:**

The existing house on the site has a sizeable side garden as well as front and rear gardens. This side garden is larger than most of the house plots in the road. Newmans Lane and the local area is characterised by 2 storey BISF houses ie a British prefabricated steel framed house built in the 50's onwards. However, to the rear of the site are recently constructed flats and houses on the former Epping Forest college site. The site lies next to a now unused access road to the former college car park.

### **Relevant History:**

EPF/2212/10 also proposed a detached house on this site. However, planning permission for it was refused on grounds that a) its height, roof slope and loft accommodation would have been out of character with the locality, b) use of brickwork on its walls would also have been out of keeping with other rendered houses in the road, and c) provision of a driveway access across the green at the front of the house would have detracted from visual amenity in the street scene.

### **Policies Applied:**

National Planning Policy  
Planning Policy Statement (PPS3) - Housing

Local Plan Policy  
CP2 Protecting the quality of the rural and built environment;  
DBE1 – Design of new buildings;  
DBE2 Effect on neighbouring properties;  
DBE9 Loss of amenity;  
ST6 Vehicle parking.

### **Summary of Representations:**

LOUGHTON TOWN COUNCIL – The Committee objected to the revised application as the proposal was considered garden grabbing, and also disliked the loss of verge to provide access to the dwelling. Moreover a concern was raised over the loss of amenity to the adjacent neighbours and to flats to the rear in the recent housing development.

NEIGHBOURS – 12 properties consulted and one reply received.

74, NEWMANS LANE – object to the new brick build as it is out of character with houses on both sides of the road, and the position of an apple tree is shown in my garden whereas it is in the garden of number 72.

ESSEX CC HIGHWAYS – raise no objection subject to a condition being imposed requiring details to be provided of measures to prevent discharge of surface water onto the highway. They add that in terms of car parking the one off street car space proposed is acceptable as no other dwellings have off street parking along this section of Newmans Lane

### **Issues and Considerations:**

The building of a house on this site is acceptable in principle. As mentioned above the site is in fact larger than most of the house plots in the rest of the road, and hence its private garden area is of a satisfactory size. The site has a normal frontage to the road and the new house will share similar front and building lines to the existing houses at numbers 72 and 74 Newmans Lane. The Town Council object partly on grounds of 'garden grabbing'. It is acknowledged that in June 2010 PPS3, providing government advice on housing development, was changed in that private residential gardens were excluded from the definition of previously developed land. However this PPS still promotes the efficient use of land. As stated above this site has a typical street frontage, the size of its plot is sufficient to accommodate a house, and it has little environmental impact compared say to many 'backland or 'back garden' developments. Lastly, the existing house at number 72 would still retain adequate sized front and rear gardens similar to other houses in the road.

In terms of design and appearance the revised scheme is an improvement to the previous application refused earlier this year. No accommodation is now proposed in the roof, and the

height of the house and roof is therefore now similar to the existing houses, although the new house would stand on higher ground than numbers 72 and 74. The walls to the proposed house will now be rendered and painted similar to other houses in the road. Although the new house would be a detached one in a road of mainly semi detached houses, this difference will not have any appreciable impact on the street scene, particularly because Newmans Lane, with its green verge, has a wide and open character. The proposed house is located at some distance from houses and new flats to the rear, and hence its impact on their amenity and outlook would be small.

The position of the proposed off street car space in the front garden area has been moved closer to the unused access road to the former college. This means that a smaller area of the green to the front of the house will be removed to provide a driveway access to the new house. Whilst any loss of the green is regretted the amount involved is negligible when set in the context of the large size of the green as a whole. One off street car space is proposed, and there is considerable kerbside space available in this road.

### **Conclusion**

This side garden plot is of an acceptable size and orientation to accommodate a new house, and the existing house at 72, Newmans Lane would retain a satisfactorily sized garden. The proposed dwelling would not unduly affect the amenity or outlook of neighbours. Conditional planning permission is therefore 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:***

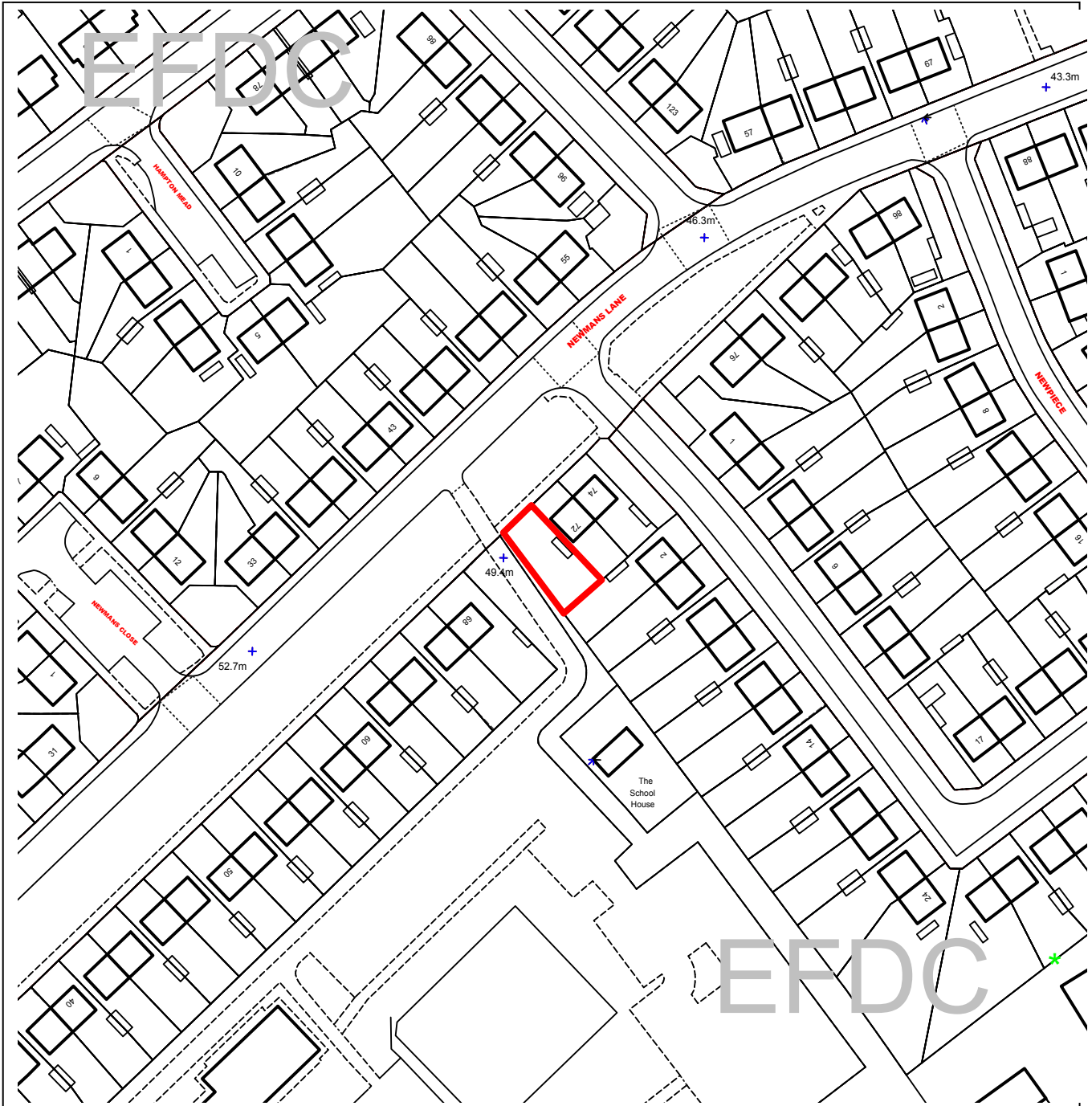
***Planning Application Case Officer: David Baker  
Direct Line Telephone Number: 01992 564514***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/2685/10
Site Name:	72 Newmans Lane, Loughton IG10 1TH
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0006/11
<b>SITE ADDRESS:</b>	BPI Poly Site Brook Road Buckhurst Hill Essex IG9
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>APPLICANT:</b>	David Wilson Homes
<b>DESCRIPTION OF PROPOSAL:</b>	Minor amendment to planning permission EPF/0446/10. (14 dwellings with associated car parking, access road and landscaping) comprising 1) relocation of plots 9 and 10 to accommodate 6m surface water sewer easement, 2) Plot 7 and 8 to become semi-detached, 3) Two storey extension added to rear of plots 5 and 9, 4) Square bays indicated on front of plots 1-4 and rear bays added, 5) Plots 1 and 2 dividing rear fence line amended, 6) Triple garage at rear of site altered to quadruple garage, 7) Double garage beside plot 10 altered to triple garage.
<b>RECOMMENDED DECISION:</b>	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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=524321](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=524321)

**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 materials used in the external finishes of the building shall be Wienerberger Warnham Light Multi Stock brick; Wienerberger Yellow Gilt Stock brick; Redland Grovebury breckland brown tile; and Redland Grovebury slate grey tile in accordance with the detail within the External Materials Schedule H4598 Brook Road, Buckhurst Hill Rev A approved under application reference EPF/2386/10, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.



- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an 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.
- 5 Prior to first occupation of the building hereby approved the proposed window openings in the first and second floor side elevations of plots 4, 8, 11, 14 and in the first floor side elevations of plots 5, 9 and 10 and in the first floor rear elevation of plot 6 shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 6 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 7 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no extensions or outbuildings generally permitted by virtue of Schedule 2 Part 1 Classes A and E shall be undertaken at plots 1, 2, 3, 4, 11, 12 and 13 without the prior written permission of the Local Planning Authority.
- 8 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no rear extensions generally permitted by virtue of Schedule 2 Part 1 Class A shall be undertaken at plots 5 and 9 without the prior written permission of the Local Planning Authority.
- 9 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no hardsurfaces generally permitted by virtue of Schedule 2 Part 1, Class F shall be undertaken without the prior written permission of the Local Planning Authority.
- 10 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]

- 11 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]
- 12 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]
- 13 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.

- 14 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.
- 15 The development hereby approved shall be implemented in accordance with the details of levels shown on drawing no. HCC/6851/311 Rev. A approved under application EPF/2386/10.
- 16 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.
- 17 Prior to the first occupation of the development hereby approved the access and footway arrangements as shown in principle on drawing no.3635 P101 rev.H onto Brook Road shall be provided. Details of the design including 6m minimum radius kerbs and the provision of pedestrian dropped kerb crossings with appropriate tactile paving across the new bellmouth access shall be submitted to the Local Planning Authority for approval. The development shall proceed in accordance with the approved details.
- 18 Details of the reconstruction of the footway and kerb across the entire site frontage, including the reinstatement of any redundant crossovers and any holes left by the removal of existing bollards, shall be submitted to the Local Planning Authority for approval in writing. The works shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
- 19 Prior to the first occupation of the development hereby approved, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4metres by 70metres to the east and 2.4metres by 90metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 20 Prior to commencement of the development hereby approved, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.
- 21 The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is

completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months from the occupation of such dwellings.

- 22 Wheel washing facilities shall be placed on site prior to the commencement of the development hereby approved and shall remain onsite for the duration of the construction of the development.
- 23 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.

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

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

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

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

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

*since 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:**

This application seeks planning permission for the erection of 14 dwellings.

Planning permission for the erection of 14 detached dwellings on the site was granted in September last year (following the completion of a Section 106 legal agreement to secure financial contributions towards education and affordable housing).

This application seeks minor amendments to the approved scheme. The alterations comprise:

- the repositioning of plots 9 and 10 (to accommodate 6m surface water sewer easement);
- plots 7 and 8 to join to become semi-detached;

- two storey extensions added to the rear of plots 5 and 9 (approximately 2 metres deeper and 0.7 metre higher);
- addition of square bay windows at the rear of plots 1-4;
- plots 1 and 2 dividing rear fence line amended;
- triple garage at rear of site altered to quadruple garage;
- double garage beside plot 10 altered to triple garage;
- the repositioning of plots 3,4,11 and 12; and
- the use of hipped roofs for the garages of plots 1, 4, 6, 7, 8, 10, 11 and 14.

Following these revisions, this application now proposes the erection of 14 x 4 bed dwellings (although plots 1-4 would be town houses with only one reception room shown on plan with the suggestion that bed 4 located at first floor level could alternatively be used as a lounge). A total of 31 off street car parking spaces are proposed: 2 spaces for plots 1-5, 7-9, 11-14; 3 spaces for plot 10 and 4 spaces for plot 6.

### **Description of Site:**

The application site comprises an area of 0.45 hectare located in Brook Road, close to its junction with Epping New Road. The site was formerly occupied by several large single storey industrial buildings which previously contained the BPI packaging works. The remainder of the site was hard surfaced. Following the approval of the previous planning application, the buildings within the site have since been demolished.

The site is located within a predominantly residential area, with the notable exception being a car dealership located immediately to the east and also on the opposite side of Epping New Road. To the west of the site is a dense tree belt along the side of an access road. To the north is Buckhurst Hill Bowls and Tennis Club. To the south east of the site is Icen Court, a purpose built flat development which was granted planning permission in 2002. There is a significant change in levels, with the land level decreasing along Brook Road from the Epping New Road junction. To a lesser degree there is also a reduction in the land level to the rear of the site.

### **Relevant History:**

EPF/0446/10. 14 dwellings with associated car parking, access road and landscaping. Approved 30/09/2010. (Relevant report to Committee attached below.)

### **Policies Applied:**

H2A – Previously Developed Land  
 H3A – Housing Density  
 H4A – Dwelling Mix  
 CP1 – Achieving Sustainable Development Objectives  
 CP2 – Protecting the Quality of the Rural and Built Environment  
 CP3 – New Development  
 CP4 – Energy Conservation  
 CP5 – Sustainable Building  
 CP9 – Sustainable Transport  
 DBE1 – Design of New Buildings  
 DBE2 – Impact of New Buildings  
 DBE6 – Residential Car Parking  
 DBE8 – Amenity Space Provision  
 ST4 – Highways Considerations  
 ST6 – *Car Parking Standards*  
 LL11 – Landscaping Schemes

E4A – Protection of Employment Sites  
E4B – Alternative uses for Employment Sites

### **Summary of Representations:**

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

The following representations have been received:

BUCKHURST HILL PARISH COUNCIL. Objection. Plots 5 and 9 offer no extra garage space despite the increase in property size. Also concerned that the original application was approved with smaller properties and the revised application is stated as minor alterations, however this encompasses large extensions to 3 of the properties and larger garages for applicable properties.

### **Issues and Considerations:**

The main issues in this case are the impacts of the proposed revisions to the approved development in terms of their:

- design;
- impact on residential amenity;
- car parking; and
- Trees and landscaping.

### **Design**

The alterations to the approved scheme are minor in terms of the design of the scheme overall. The rear extensions to the dwellings proposed for plots 5 and 9 would be incorporated into the design of the main dwelling. This would result in an increase in the height of these dwellings, by approximately 70cm. However, plot no. 5 does not sit in a position where its height is readily comparable with neighbouring dwellings and as the height of the dwelling at plot no. 9 would remain lower than the adjacent plots 7 and 8 it is not considered that this revision would cause any visual harm.

The joining of the dwellings at plots 7 and 8, to create a pair of semi-detached dwellings, would not be harmful to visual amenity, in part due to the position of the pair at the end of the cul-de-sac and partly to the footprint of the resultant building being comparable with that of the larger dwellings proposed within the development.

The enlarged garage block located at the end of the cul-de-sac would be of similar design to that approved. It would not appear cramped within the development, due mainly to the repositioning of the dwellings at plot nos. 7 and 8 approximately 3 metres further back within the plots.

The extended garage at plot no. 10 would be only visible from within the gardens of the proposed dwellings or from the end of the cul-de-sac. The view from the cul-de-sac would be restricted by the flank of the dwelling at plot no. 10. Due to its limited visibility, it is not considered that this revision would cause any material harm to visual amenity.

The addition of the bay windows to the rear of plots 1-4 would only be visible from within the site. The additions would not be harmful to visual amenity.

The repositioning of the dwellings at plots 3, 4, 9, 10, 11 and 12 would not cause any material harm to visual amenity. The setting back of plots 9 and 10 would result in the development having

a more open appearance and the plans indicate that space would be created for additional tree planting. Whilst the dwellings at plots 3, 4, 11 and 12 would be brought closer to Brook Road, sufficient separation would remain to ensure that the impact on the street scene would not be detrimental.

The use of hipped roofs on a number of the garages would reduce the visual prominence of these elements of the development. This is considered of benefit, particularly as other revisions (for example the extended garage block at the rear of the site and the setting back of plot no. 10) have resulted in the garages being in slightly more prominent positions compared with those initially approved.

### Residential Amenity

The revisions proposed would not increase the impacts of the proposed development on the occupiers of any neighbouring dwellings.

With regard to the impacts of the revisions on the future occupiers of the proposed development, the occupiers of plots 3, 4, 11 and 12 would all enjoy increased rear garden sizes following the repositioning of these dwellings. This is considered to be of particular benefit in relation to plot 4 which has the smallest garden within the development. The rear gardens associated with plots 7, 8, 9 and 10 would be considerably reduced following the repositioning of these dwellings. Notwithstanding this, good sized rear gardens would be retained.

### Car Parking

Policy DBE6 of the Local Plan requires that car parking for new residential development is conveniently situated for its users, well lit and not visually dominant within the street scene. Policy ST6 of the Local Plan requires that development proposals should provide on-site car parking in accordance with the Council's adopted standards.

The proposed garages and car parking spaces are conveniently located in relation to the dwellings which they are proposed to serve. The number of parking spaces proposed exceeds the Council's normal minimum standard for dwellings of this size (2 x spaces per dwelling are required). Furthermore, three additional car parking spaces are provided in relation to the approved scheme, despite the minimum standard being the same for both proposals.

### Trees and Landscaping

The Council's Arboricultural Officer has been consulted on the planning application and has confirmed that the proposed revisions would not adversely affect either existing trees of importance, or the potential for additional landscaping of the site. Notwithstanding this, the detail submitted with the application is such that, at the time of writing this report, it remains necessary to recommend the imposition of planning conditions relating to the submission of details of hard and soft landscaping. The imposition of a tree protection condition also remains necessary.

### Other Matters

Planning conditions relating to matters of contaminated land and flood risk have not, at the time of preparing this report, been addressed to the Council's satisfaction. Accordingly, if planning permission is granted, these planning conditions would need to be imposed again, on the new consent.

The proposed alterations to the approved scheme do not alter the requirements for contributions to be made as planning obligations. Accordingly, it is recommended that a deed of variation is

completed which will ensure that the applicant's obligations under the previous planning permission also exist in relation to this approved scheme.

The imposition of planning conditions remains a necessity, in order to address certain elements of the proposed development. These have been reconsidered in light of this proposal and also with regard to progress made in relation to the conditions attached to the existing planning permission. Accordingly the conditions proposed do vary from those attached to the existing consent.

### **Conclusion**

In light of the above appraisal, it is considered that the proposed revisions to the approved scheme would not result in any adverse impacts on either neighbouring amenity, visual amenity, trees and landscape matters or highway safety issues. Accordingly, it is recommended that the Committee resolves to grant planning permission subject to the completion of the necessary variation to the Section 106.

### **Report to Plans South - 28/07/2011**

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

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

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

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

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

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

### **Introduction:**

This application is reported back to the Committee, following deferral at the last meeting on 7th July 2010. Members present at that meeting requested that further information be sought with regard to the proposed education contribution. The main body of this report details the forecast deficit of school places within Buckhurst Hill over the next few years and also gives a breakdown of the financial contribution which has been sought by Essex County Council. In addition to that information, the County Council has subsequently confirmed the following:

- Head teachers of local schools are not consulted by Essex County Council with regard to individual applications where financial contributions are sought under Section 106. The County holds school capacity and admissions data and, along-side local births data, they use these forecasts to form an impartial view. The use of these sources of information ensures that requests made by the County are based on defensible evidence. Schools



are consulted with on the Schools Organisation Plan, which includes the five year housing supply published by Epping Forest District. Once Section 106 contributions have been secured, the County also liaise with schools with regard to how the money can be spent to provide the additional places required.

- To calculate a contribution on cases where there is an identified deficit, the County applies a multiplier to the number of flats and houses to identify the numbers of school places generated by the development. This sum is then multiplied by the cost of providing school places. The multiplier used by Essex County Council to forecast the likely number of school places which will be required by a development is based on Census data (therefore the existing multiplier is based on data collected in 2001). The same multipliers (0.3 spaces per house for primary education and 0.2 spaces per house for secondary education) are applied across Essex. The County carry out benchmarking exercises of these figures against other counties within the region.
- The cost per school place (£11,361 for a primary place and £17217 for a secondary place) is advised by Government (formerly the Department for Children, Schools and Families) and relates to the capital build cost per space in Essex. At present the cost within Essex is approximately 5% higher than the national average. The cost is calculated every three years and is index linked using the PUBSEC index to the April of the financial year pertaining to the publication of the figures.

### **Description of Proposal:**

This application seeks planning permission for the erection of 14 dwellings. Along the Brook Road frontage would be four pairs of semi-detached dwellings, the two closest to the junction would be three storeys in height, the estate road would enter the site beyond these and then the two pairs of houses on the western part of the site would be two storeys with additional accommodation being provided within the roof space. The estate road would lead into a cul-de-sac containing six detached houses. Each dwelling would have a garage with a parking space to the front. The density of the proposed development would be approximately 31 dwellings per hectare.

### **Description of Site:**

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

### **Relevant History:**

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

### **Policies Applied:**

The East of England Plan has been revoked and no longer part of the development plan for the locality. Accordingly policies of the plan referred to in the last report to Committee have been deleted.

### **Adopted Local Plan and Alterations**

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

### **Summary of Representations:**

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

The following representations have been received:

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

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

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

- Lack of infrastructure, particularly education. A number of children who already live within the catchment are unable to secure a place at local state schools. Also more GP's will be needed, roads will be busier. 14 additional families will make this situation worse.

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

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

### **Issues and Considerations:**

The main issues in this case are:

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

### **The Loss of Employment Use**

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

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

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

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

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

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

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

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

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

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

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

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

#### *The Principle of the Residential Development*

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

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

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

### Design

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

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

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

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

### Impact on Neighbouring Amenity

The neighbouring property which would be most affected would be Brookwood, located to the side of the proposed plot 14. As the proposed built development would be located to the side of this

dwelling, there would be no material impact in terms of loss of light or outlook. There may be some additional overlooking of this property from the future occupants of plot 10, but the distance between the properties and the position of the dwelling at plot 10 is such that this would not result in a detrimental loss of amenity.

### Amenity for Future Occupiers

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

With regard to the provision of private amenity space, there would be considerable variation across the development, with garden sizes varying from approximately 42m<sup>2</sup> (plot 4) to 269m<sup>2</sup> (plot 10). Plots 4 and 11, located either side of the access road into the site, would have the smallest gardens. These would be 3/4 bed properties, with garden depths of approximately 8.4 and 7.6 metres. These gardens would be very small in relation to what would normally be expected and would fall significantly below the Council's normal standard for private amenity space, which is set out in Policy DBE8 of the Local Plan. These reduced garden sizes are partly due to the relocation of the car parking to the rear of the plot so that it is not overly prominent within the street, but it is clearly also due to the desire to create larger plot sizes in the rear part of the site. The rear gardens of these plots would have a fairly open aspect to the rear, broken only by the likely boundary treatments enclosing the garden area. The gardens, although small would provide a reasonably private area in which a family could sit out. Having regard to this, it is considered on balance that the small garden sizes would not justify the refusal of the planning application.

### Highways, Access and Parking

The estate road leading into the site would be via a new access onto Brook Road. A rumble strip would be located on the road between plots 4 and 11. Beyond this point the road surface would be shared by pedestrians and vehicles. The final design of this access has resulted from discussions between the applicant and the officers at the Highways Authority. Subject to the imposition of some suggested planning conditions, the Highways Authority is satisfied that the proposed access and road layout would be acceptable.

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

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

### Trees and Landscape

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

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

### Planning Obligations

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

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

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

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

### Conclusion:

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

***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:***

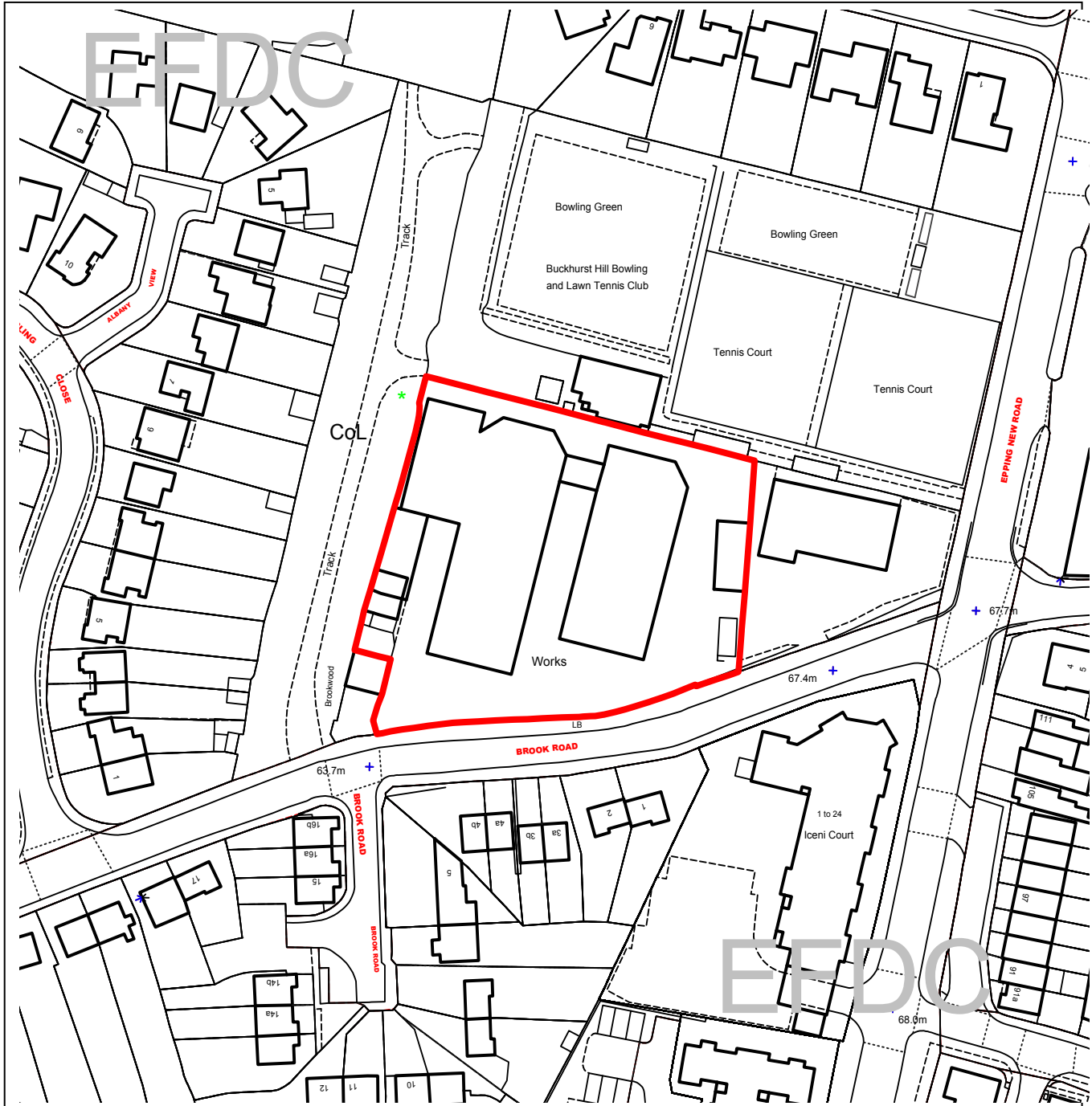
***Planning Application Case Officer: Mrs Katie Smith  
Direct Line Telephone Number: (01992) 564109***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/0006/11
Site Name:	BPI Poly Site, Brook Road Buckhurst Hill, IG9 5TU
Scale of Plot:	1/1250



**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0067/11
<b>SITE ADDRESS:</b>	Beaufort House Pudding Lane Chigwell Essex IG7 6BY
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Row
<b>APPLICANT:</b>	Mr Jai Cheema
<b>DESCRIPTION OF PROPOSAL:</b>	Partial demolition of existing house. Erection of one-storey replacement building. Rear extensions at ground floor and first floor level with rear dormer windows and new terrace area. Side dormer window at first floor level, pergola structure and reconfiguration of roof slope.
<b>RECOMMENDED DECISION:</b>	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=524509](http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=524509)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Any material excavated to create the basement area shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 4 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.

*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 for extensions and alterations to this dwelling including the addition of a basement area under the eastern corner of the building. The total works are as follows;

The north east wing of the dwelling would be demolished and rebuilt largely to the same footprint. The front boundary wall would be retained, with a window inserted and dormer window in the roof slope above. This would have a slightly greater volume owing to the increased height of the supporting walls, but owing to a shallower pitched roof would be no higher.

The basement would be located under this wing of the house with light provision supplied by lightwells.

A single storey rear extension measuring approximately 72 sq m and largely filling a void area between two rear projections.

The construction of four dormer/patio doors which would allow access onto terrace areas at first floor level. This would also open some unused space in the roof area. A first floor conservatory and hip end on the south east corner would be removed. The rear roof slope would be reconfigured. A dormer window would be inserted in the side elevation roof slope at the south east corner of the building.

A pergola structure attached to the rear elevation of the dwelling.

### **Description of Site:**

The proposal site contains a large residential dwelling set on a very generous residential curtilage on the southern side of Pudding Lane. The main house is two storeys; with a single storey L-shaped section to the front. The shape of the dwelling forms an inner courtyard area to the front of the site. The site is bordered on either side by residential dwellings and is within the boundaries of the Metropolitan Green Belt. Both flank boundaries are well screened by existing vegetation.

### **Relevant History**

EPF/2169/03 - Outline application for the erection of a detached dwelling to replace existing property. Refuse Permission – 02/03/04.

CLD/EPF/1605/04 - Certificate of lawfulness for a proposed garden storage building. Lawful - 13/10/2004.

EPF/0495/07 - Retention of rear first floor conservatory. Grant Permission - 27/04/2007.

EPF/1384/08 - Retention of open glazed covered area to the extended paved area, replacing a timber framed open structure to the rear. Detached summer house in rear garden. Grant Permission – 29/08/08.

### **Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A - Development in the Green Belt

GB7A – Conspicuous Development

DBE4 – Design in the Green Belt

DBE9 – Loss of Amenity

DBE10 – Design of Residential Extensions

### **SUMMARY OF REPRESENTATIONS:**

(5 properties consulted – 1 reply).

OLANTIGH – Objection (2 Letters). Light pollution from rear extension. Increase in roof accommodation not subservient. Impact from side dormer window. Concern that an approval could lead to a later application for more dormer windows. This could set a precedent leading to

overdevelopment of properties and this would have a cumulative impact on the Green Belt. Front alterations could lead to the partial closing of Pudding Lane. This could lead to the blocking of the access to Olantigh.

CHIGWELL PARISH COUNCIL: Objection. Site is within the Green Belt and there are no very special circumstances.

### **Issues and Considerations:**

The main issues to consider are impact on the Green Belt, neighbour amenity and the design of the extension in relation to the existing building and its setting.

#### *Impact on the Green Belt*

The existing structure on the site is fairly substantial and the history of the site relates to only minor extensions. This proposal would have very limited impact on the open character of the Green Belt. The main extension to the rear is confined to a recess in the building line and would not therefore be a prominent addition, encroaching significantly into the Green Belt. There have been a number of piecemeal additions to the original building are not excessive. It is therefore considered impact on the open character of the Green Belt from the proposed additions is acceptable. The basement would have no impact in Green Belt terms.

#### *Impact on the Appearance of the Area*

The alterations to the front section of the dwelling include the insertion of a window in the retained front wall, with a flat roofed dormer in the proposed roof slope above. Ideally the dormer should be set further up the roof slope. This is not a serious design flaw; however members may feel that such an addition in such a prominent location adjacent to Pudding Lane would be out of keeping. The single storey rear extension would appear more prominent in terms of height than is usually the case with such extensions. Again however this would not be a serious issue and would not be a cause to withhold consent.

Four dormer style patio doors would be located on the rear roof slope allowing access onto rear terrace areas. The design is acceptable and raises no significant issues. There would be some alterations to the two storey roof, which is more cosmetic and removes a first floor conservatory which would improve the aesthetic appearance of the building. This provides the roof slope with more symmetry and generally improves the arrangement at the rear. A side dormer window in a hipped roof on the south east corner replaces a first floor window in a gable end. This is appropriate.

A pergola attached to the rear section of the building is fairly open in aspect and raises no issues of concern.

#### *Neighbour Amenity*

The dwelling is bordered on either side by similar large scale residential properties. The pergola, basement and replacement building to the front would have no impact on neighbour amenity.

The proposal includes a remodelling at first floor level with rear patio doors inserted allowing access to terrace areas. A terrace area and glazed conservatory already exist at first floor level. The terrace adjacent to the boundary with Olantigh, the south-east neighbour, would be reduced in size. A terrace area would be created on the other side of the single storey rear extension. These changes would not result in an increase in the overlooking of adjacent neighbours and the current scenario would alter very slightly. Overlooking would indeed reduce owing to the decrease in depth of the existing terrace and the fact that the glazed conservatory would be removed. The

newly created terrace area would be largely screened from views into the north-west neighbour, Oakbrook, by the roof of the dwelling. Both boundaries are also well screened by vegetation.

A window at first floor level on the south-west corner would be replaced by a dormer window. This window is clear glazed and its replacement by a clear glazed dormer window would not increase overlooking. Olantigh is also served by a spacious garden and distances to the main dwelling are some 30 metres. It is not considered there would be issues of overlooking with this application.

The objection letter from the representatives of Olantigh make a number of further points which shall now be addressed. The first point is that light pollution would result from the glazed roof of the single storey extension. Given the distance from the extension to the boundary this should not be excessive beyond the confines of the site. There is also concern that work to the front of the dwelling, adjacent to Pudding Lane, would cause disruption because the road would have to be closed. Given the 2.0m lay by adjacent to the property this may not necessarily be the case. This would also be more a concern for the highways authority at Essex County Council than the Local Planning Authority. The concern is noted but is not considered a serious planning concern. The concern expressed that the proposal could lead to more dormer windows is not the matter before the committee and any future applications along these lines could be assessed on their individual merits.

#### Land Drainage

The proposal includes a basement area under the proposed dwellings. The site is not within a flood risk area and the proposed scheme would not have a significant impact on surface water run off. This element of the scheme is therefore acceptable.

#### Conclusion:

The proposed alterations and extensions to this building are deemed proportionate in Green Belt terms. The aesthetic appearance of the structure would be improved and impact on neighbour amenity would not be a serious concern. It is therefore recommended the application be approved 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:***

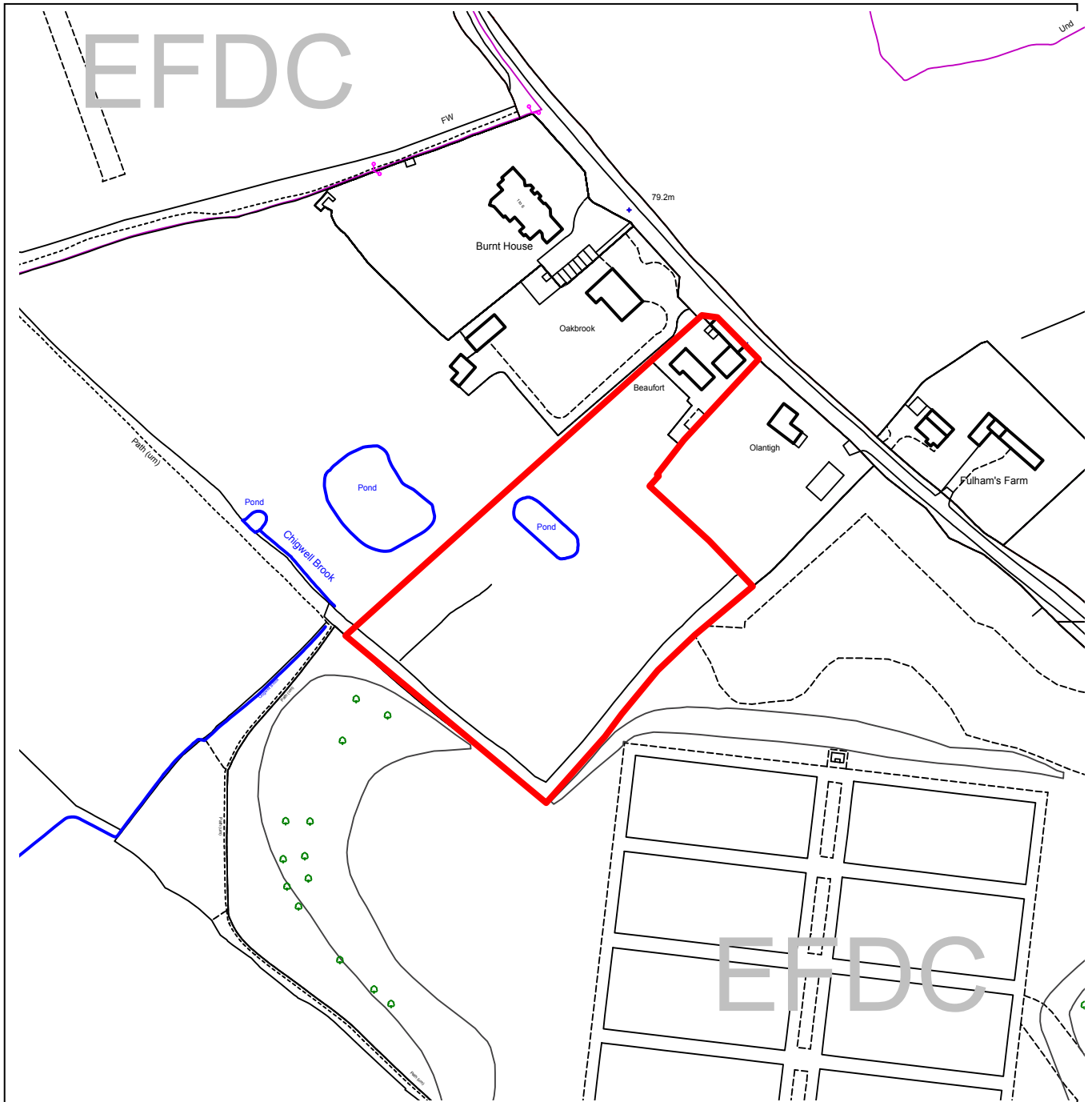
***Planning Application Case Officer: Dominic Duffin  
Direct Line Telephone Number: 01992 564336***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>6</b>
Application Number:	EPF/0067/11
Site Name:	Beaufort House, Pudding Lane Chigwell, IG7 6BY
Scale of Plot:	1/2500

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0133/11
<b>SITE ADDRESS:</b>	Part Ground Floor Sterling House Langston Road Loughton Essex IG10 3TS
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Broadway
<b>APPLICANT:</b>	Mr Richard Maskell
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of 385m2 of B1/B2/B8 ground floor space (suite G2) to D2 Assembly and Leisure use. (Revised application)
<b>RECOMMENDED DECISION:</b>	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=524772](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=524772)

**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 D2 use hereby permitted shall not be open to customers / members outside the hours of 7.00am to 7.00pm on Mondays to Fridays, Saturdays, Sundays and public holidays.

*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:**

This is a revised application for the change of 385m2 ground floor space presently B1/ B2 and B8 use (offices/light industry) to D2 (assembly and leisure), with a requirement for use as a leisure facility. The application is speculative but is intended to provide fitness facilities predominantly for the people employed within the building and their families. There are currently about 250 people working within the building.

The plans indicate no external changes as the existing access to the south eastern elevation of the building will be used to grant entry/ exit from the building.

### **Description of Site:**

The application site accommodates a large industrial building approximately 105 metres by 90.0 metres by 7.5 metres high. The external appearance of the building is predominately steel cladding.

The site is located in an industrial estate that is designated as an employment area in the adopted Local Plan. The site is situated on the north-western side of the estate. Access to the industrial estate (and the site) is via Langston Road. The site provides allocated parking spaces at ground level and on the flat roof area of the building, via a ramped access that wraps around the west, northern corner of the building.

### **Relevant History:**

Lengthy history that dates back to 1950s. However, the most relevant to this application are as follows:

EPF/0076/01 - Redevelopment to provide buildings for Class B1, B2 and B8 uses and letter delivery office for the Royal Mail (Block C-Phase 1) (revised application to planning permission EPF/743/00). Grant permission April 2001

EPF/2325/10 - Change of use of 743m<sup>2</sup> of B1/B2/B8 floor space to D2 Assembly and Leisure use – Withdrawn 12/01/2011

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
CP7 – Urban form and quality  
E1 – Employment areas  
E4A – Protection of employment sites  
E4B – Alternative uses for employment sites  
E5 – Effect on nearby developments  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking

### **Summary of Representations:**

LOUGHTON TOWN COUNCIL – The Committee reiterated its comments previously made for EPF/2325/10 which were:

The Committee OBJECTED to this application as it was contrary to Policies E1 and E2 of the Epping Forest District Council's adopted Local Plan & Alterations. There were concerns about the loss of potential employment opportunities and that allowing this change of use would set a precedent on the industrial estate.

LOUGHTON RESIDENTS ASSOCIATION – The applicants state that the main usage will be people employed on the industrial estate and their families, however there is no limitation to prevent wider usage, and the change of use would represent a precedent for other landowners on the industrial estate to follow.

If the District Council decides to approve the application, we ask for limitations to be placed on "external" usage.

## **Issues and Considerations:**

There are no external changes to the appearance of the building. Therefore, the key issues in relation to this application are the impact on the existing employment area, the surrounding area, and with regards to highway safety and parking provision.

### *Principle of development and loss of employment*

The site is within a designated employment area, therefore sufficient evidence is needed in order to demonstrate that the present B1/B2/B8 use of this unit is not required.

Local Plan policy E1 states that “the redevelopment of existing sites or premises or their change of use to uses other than business, general industry or warehousing will not be permitted”, and policy E4A seeks to protect employment sites from change of use to other land uses.

In exceptional circumstances a change of use can only be allowed where the site is:

- (i) poorly located in relation to housing or sustainable access;
- (ii) there are material conflicts with land use;
- (iii) the premises are unsuitable in relation to the operational requirements of modern business;
- (iv) there is a demonstrable lack of market demand for employment use over a long period that is likely to persist during the plan period.

The previous planning application was withdrawn as there was very little evidence given with regards to the marketing of the unit for its present employment purpose for a suitable period. This revised application contains more substantial marketing evidence than the previous submission.

Within established existing employment sites a minimum period of one year is usually considered as a reasonable time period to comply with the ‘long period’ referred to in E4A (iv). Evidence has been produced showing that marketing of this unit as office space has been ongoing since September 2007, some 3 years prior to the submission of this planning application.

Independent reports from three letting agencies sets out the efforts that have been made to let out the premises for office space. These reports include contacting interested parties directly by telephone, advertisements placed in the local press (not provided) and in publications; agent letting board, agent mailing and advertising online. The unit was also advertised on the Agents website (and

Due to the evidence produced with this revised application, on balance it is accepted that the site has been advertised for a suitable period to justify a change of use.

With regards to the proposed use as D2 (with a specific leisure use), policy E5 protects against development that would be detrimental to existing employment uses. The use of this relatively small area of the building for leisure use would be unlikely to adversely impact on the ability of the surrounding businesses to function. The proposed opening hours of the leisure centre would be 7.00am to 7.00pm Monday to Friday and 7.00am to 7.00pm on Saturdays, Sundays and public holidays. Whilst this is comparable to the main hours of use of the remaining businesses it is not considered that it would generate such levels of traffic and parking as to cause problems, particularly if as is intended it is predominantly utilised by people working at the site.

Concern has been raised with regards to external usage of the site by members of the public and also whether this application will set an unwanted precedent. Each application can only be assessed on its own merits. However, based on the limited floor size of the proposal



approximately 385 m<sup>2</sup> (this amounts to approximately 2% of the floor area of the building) it is considered acceptable.

Also, a material consideration is that the unit is presently unoccupied and vacant. Bringing the vacant unit into use will be beneficial economically and the proposed use has the potential to provide employment opportunities for 6 people, whilst it still retains some form of employment use for the premises albeit D2 use, this is acceptable.

#### Parking provision and Highway safety

There are 528 parking spaces allocated to this site. It is estimated that the majority of the users will be existing employees however, the use of the premises will also be open to former employees and members of the general public who may wish to make use of the leisure facilities.

The new Essex Parking Standards (September 2009) require 20 parking spaces for this type of D2 use, with an additional 3 bays accommodating disabled parking. However, given the number of existing parking bays provided, the proposed hours of use (with estimated peak times being evenings and weekends), combined with the provision of a public car park to the south-east of the site, it is considered that the existing parking spaces are sufficient and the proposal would not detrimentally conflict with the surrounding employment uses.

Furthermore the Essex Parking Standards state that “*a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities*”. Whilst the site is located within an industrial estate that is not ideal for late night sustainable transport methods (walking and cycling), the site is however located close to nearby Debden London underground station and local bus routes, this makes public transportation available.

It is therefore considered that the proposed change of use is acceptable, and as such the application complies with this Council's policies.

The highway officer comments are that the majority of vehicle movements will not be in the peak hours; and people will walk, cycle and use public transport as well as drive to the site. Over a 12 hour day 100 vehicle movements (worst case) would not result in any capacity issues at the junction with Chigwell Lane especially outside the peak hours and at weekends.

The Highway Authority therefore has no objections to this proposal as it is not contrary to the relevant transportation policies.

#### **Conclusion:**

The proposed change of use is considered to broadly comply with the requirements of the relevant Local Plan policies in that the small scale of the development will not significantly undermine the employment use of the site. The application is therefore 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:***

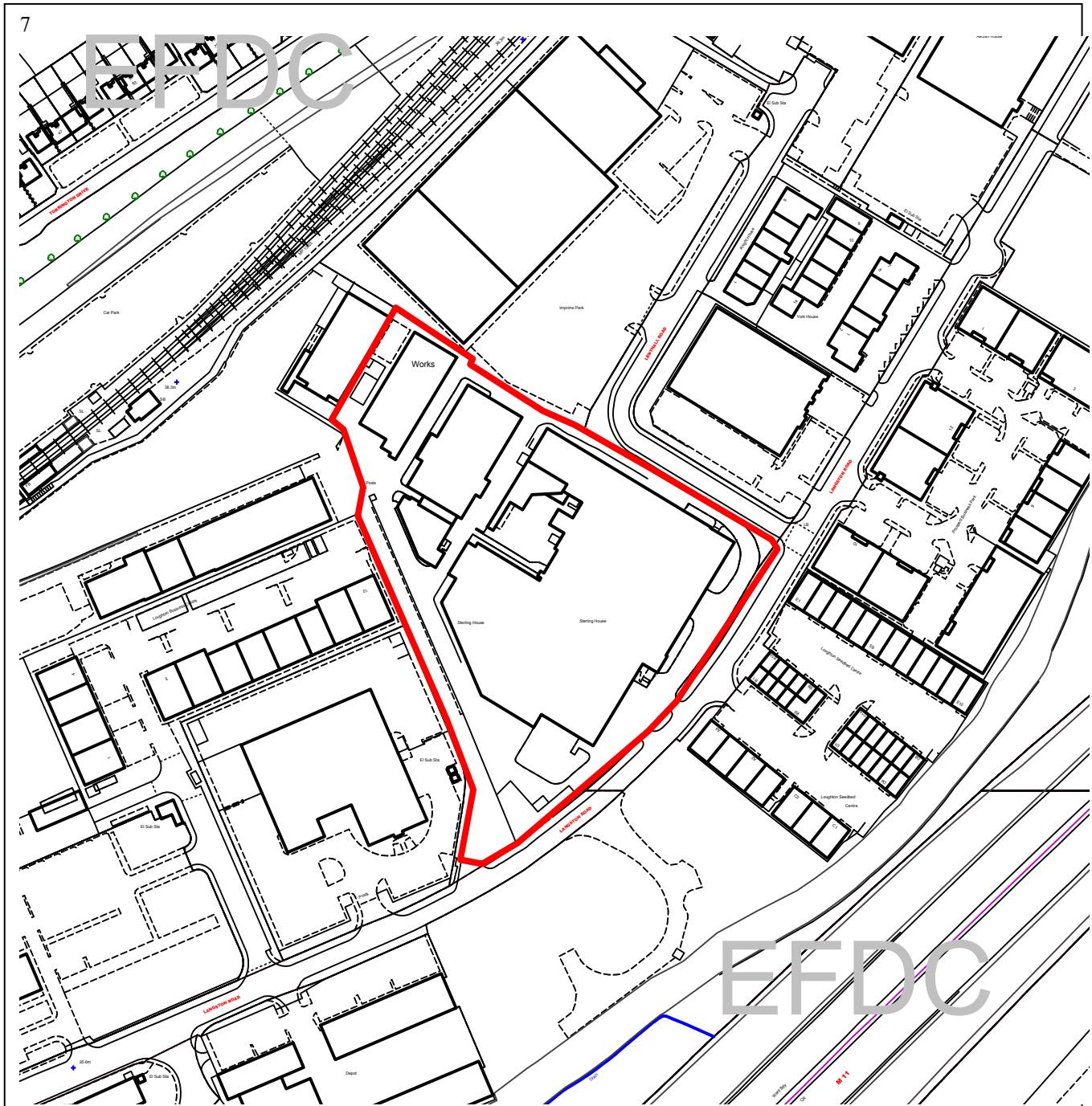
***Planning Application Case Officer: Paula Onyia  
Direct Line Telephone Number: 01992 564103***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	7
<b>Application Number:</b>	EPF/0133/11
<b>Site Name:</b>	Part Ground Floor, Sterling House Langston Road, Loughton, IG10 3TS
<b>Scale of Plot:</b>	1/2500

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/2330/10
<b>SITE ADDRESS:</b>	Dryads Hall Woodbury Hill Loughton Essex IG10 1JB
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns
<b>APPLICANT:</b>	Mr & Mrs Bell
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/15/06 T1 - Ginkgo biloba - Fell to ground level and treat stump with herbicide
<b>RECOMMENDED DECISION:</b>	Refuse 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=522974](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=522974)

**REASON FOR REFUSAL**

- 1 The felling of the Ginkgo, T1, in Dryads hall, has not been demonstrated to be necessary, since:
  - 1) the applicants have not sufficiently investigated the causative mechanisms that have led to the minor cracking and other effects at Mulberry, and have not taken the opportunity to supply further information, and therefore it cannot be safely concluded by the Local Planning Authority either that the Ginkgo has damaged Mulberry or that its removal would be reasonably likely to resolve those issues, or be a necessary part of their resolution;
  - 2) the owner of Dryads Hall has stated his willingness, without prejudice, to install a root barrier on his land, and in so doing to ensure, by carefully cutting its roots, that any immediate impact of its roots on his neighbours' land is eliminated, and further to ensure, subject to the barrier being correctly specified, installed and maintained with due care, that its roots would be prevented from regaining access to his neighbours' land, and therefore could have no detrimental effect on the stability of Mulberry in the future.Therefore the application fails to satisfy Policy LL9 of the Local Plan and Alterations.

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

**Description of Proposal**

Ginkgo: fell to ground level and treat tree stump with herbicide

## **Description of Site**

The Ginkgo stands within Dryads Hall but close to the boundary with the adjacent property, Mulberry. The application is made by agents for the owners of Mulberry.

Dryads Hall has a substantial garden, with a number of important mature trees, of which the Ginkgo is one. The garden was originally enclosed from, and incorporates some veteran trees from the Forest, but appears to have largely been planted in the early years of the 20<sup>th</sup> century with a variety of exotic trees, including the Ginkgo and an adjacent Monkey Puzzle. The new owner has put considerable resources into creating a new garden, based around these mature trees.

The Ginkgo is mature, approximately 17m in height, and estimated to be 80-100 years old. Ginkgos are an interesting and attractive survival from ancient times, but no longer rare. In winter, the appearance is a little gaunt, but in spring and summer it has attractive soft green foliage, with good yellow autumn colour. This particular specimen has had deadwood removed by the owner and appears in good condition, with a life expectancy estimated of at least 40 years.

Dryads Hall stands on the top of the slope above the York Hill Conservation Area; from Dryads the land slopes down quite considerably towards Mulberry and towards the forest. The Ginkgo has limited public visibility; it can be seen clearly from one public location in Woodberry Hill and the owner reports it may be seen from the Forest, but it is not widely seen from the adjacent conservation area.

## **Relevant History**

EPF/1893/06: Approval for alterations and extensions to existing buildings and proposed garage court approved with conditions.

EPF/1552/06: Approval for felling of trees within Dryads Hall (mostly Sycamores).

The Council was previously approached by loss adjusters representing the owners of Mulberry claiming that several trees on Dryads Hall were affecting that property. The Ginkgo was one of the trees. However, no valid application was made in respect of the trees. The owners of Dryads Hall agreed to remove a number of smaller and unprotected trees situated close to their boundary with Mulberry as an agreed solution to the problems.

The current application is made on the basis that the problem was not in fact resolved by the actions taken by the owners of Dryads Hall; in 2009 new cracks were discovered in Mulberry, and following a period of monitoring and evaluation this has led to the current application.

## **Relevant Policies**

LL9 – Felling of preserved trees.

*“The Council will not give consent to fell a tree... protected by a TPO unless it is satisfied that this is necessary and justified. ... Any such consent will be conditional upon the appropriate replacement of the tree.”*

## **Summary of Representations**

LOUGHTON TOWN COUNCIL: objects to applications which will result in inappropriate treatment being carried out to any significant tree and also objects to any applications to fell such a protected tree. It therefore objected to this application. In addition the committee noted that this was a

major tree in the landscape and if the District Council granted permission requested a replacement tree.

LOUGHTON RESIDENTS ASSOCIATION: objected to the removal of the tree however, were the District Council satisfied that the technical reports justified its removal would withdraw the objection, subject to a condition being included in the planning permission for a suitable replacement.

### **Issues and Considerations**

The application is on the basis that:

1. The felling is proposed as a remedy to the differential foundation movement at Mulberry and to ensure its long term stability;
2. The felling is to limit the extent of a need for expensive and disruptive engineering works. (N.B. In this instance the estimated repair costs to Mulberry are stated to vary between £8000 and £50,000 depending upon whether the tree can be removed or has to remain. There is no documentation to explain or substantiate these figures).
3. It is stated that the felling is proposed to limit the duration of the insurance claim period and therefore to restore to the land owners their rights to the peaceful enjoyment of their property, and finally
4. that there is no other reasonable remedy or mitigation, including root barriers and pruning that would be effective or appropriate in these circumstances.

The application is supported by a brief report from an arboricultural consultant, and also an engineering report dated October 2010. Documents and reports relating to the earlier period of the subsidence were also submitted.

The Council has also commissioned an independent report, from Byrne Looby Partners. A copy of that report is appended at the end of the agenda. The terms of reference were to give independent advice as to:

1. whether it had been shown by the applicants that the Ginkgo in Dryads Hall had caused damage to Mulberry;
2. whether felling the Ginkgo was likely to provide a remedy, and
3. whether any alternative remedy, and in particular a root barrier, were available to either party.

The Planning Authority had originally appointed Peter Kelsey Associates to advise, as they had in relation to the earlier, unregistered application. However, that appointment was discontinued at the request of the applicants on the basis that Peter Kelsey Associates had subsequently been employed by the owners of the tree in order to give them advice, and in particular on a root barrier as a potential solution. It was accepted that this would give rise to at least the appearance of a conflict of interest and it was considered important that the applicants had no doubt as to the impartiality of the advice given to the Planning Authority, and of the Authority's decision.

### **Evidence for the Proposal and comments**

The evidence for the proposal can be broadly summarised as follow:

1. Ginkgo roots have been consistently found below the foundations of Mulberry:
2. Mulberry is suffering seasonal movement:
3. Other courses of seasonal movement have not been established, or have been eliminated:
4. Although the affected property is on a significant slope the evidence does not support movement caused by slope instability and no further work is required to investigate this possibility;

5. Any alternative solution is not likely to be successful.

The first point is factually correct, but incomplete, in that roots have not been found at all locations, including where the maximum movement to the superstructure is taking place.

In relation to 2, the property has been visited, and there is now a pattern of cracks consistent with seasonal movement in several rooms. The damage is acknowledged to be of a minor nature, of no structural significance, and not likely to be. However it does significantly affect the owners' enjoyment of their property, and if unresolved would adversely affect its market price.

In relation to 3 and 4, Byrne Looby considers that adequate work has not been undertaken to eliminate the possibility of slope instability, although that is disputed.

In relation to 5, it can be agreed that to attempt to prune the Ginkgo to deal with the issue would be foolish and there would be no prospect of success.

### **Discussion**

It is suggested that the decision hinges on the questions set out in the instruction of the independent engineers, as quoted above. The tree is important in the context of the garden, and it has some beneficial impact on the wider area, nevertheless, its value is not judged to be so high that it should be retained if its felling would assist in resolving damage to the adjacent property, and no other reasonable remedy could be obtained as a result of root related subsidence.

The substance of the final report from Byrne Looby Partners (see Appendix A), taking account of the additional report from Geo-Serv of Feb 21 (see Appendix B), is as follows:

- "1) (whether it had been shown by the applicants that the Ginkgo in Dryads Hall had caused damage to Mulberry);
- a. It is important to note that both parties agree that the current level of damage to Mulberry due to the recent recorded ground movement is deemed to be of a minor nature (i.e. category 1 to BRE 251) and is not structurally significant.
  - b. Whilst it has clearly been established and accepted by both parties that Ginkgo roots are present at foundation level (and below) at several locations, roots belonging to other species have also been identified.
  - c. The applicant has not provided evidence (since there have been no trial pits or boreholes excavated) that Ginkgo roots are present in the location where the greatest seasonal ground movement has been observed, which we anticipate to be beyond the zone of influence of the Ginkgo tree.
  - d. The applicant has not demonstrated the extent to which the Ginkgo specifically is contributing to the seasonal ground movement that has been recorded since 2009 at particular locations around Mulberry.
  - e. On the basis of the points above we remain concerned that, for example, the effect of other trees and vegetation, or downslope movement mechanisms, may be major contributory factors for ground movement rather than the effect of the Ginkgo.
  - f. Therefore we are of the opinion that it is premature to conclude that the Ginkgo has a significant causative role in the seasonal ground movement.
- 2) (whether felling the Ginkgo was likely to provide a remedy);

- g. Since Ginkgo roots are known to be present adjacent to Mulberry, felling of the Ginkgo is likely to reduce the level of seasonal ground movement by some degree. However, based on the evidence presented we remain unconvinced that the Ginkgo is the principal cause of the recorded ground movement and that felling the tree will result in a significant reduction in the ground movement and associated risk of damage in the future. Therefore it is premature to expect that the felling of the Ginkgo will necessarily remove the cause of the current damage to Mulberry
- 3) (whether any alternative remedy, and in particular a root barrier, were available to either party);
- h. The process of installing a root barrier requires the tree roots to be severed. On the basis that the barrier would sever all of the roots that exist between the tree and Mulberry it is our view that in the short term at least, the effect of the Ginkgo tree on any ground movement adjacent to Mulberry would be eliminated by the installation of a root barrier. On this basis if a root barrier is installed and level monitoring of Mulberry continued, it would be possible to assess whether or not the Ginkgo was having a significant effect on the seasonal ground movement adjacent to Mulberry.
  - i. From our site visit it is our opinion that the installation of a root barrier cannot be accommodated within the confines of the Mulberry land, and would have to be located within the boundary of Dryads Hall.
  - j. In order to avoid potentially detrimental changes to the ground water flow regime the design of the root barrier would have to be carefully assessed and implemented.”

The owner of the tree has confirmed that he is prepared to put in place a root barrier within his own garden, without prejudice, for the peace of mind of his neighbours. There are technical issues with this that would need to be addressed, in particular relating to the possible interruption of water flow from Dryads Hall to Mulberry. To be effective the barrier would have to be deep enough to intercept and sever all the existing roots and to be designed and implemented so that it would reliably prevent future damage. Byrne Looby recommends that monitoring be put in place to test this, although this is outside the influence of the Local Planning Authority. In determining the application members should be aware also that this remedy is not one that the Council could enforce, and that it is not within the control of the applicants.

At the time of drafting this report it was understood that the technical issues were being addressed with a view to implementing the root barrier solution, and an oral update will be given to the subcommittee on this point.

## **Conclusion**

The applicants have failed to demonstrate that the felling and poisoning of the Ginkgo on third party land is necessary, as required by LL9. The desirability of further information has been set out clearly, but they have chosen not to add to their original information set. The damage is minor, and of no structural significance, while the tree is large, mature, and of appreciable importance locally, such that it should only be removed in the light of evidence demonstrating that its removal was reasonably likely to resolve the issues. That is not the case.

At the same time the tree owner has stated his willingness voluntarily to sever the roots, and put in place a root barrier on his own land. It is accepted that expert opinion on root barriers is divided and that particular care would be required as to the specification, installation and maintenance of a barrier in this case. However given the deficiencies of the information, the limited nature of the

damage, and the value of the tree the Local Planning Authority should give due weight to the owner's intention.

Taken together it is concluded that felling of the Ginkgo has not been demonstrated to be necessary and as a result is also unjustified. It therefore fails to meet policy LL9, and should be refused.

***See end of Committee Agenda for Appendices A and B referred to in this report***

***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: Christopher Neilan  
Direct Line Telephone Number: 01992 564117***

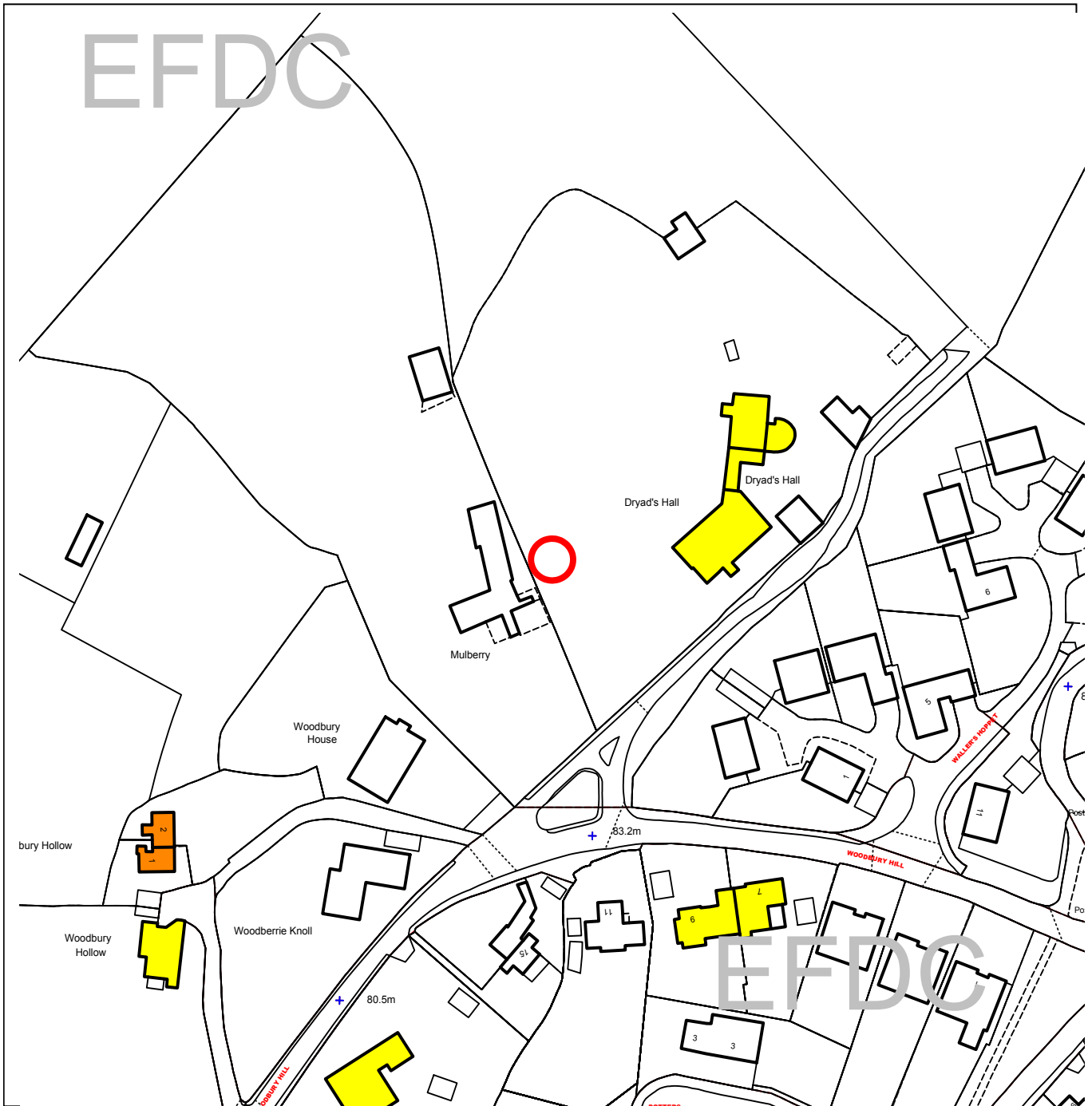
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***





# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	8
Application Number:	EPF/2330/10
Site Name:	Dryads Hall, Woodbury Hill Loughton, IG10 1JB
Scale of Plot:	1/1250

**APPENDICES A & B**  
**REPORTS RE EPF/2330/10**



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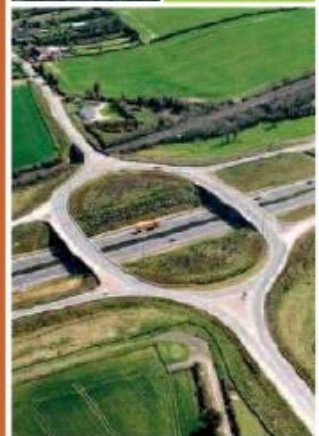
**REVIEW OF GROUND MOVEMENT  
MULBERRY, WOODBURY HILL**

for

**Robert West Consulting**

**Document Number: L209.01-R01**

**February 2011**



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**REPORT ISSUE**

Report title: Review of Ground Movement

Rev No	Date	Status	Checked	Passed
00	Feb 2011	First Issue	HJW	HJW
01	Feb 2011	Revised	HJW	HJW

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## APPENDICES

- A: Photographs and Key Plan
- B: Application for Tree Works

## EXECUTIVE SUMMARY

Structural damage was first noted at a property known as *Mulberry* in Woodbury Hill, Loughton in the summer of 2006 and repairs were subsequently carried out in 2008. Further minor damage to the property was noted in 2009. This recent damage is described as being the result of heave and subsidence of the ground associated with changes in moisture content of the soil.

An Application for Tree Works has been submitted to fell a Ginkgo tree in the adjoining property, *Dryads Hall*, which is described as being the dominant influence on the subsoil leading to ground movement. The felling of the tree is proposed to limit the extent and need for repair works to the property. As an alternative, consideration is also being given to the installation of a root barrier around the Ginkgo tree.

The property is a detached brick built house with mixed floor levels that was constructed into a steep hillside slope in the early 1960's. Level monitoring points installed around the property and monitored since 2009 have shown evidence of differential heave and subsidence of the property at foundation level. The largest ground settlement recorded from the monitoring occurs on the northernmost wall of the extension of the house which is above the steepest part of the existing ground slope.

Ginkgo tree roots have been positively identified immediately below some of the foundations to *Mulberry* and are providing some influence on the moisture content of the clay in the subsoil. However, the Ginkgo tree is considered to be a low water demand tree and, at the relative distance horizontally and vertically from the foundations, it is approaching the limit of the zone of influence.

In view of the distribution and magnitude of the ground movement that has been recorded from the level monitoring, it is believed that other mechanisms cannot be ruled out as making a significant contribution to the ground movement and resulting property damage. In particular, it is suggested that there is potential for ground movement associated with the existing slope. This ground movement could be a result of landsliding associated with the natural ground strata or as a result of cyclical movements due to changes in moisture content resulting from seasonal climate change leading to a progressive down-slope movement of the ground.

If mechanisms other than root desiccation are contributing to the ground movement that is being experienced at *Mulberry* then there is a risk that the proposed felling of the Ginkgo tree or installation of a root barrier may not be effective in preventing future ground movement. Further studies and investigations are recommended in order to verify the possible impact of other mechanisms on the ground movement. Any proposals for the installation of a root barrier should allow for a detailed study of the potential impact of an impermeable barrier on the groundwater regime around the site.

## **1. INTRODUCTION**

Byrne Looby Partners (BLP) has been instructed by Robert West (RW) on behalf of Epping Forest District Council (EFDC) to provide a review of the information relating to the differential ground movement that has been identified at the property known as *Mulberry* in Woodbury Hill, Loughton. This ground movement is described as being the result of heave and subsidence of the ground associated with changes in moisture content of the soil.

The report is intended to provide a summary of the information presented to accompany an Application for Tree Works to fell a Ginkgo tree in the adjoining property, *Dryads Hall*, which is described as being the dominant influence on the subsoil leading to root induced shrinkage. The felling of the tree is proposed to limit the extent and need for repair works to the property. In addition, as an alternative to the felling of the tree, consideration is being given by EFDC to the installation of a root barrier between the Ginkgo tree and *Mulberry* with a view to mitigating the potential impact of the tree on ground movement.

BLP has reviewed the available information from a civil and geotechnical engineering perspective with a view to identifying if there are any other possible mechanisms that could be contributing to the ground movement observed. This will include assessment of whether there is sufficient or complete investigation and monitoring information to verify that alternative mechanisms are not responsible for the ground movement.

This report has been prepared on specific instruction from RW and EFDC and is intended as an information document to assist EFDC in their decision making process. It is based on the information contained in the Application for Tree Works reproduced in Appendix B. This report should not be relied upon by third parties.

## **2. BACKGROUND**

### **2.1 Site History**

Structural damage to the property *Mulberry* was first noted in the Summer of 2006 (ref. Cunningham Lindsey) and extensive repairs were subsequently carried out, which were completed by 2008. In addition, numerous trees and shrub cover were removed from the adjoining land at this time. However, an existing Ginkgo tree close to the property on the adjoining land was not removed despite requests to do so (ref. Geo-Serv).

Previous investigations concluded that the cause of the initial structural damage was localised subsidence of the site attributable to shrinkage/desiccation of the underlying clay subsoil influenced by root activity from the mixed mature vegetation in the neighbouring property (ref. Carmichaels).

Further damage to the property was noted in the form of small cracks within the internal decorative fabric of the house in 2009. This currently manifests as hairline cracking in plaster finishes and slight separation of coving from walls as well as sticking of a number of doors within the property (ref. Geo-Serv).

The damage that has been observed since 2009 has been attributed to desiccation resulting from the roots of trees and in particular a Ginkgo biloba (Maidenhair tree) in the garden of the neighbouring property, *Dryads Hall*. This tree is now the subject of an Application for Tree Works, which proposes the felling of the tree as a remedy to the differential foundation movement (ref. Statement of Reasons).

## 2.2 Site Conditions

### 2.2.1 Site Description

The site is located on a westerly facing slope above Epping Forest as indicated on the key plan shown in Appendix A, which includes some photographs of the area. The property *Mulberry* is a detached brick built house with mixed floor levels that was constructed into a steep hillside slope in the early 1960's (see Photo 1). The eastern boundary of the land around the property is formed by a reinforced concrete king post wall (embedded posts and concrete planks) as shown on Photo 2. It is understood that the property has been modified since original construction to include an extension(s) to the north of the original property and the installation of the carport shown on Photos 1 and 2.

The hill slope continues to the west towards the bottom of a wooded valley whilst the slope continues to the east into the land of the adjoining property over an estimated horizontal distance of 10m before levelling off to the east in the vicinity of *Dryads Hall* (see Photo 3). The slopes around the property are variable in angle but appear to be steepest immediately below the northern extension of the house leading down towards a tennis court constructed to the north west of the house at a level some metres below the property (see Photo 4).

### 2.2.2 Summary of Ground Investigations

Three phases of ground investigations have been carried out comprising a total of five trial holes (three of which have been extended as boreholes) on the east side of the property and one borehole carried out to the west of the property remote from the area where damage has been identified. Table 1 includes a summary of the investigations:

Table 1: Summary of Ground Investigations

Date	Ref.*	Description	Details
Sep '06	TH1 (06)	Trial hole adjacent to southern foundation to utility room	Trial pit sides collapsing due to loose material. Trial pit continued with base of foundations identified by probing at 1050mm below ground level. No samples recovered.
Sep '06	TH2 (06)	Trial hole adjacent to northern foundation to utility room	Trial pit continued to 4000mm below ground level. Base of foundations identified at 550mm below ground level. 3 samples obtained for moisture content and plasticity testing.
Sep '06	BH3 (06)	Borehole located to southwest of main building	Borehole continued to 4000mm below ground level. 2 samples obtained for moisture content and plasticity testing.
Nov '09	TPBH1 (09)	Trial hole and borehole adjacent to extension foundation (east side)	Trial pit completed to 1150mm with borehole continued to 5000mm below ground level. Base of foundations identified at 950mm below ground level. 8 samples tested for moisture content, undrained strength, plasticity and/or suction.
Jul '10	TPBH1 (10)	Trial hole and borehole adjacent to northern foundation to utility room	Trial pit completed to 750mm with borehole continued to 5000mm below ground level. Base of foundations identified at 550mm below ground level. 10 samples tested for moisture content, undrained strength, plasticity and suction.
Jul '10	TPBH2 (10)	Trial hole and borehole adjacent to extension foundation (east side)	Trial pit completed to 1800mm with borehole continued to 5000mm below ground level. Base of foundations identified at 1600mm below ground level. 8 samples tested for moisture content, undrained strength, plasticity and suction.

\* Reference for this report



These trial pits and boreholes have been logged and in situ testing (Mackintosh probe and Pilcon hand vane) has been carried out to estimate in situ strength. In addition, samples have been taken for laboratory testing, including particle size distribution, natural moisture content and Atterberg limits and determination of soil suction using the filter paper method.

### 2.2.3 Summary of Ground Conditions

The geological map indicates that the site is located on the London Clay formation at or very close to the indicated interface with the Claygate Beds that overlie the London Clay on the higher ground to the east of the site area. Figure 2 shows an extract from the geological map and Figure 3 a section (N-S), which is very close to the site area and indicative of the site conditions.

The London Clay is typically a stiff bluish coloured silty clay, which becomes brown when weathered. The descriptions from the trial pits and boreholes at the site suggest that the material is a sandy silty clay, which classifies as medium to high plasticity clay, although there is a distinct increase in plasticity with depth (see Figure 4). Nevertheless, these values reflect relatively low plasticity index for the London Clay and are representative of the upper part of the London Clay series. The London Clay described in the borehole logs at depths greater than approximately 2.5m below ground level is also shown to include lenses and partings of silt and clay.

The strength of the London Clay is generally reported as >120kPa at >1m depth with one reading of 92kPa at 1m below TPBH1 (10). The value of 120kPa is limited by the capacity of the hand shear vane. This is generally consistent with the descriptions from the ground investigation logs, which describe a firm becoming stiff clay with depth. The results from the Mackintosh probes carried out in the soil below the foundations in the trial pits report a typical M value of 20, which is believed to represent a firm to stiff clay of comparable strength.

The results of suction tests carried out using the filter paper method indicated a range of values from 9kPa to 356kPa, although there is no significant trend with depth.

The Claygate Beds have previously been described as the youngest part of the London Clay formation and form a transition between the clay and the sandier Bagshot Beds above. The Claygate beds occur as outliers across Essex, where they reach a maximum thickness of 20m. The upper beds are laminated sands and clays while the lower beds are predominantly clay and sandy clay with some sand bodies. The Claygate Beds have not been identified from the investigation logs.

### 2.2.4 Groundwater

There are no recorded measurements of groundwater or pore water pressure from the ground investigations carried out to date. The wooded valley to the west of the site is headed by a pond (Baldwins pond) suggesting groundwater levels may be close to the ground surface at the bottom of the valley.

## 2.3 Description of Trees

The Ginkgo tree is located a minimum of 8.1m from the property (measured by RW with access to both properties) and is situated on ground that is approximately 2m above the ground level immediately adjacent to the main eastern flank of the property. The tree is mature (70-100 years old) and of 16.7m height (ref. Bartlett).

An Application for Tree Works has been submitted to EFDC on behalf of the owners of *Mulberry* in respect of the felling of a Ginkgo tree that has been described as being significant in respect of the current ground movement. The Application and accompanying documentation focus on arboricultural issues relating to the potential impact that the tree(s) within the adjoining property have on the ground movement. The Statement of Reasons contained in the Application suggests that the tree(s) are solely responsible for the ground movement that has been monitored and the resulting recent building damage (albeit very minor) that has been observed.

Other significant trees in close proximity to the property, which are in the neighbouring land, include a Monkey Puzzle (17.9m in height) at approximately 5m from the property and Holly (10m height) at approximately 4m from the property (ref. Bartlett). These are shown on the site plan reproduced as Figure 1.

#### **2.4 Evidence of Ground Movement**

The cracking that is currently observed to the property is described as very slight with a maximum crack width of 1mm (i.e. Category 1 to BRE 251). Furthermore, the damage is not considered to be structurally progressive (ref. Cunningham Lindsey). Level monitoring points have been installed around the property and have been monitored over an 18 month period with reference to a remote deep datum. These have shown evidence of heave and subsidence of the property at foundation level, which appears to be following a seasonal trend (heave in winter / spring and subsidence in summer / autumn). The results of the level monitoring are summarised in greater detail in the Geo-Serv report.

### **3. DISCUSSION AND COMMENTARY**

The following Section provides some discussion and commentary on the information presented with the Application for Tree Works. This is not intended to be an exhaustive summary or critique of the information presented but is intended to identify areas where the evidence may not be conclusive in respect of the influence of the Ginkgo tree in causing the ground movement, including identification of possible alternative mechanisms that could be contributing to the ground movement that has been recorded.

#### **3.1 Ground Conditions**

From the information available, the plasticity index (PI) of the samples tested ranges from 21-42% (average 30%), which generally represents medium shrinkage potential in accordance with the NHBC standards. Furthermore, the plasticity index of the soil within the range to 2.5m below ground level indicates a maximum value of 34% with the material classified as medium plasticity clay. Note that the Geo-Serv report suggests PI values have been reported up to 50%, which describes high shrinkage potential, although the test results presented do not appear to include values this high. By comparison with the typical London Clay, which has a plasticity index range of 40-60%, there will be reduced susceptibility to volumetric changes depending upon changes in moisture content for the clay beneath the foundations.

The test results do not generally provide evidence of significant desiccation of the soil, either by reference to the values of soil suction recorded from the tests or by comparison of the soil moisture content and empirical relationships (e.g. mc:LL ratios of <0.4 indicating significantly desiccated soil) as described in the Geo-Serv report. The two most significant suction values, which are suggested as indicating soil desiccation are samples from TPBH1 (10) and TPBH2 (10) at 3m below ground level. However, these two values appear to be anomalous compared to the overall trend of liquidity index against suction pressure as suggested in Figure 5. This reflects the comments from the BRE guide to subsidence (ref. BRE FB13), which

suggests that suctions are notoriously difficult to measure with confidence and often data is seen where a relatively high value or suction corresponds to a relatively high value of water content, although this would be the opposite of what would be expected.

### **3.2 Groundwater**

The Claygate Beds that overlie the London Clay to the east of the site area may contain layers of sand, which discharge groundwater that softens the underlying London Clay. This can lead to instability of existing hill slopes and most unstable slopes in the London Clay of south Essex are situated in areas where the overlying Claygate Beds are present (ref. Denness and Riddolls).

During a site walkover by RW in January 2011 it was noted that the ground within *Dryads Hall* on the slope above *Mulberry* was very wet at the surface despite there having been limited rainfall within the preceding week. This may reflect the seepage of groundwater from the Claygate Beds over the less permeable London Clay strata. It is of note that substantial shrub cover (including a number of high water demand sycamore trees) was removed from this area after 2006. It is possible that this removal of vegetation may contribute to greater water infiltration into the London Clay.

The presence of silt and sand partings (very thin beds) within the lower part of the London Clay (>2.5m below ground level) identified in the boreholes suggests that the relative soil permeability at depth may be high, which could promote changes in moisture content by providing a source for drainage or replenishment of groundwater. However, as noted in Section 2.2.4, no measurements of groundwater level or pore water pressures have been made as part of the investigations that would allow review of this mechanism.

### **3.3 Potential Influence of Trees**

#### **3.3.1 Water Demand**

The Ginkgo (Maidenhair) and Monkey Puzzle tree are considered to be low water demand trees (ref. ISE). The NHBC standards suggest that, for a low water demand tree, the zone of tree influence is 0.5 x mature height. For the recorded height of the Ginkgo tree (16.7m) and the relative distance from the foundations (minimum 8.1m) this suggests that, even at the closest position, the property is approaching the limit of the zone of influence.

#### **3.3.2 Root Extent**

Furthermore, the level of foundations is significantly below the trees. For example, the foundations identified in TPBH2 (10) are 1.6m below the ground level, which itself is estimated to be 2m lower than the level of the base of the Ginkgo tree upslope (i.e. the base of foundations are >3m below the ground level at the tree). Although roots were described in the borehole logs to depths greater than the base of the foundations, positive identification of Ginkgo roots was only described to a maximum depth of 1.3m in TPBH1 (10), which is the investigation position in closest proximity to the Ginkgo tree. The other positive identifications for Ginkgo roots have all been described as being at the underside of the respective foundations.

Thus the maximum depth below foundations that the Ginkgo roots have been identified is only 0.35m below the base of the foundation. By contrast, the BRE guide on subsidence (ref. BRE FB13) suggests that an investigation should show fine (water abstracting) roots present at depths at least 1m below foundation level. If roots are only identified to a level equivalent to the base of the foundation then it is likely that the influence in desiccating the ground below the foundation (i.e. that which could control the movement of the foundation) will

be reduced. It is also of note that the most significant suctions recorded from the test results are more than 1.5m below the levels at which the Ginkgo roots have been identified.

### **3.4 Recorded Ground Movement**

The recorded ground movement relative to the datum measurements taken on 15/06/09 ranges from a heave of 6mm to a settlement of 8.5mm although the majority of the measurements fall within the range +5mm to -5mm. By comparison, seasonal measurements at 1m depth (average foundation depth for *Mulberry*) on a London Clay site reported in BRE FB13 indicated that dry summers could result in ground movements of up to 13mm due to climatic desiccation alone.

There is no record of the impact in respect of changes in crack width associated with the ground movement although, on the basis of the most recent description of the damage (ref. Geo-Serv), it would appear that the seasonal change would be less than 1mm and hence could be considered inconsequential (ref. ISE).

It is of note that the largest ground settlement recorded from the monitoring results occurs on the northernmost wall of the extension of the house, which is at the greatest distance from the Ginkgo tree (approximately 20m) and also the areas of the property formed on the deepest foundations. In addition, Ginkgo roots have only been identified in three of the site investigation locations closest to the Ginkgo tree (namely TP2 (06), TPBH1 (09) and TPBH1 (10)). No Ginkgo roots were identified in the trial pit or borehole closest to this area of maximum ground settlement.

Furthermore, the reported ground movement from the level monitoring does not extend around the northwest flank of the building adjacent to the extension(s) to the house although comparable measurements have been taken around the remaining southern half of the property. Therefore it is not possible to demonstrate whether ground movement is also occurring in this area of the property, which is further still from the Ginkgo tree.

### **3.5 Down Slope Ground Movement**

No consideration is given in the Application for Tree Works in respect of the potential for down slope ground movement as an alternative mechanism contributing to ground movement at the site. The National House-Building Council (NHBC) standards for foundations (ref. NHBC) require a site specific assessment by an Engineer where foundations are to be constructed on ground with a slope of greater than 1 in 7 (approximately 8°). BRE FB13 suggests that lateral movements are unlikely to be encountered on clay sites where the ground slopes at less than 5°. Similarly, studies on the stability of natural slopes in London Clay have suggested that long-term stable slopes in London clay are formed at or below 10° (ref. Skempton).

Although not directly measured, the overall slope of the site and the local slope around the property are considered to be significantly steeper than 8-10° and, as such, it is anticipated that special measures may be required to ensure the adequacy of the foundations to prevent ground movement causing damage to the property. In particular, the small cyclical movements due to changes in moisture content associated with natural seasonal changes in climate may cause a slow progressive down-slope movement of the ground (ref. BRE FB13). This combination of seasonal effects and down-slope movements may lead to a gradual ratchet effect in the down-slope movement.

Of particular note from the geological map for the area is the indication that there is an area that has been mapped as a landslide area immediately to the north of the site area (See Figure 1). From the geological map there are numerous other areas in the locality at the interface of the

Clay gate Beds and London Clay that are also shown to have been subject to land-sliding. It is also noted that the relatively low plasticity indices recorded at the site reflect the upper part of the London Clay formation, in which most instability occurs (ref. Denness and Riddolls).

In the context of the specific site, it is of note that the extension(s) of the house are built above the steepest part of the existing ground slope leading down toward the tennis court. It is not known whether any additional regrading of the slopes was carried out during the construction works at the site that may have lead to steepening of the original natural soil slopes.

Finally, the presence of silt and sand partings within the London Clay identified in the boreholes suggests that changes in pore water pressure may occur relatively quickly, which could, in turn, reduce the effective stress and strength of the soil and could increase the potential for overall or local slope instability.

### **3.6 Proposed Root Barrier Installation**

The proposed root barrier comprises a Dendro-Scott membrane installed to a depth of 3m at a minimum distance of 2.5m from the Ginkgo tree (i.e. within the land of *Dryad Hall*) over the full plan extent length of the adjacent property (approximately 20m).

The estimated depth of the roots at the proposed barrier location is assumed to be 1.75m from NHBC values (ref. EFDC). However, the tree roots from the Ginkgo tree have been observed to extend to considerable depth below the ground level at the tree (c. 3m at the property foundations). As described in the extract from the Carmichaels report, this may be anticipated where the tree roots are seeking water that is seeping downslope.

As such, any root barrier would need to extend to a depth to ensure that it was effective in both cutting existing roots and preventing new root growth into the area below the foundations to *Mulberry*. Nevertheless, it would be anticipated that a root barrier installed to 3m depth at close proximity to the tree should be effective in constraining the potential for continuing root activity below the foundations to *Mulberry*. Based on the proposal for installation, the root barrier would be installed at a comparable depth to that of the deepest tree root identified but at less than half the distance from the tree.

The proposed root barrier is believed to be an impermeable membrane. As such, in view of the sloping ground and currently unknown groundwater flow regime in the area, it is possible that the root barrier could have unforeseen adverse consequences in respect of modifying the groundwater regime. This could include a loss of recharge of soil moisture in the area immediately downslope of the root barrier and/or an increase in water flow around the boundaries of the barrier. These impacts could exacerbate any ground movement due to seasonal changes in soil moisture content or downslope movement.

## **4. CONCLUSIONS AND RECOMMENDATIONS**

The following outline conclusions are based on review of the information described and attempt to identify from a civil and geotechnical engineering perspective if there are any other possible mechanisms that may be contributing to the ground movement observed.

### **4.1 Conclusions**

There is evidence that roots from the Ginkgo tree and other trees from within the adjacent property *Dryads Hall* have been identified below the foundations to *Mulberry*. As such, it is likely that the tree(s) are providing some influence on the moisture content of the clay in the subsoil below the foundations, which may result in some seasonal heave and subsidence.

However, it is noted that the property foundations are likely to be close to the edge of the influence zone of the tree roots (both laterally and vertically) and, furthermore, the two largest trees (Ginkgo and Monkey Puzzle) are noted to be low water demand trees. As such, and in view of the distribution and magnitude of the ground movement that has been recorded from the level monitoring, it is believed that mechanisms other than desiccation due to tree roots cannot be ruled out as making a significant contribution to the ground movement observed. We note that the earlier Cunningham Lindsey report similarly suggested that "the influence of the remaining trees...is unlikely to be a significant factor" in respect of the cause(s) of the property damage observed.

In particular, it is suggested that the impact of potential foundation movement associated with the existing slope should be given detailed consideration concluding that soil desiccation is the sole cause of the ground movement currently being experienced. This ground movement could be a result of landsliding associated with the natural ground strata or movement on the existing slope associated with natural seasonal ground movement.

## **4.2 Recommendations**

### **4.2.1 Proposed Felling of Ginkgo Tree**

If mechanisms other than root desiccation are contributing to the ground movement that is being experienced at *Mulberry*, then there is a risk that the proposed felling of the Ginkgo tree may not be effective in preventing future damaging ground movement. In particular, if downslope ground movement induced by varying groundwater levels is contributing to the foundation movement, then the loss of vegetation (over and above that previously removed following the 2006 investigations) could conceivably lead to an increased rate of ground movement due to the loss of the beneficial impact of vegetation on slope stability.

### **4.2.2 Proposed Root Barrier**

Any proposals for the installation of a root barrier in lieu of felling of the Ginkgo tree should allow for a detailed study of the potential impact of an impermeable barrier on the groundwater regime around the site, including the potential for exacerbating ground movement or instability of the existing slope. This would need to include review of the impact of the root barrier on the existing retaining wall forming the boundary between the two properties.

### **4.2.3 Further Studies and Investigations**

In order to verify if there are any other possible mechanisms that could be contributing to the ground movement observed we suggest that additional studies are carried out to verify the potential impact of slope instability on the property. This may include direct investigation (e.g. by geomorphological mapping) of the site area and the area of potential instability noted on the geological map, as well as the installation of additional monitoring, for example;

- Extension of the level monitoring around the northwest flank of the building to identify if ground movement is occurring on this part of the property.
- Installation and monitoring of precise survey points around the building to identify if lateral (downslope) movement is occurring at foundation level. At least two or three remote datum points should be used as part of this monitoring.
- Installation of an inclinometer(s) to identify if deep seated lateral ground movement is occurring beneath the property
- Installation and monitoring of piezometers to record groundwater levels and porewater pressures in order to establish the groundwater regime.

## 5. REFERENCES

1. Bartlett Tree Experts Ltd, Tree Report ref. IB 467R (Feb 2007)
2. BRE, Digest 251, Assessment of Damage in Low Rise Buildings with Particular Reference to Progressive Foundation Movement, BRE (1995)
3. BRE, FB13, Subsidence Damage to Domestic Buildings – A Guide to Good Technical Practice, BRE Trust, (2007)
4. Carmichaels, Report (extract only), (Aug 2006)
5. Cunningham Lindsey, Report (extract only), ref. CRHPC/KB/3192125 (Sep 2009)
6. Denness, B, and Riddolls, B.W, The influence of geological factors on slope stability in the London clay of south Essex, England, Bulletin of Engineering Geology and the Environment, Volume 13, Number 1, 37-40, (1976).
7. Geo-Serv Ltd, TPO Application Engineering Report, ref. QC521KEN (Oct 2010)
8. ISE (Institution of Structural Engineers), Subsidence of low rise buildings (2nd edition) (2000), Table 7.1.
9. NHBC, Standards Chapter 4.2, Building Near Trees (Nov 2010)
10. Skempton, A.W, Stability of Natural Slopes in London Clay, Proc. 4<sup>th</sup> Int. Conf. Soil Mechanics, London, (1952)

FIGURE 1 – Site Plan

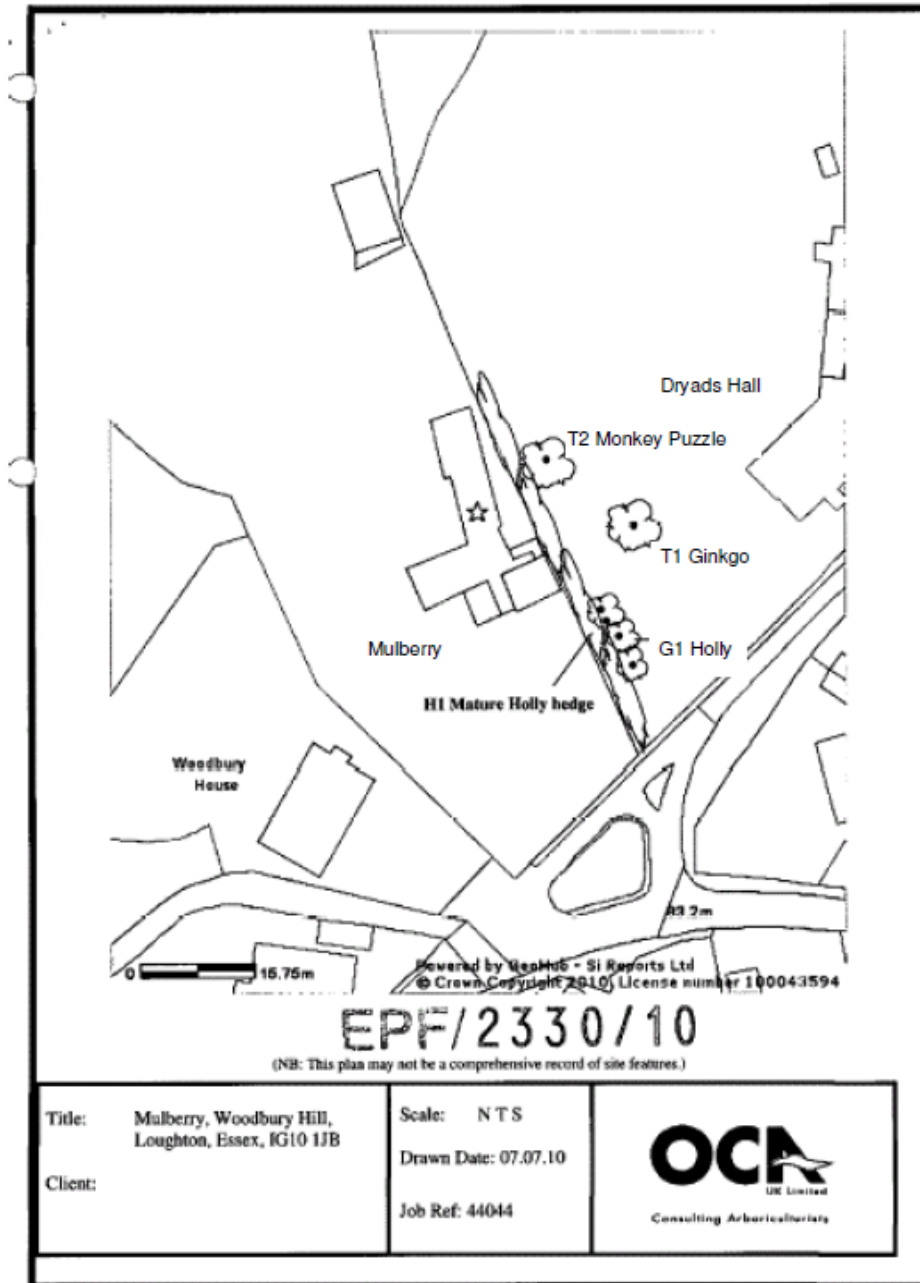




FIGURE 2 – Annotated Extract from Geological Map

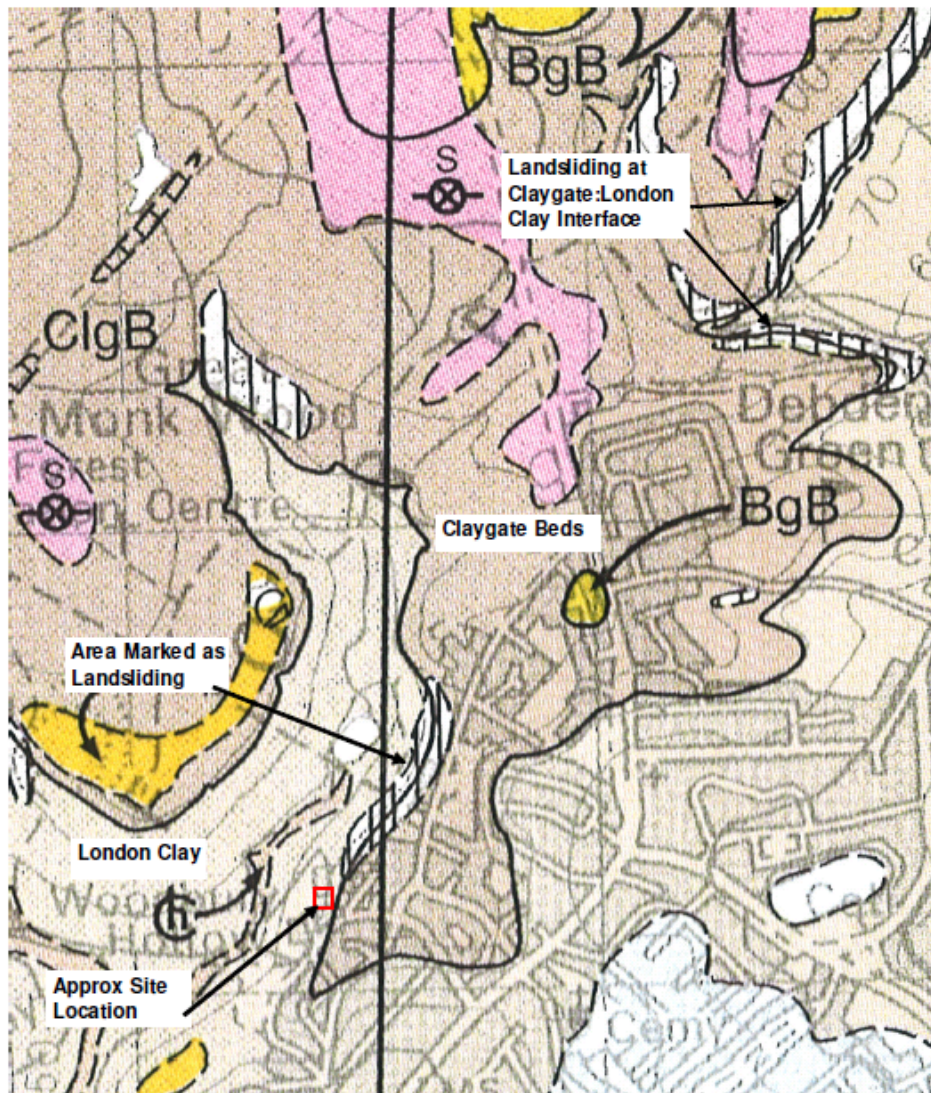


FIGURE 3 – Typical Section

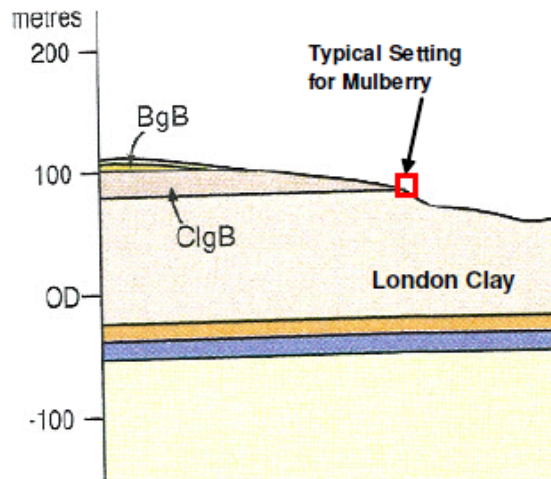


FIGURE 4 – Comparison of Plasticity Index with Depth

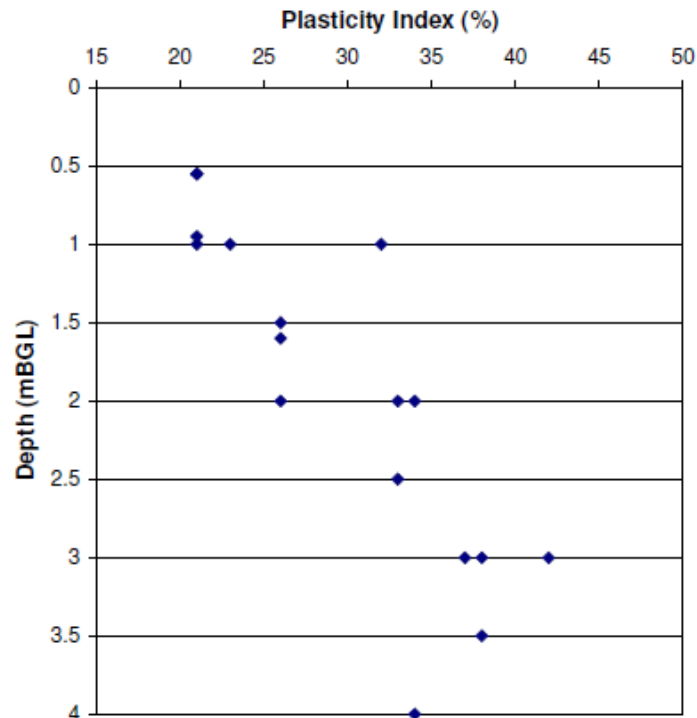
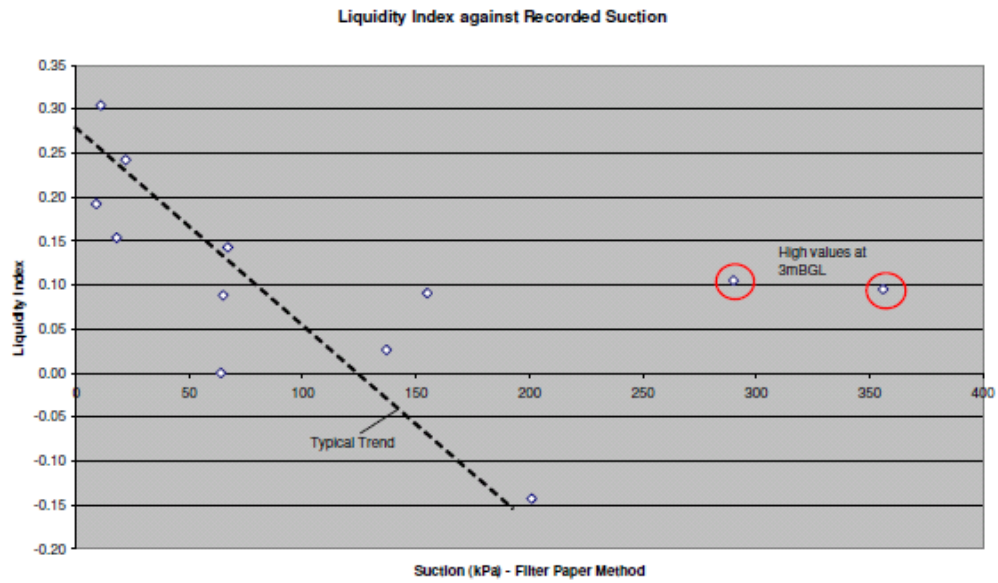
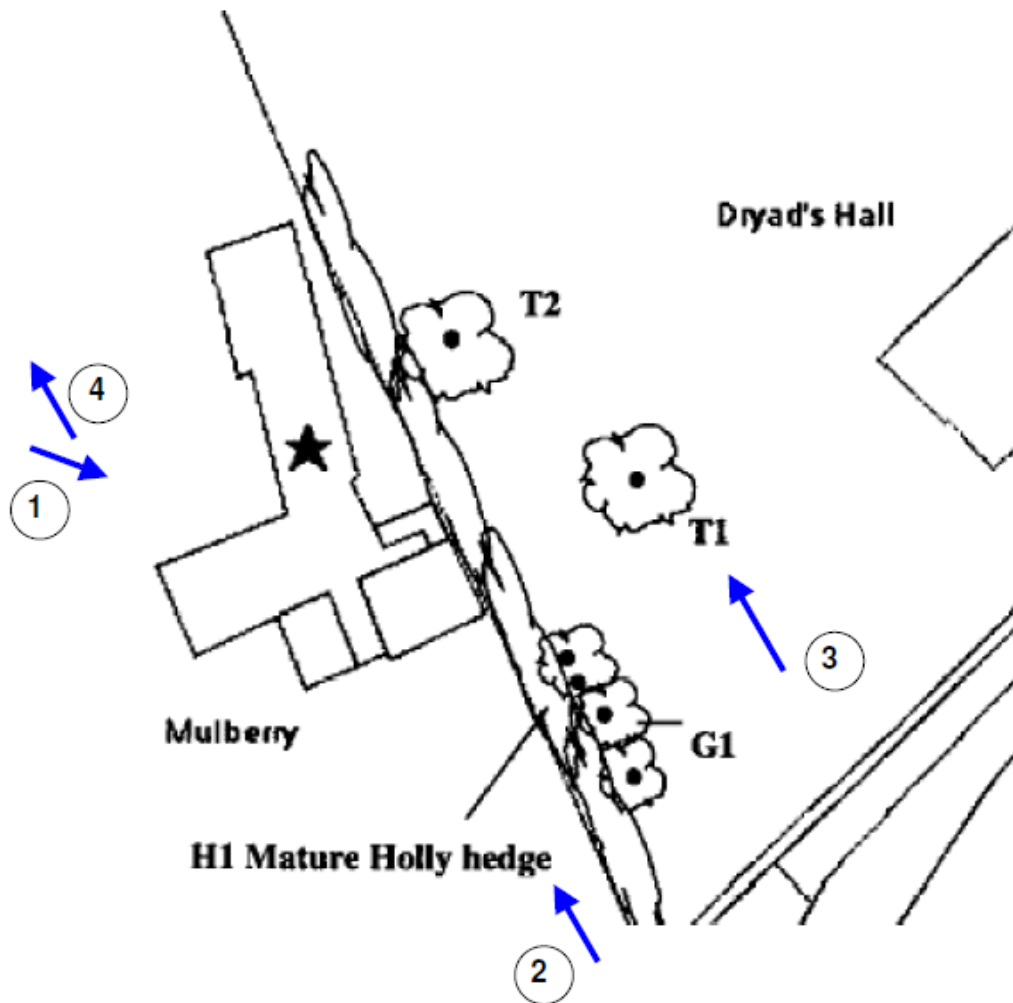


FIGURE 5 – Comparison of Soil Suction with Liquidity Index



APPENDIX A  
Photographs Key Plan



Photograph 1

View of Mulberry from northwest



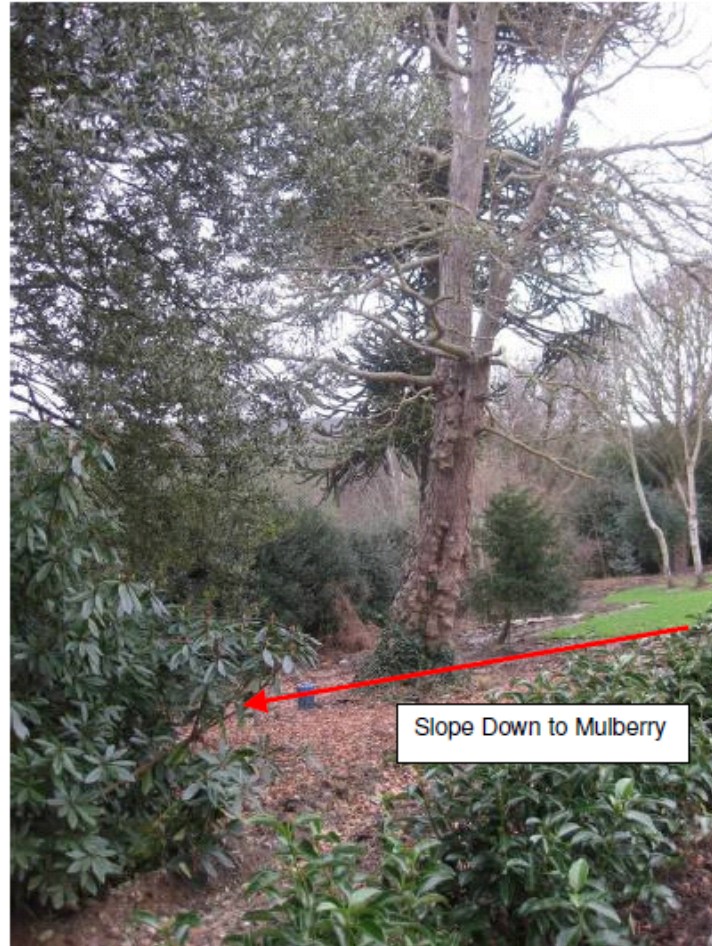
Photograph 2

View of Mulberry from South Showing Boundary Wall to Dryads Hall and Carport



Photograph 3

View of Ginkgo tree in Dryads Hall from South



Slope Down to Mulberry

Photograph 4

View of slope below extension to Mulberry from South





## APPENDIX B

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Consulting  
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GEO-SERV

Ms Margaret MacQueen  
OCA  
No4 The Courtyards, Wyncolls Road,  
Severalls Business Park,  
Colchester, Essex.  
CO4 9PE

Our reference: QC521KEN

Dear Ms MacQueen

**Re: Application to remove Ginkgo implicated in subsidence damage to  
"Mulberry", Loughton, Essex**

Having had the opportunity to study the Byrne Looby Partners report, I can offer the following comments:

The report acknowledges that the Ginkgo (and possibly other vegetation) is contributing towards the movement but suggests that there may be other factors involved, including slope instability or slope creep. In addition, the report appears to rule out a root barrier as a possible solution because of the uncertain effects of disrupting the porewater flow on a sloping site. I concur with this latter point.

The report refers to downslope movement without drawing any clear distinction between "slope instability" and "slope creep". The former is caused by the activation of a failure plane several metres down in the ground, resulting in mass movement of soil down the slope (albeit that the movement may be small and non-continuous). It is characterised by tension cracks in the soil, leaning trees and evidence of lateral extension to any affected buildings, none of which are present here.

Slope creep on the other hand is driven by seasonal volume changes in the surface layer of soil with each cycle of movement resulting in preferential swelling in the downslope direction. It is therefore closely related to root-induced shrinkage and swelling in the surface soil. The BLP report quotes BRE research as indicating that seasonal effects in the absence of roots can cause 13 mm of vertical movement at a depth of 1 m. However, these measurements were made on a grass covered site (Chattenden in North Kent) during a prolonged period of dry weather. The measurements therefore reflect the ability of roots from even minor vegetation to increase the depth to which moisture is extracted from the soil. Earlier research at BRE (e.g. "Soil Movement and Weather" by W H Ward, 1953) indicated the movements under bare earth to be limited to a depth of 0.3 m even in an exceptional summer.

There is therefore no potential for seasonal changes in the absence of roots to affect a building with a minimum foundation depth of 550 mm. In the case of *Mullberry*, roots have been found below foundation level and have been identified as Ginkgo. If there has been any downslope movement to *Mullberry*, it has been as a result of the influence of these roots and not climatic change alone.

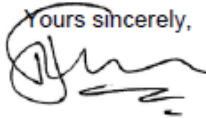
Any downslope movement would result in the foundations "ratcheting" into the soil - i.e. the upward foundation movement recorded over the winter period would be less than the downward movement recorded in the previous summer. However, the level monitoring to date (latest results attached) has detected no evidence of ratcheting. Rather it indicates that each cycle of seasonal movement is restoring the foundations to their original levels.

Accordingly, I remain of the opinion that the primary mechanism of damage is simply root induced shrinkage and swelling in the surface soil associated with the nearby trees and, in particular, the Ginkgo. Any other mechanism causing downslope movement is, on the basis of the available evidence, having no discernible effect on the property.

On the face of it, the BLP report appears to support our conclusion that the Ginkgo is influencing the subsoil under the extension to *Mullberry*. In particular, paragraph 4.1 of the Conclusions states: *"There is evidence that roots from the Ginkgo tree and other trees from within the adjacent property Dryads Hall have been identified below the foundations to Mullberry. As such, it is likely that the tree(s) are providing some influence on the moisture content of the clay in the subsoil."* Consideration of the expected or potential zone of influence of this tree is immaterial. We know the roots are present below foundation level because they have been identified and they must extend to a depth sufficient to cause the movements recorded in the level monitoring. These movements are the only plausible cause of the damage recorded since the last repairs in 2008. Commonsense dictates that removal of the Ginkgo will eliminate its influence and reduce movements to acceptable levels.

I consider the existing evidence is conclusive in demonstrating that the Ginkgo is adversely affecting the foundations of *Mullberry* and further investigations in this respect are unnecessary.

Yours sincerely,



T J Freeman MA CEng MICE  
for Geo-Serv Ltd  
(Director)