

Report Item No: 1

APPLICATION No:	EPF/0442/11
SITE ADDRESS:	Coopers Coopers Hill Ongar Essex CM5 9EG
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr Bruce Rix
DESCRIPTION OF PROPOSAL:	TPO/EPF/15/89 T14 - Sycamore - Fell T6 - Horse Chestnut - Fell
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/Anite!M.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=526080

CONDITIONS

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

This application is before this Committee since it is an application to fell preserved trees and is recommended for approval (Pursuant to Section P4, (3) of the Council's Delegated Functions)

Description of Proposal:

T14. Sycamore – Fell.

T6. Horse Chestnut - Fell

Description of Site:

Coopers is a substantial yellow brick nineteenth century villa standing centrally in a largely rectangular plot, dominated by a mature collection of carefully planted broadleaf and conifer specimens, including three 20 metre Wellingtonias. The 10 metre tall Sycamore is closely planted by a detached dwelling, which is to the rear of the detached south boundary garage. The now dead Chestnut stands on the northern boundary amongst mature shrubs and other trees and overhangs Landview Gardens; a residential street. The property enjoys the considerable landscape screening benefits of planned, mature mixed tree cover, including Beech, Sequoia, Cypress and Oak.

Relevant History:

There have been many tree related operations in the last twenty years and, in particular in respect of dying and dangerous Copper Beeches, T4 and T5. Records exist for pruning to a Norway Maple, T12 under consent EPF/2180/05. T6 Chestnut has been given exemption pruning permission due to its gradual but terminal decline.

Relevant Policies:

LL9 Felling of preserved trees.

Summary of Representations:

3 neighbours were consulted but no responses have been received.

ONGAR TOWN COUNCIL had made no comment at the time of the writing of this report and should representations be made before the meeting then they will be reported verbally by the presenting officer

Issues and Considerations:

Issues

The application is brought on the basis that the Chestnut, T6 is now dead and T14 Sycamore is too close to buildings, drains and footpaths and is causing damage to the latter. The issue, therefore, is whether or not the removal of T14 is justified and necessary due to its inappropriate location.

Considerations

i) Tree condition and life expectancy.

T6 Chestnut has been topped at about 9 metres in the hope that it might regenerate a new crown from the sublateral branches remaining. This strategy has failed and the tree now has a decayed and fungally infected stem with no signs of new buds, which should be bursting into leaf at this time. The tree appears to be dead and is therefore exempt from planning control.

T14 Sycamore was inspected and found to be in good health with vigorous bud growth throughout a well formed crown. The tree has a long life expectancy, despite some large stem wounds from crude previous pruning works.

ii) Amenity value

T14 can be publicly viewed from beyond a communal rear garage block. The view is limited to a break in the line of houses along St. James Avenue; a residential side road. It does contribute to the mature group of mixed skyline individuals but is a fraction of the size, even when viewed as a foreground feature. The tree is screened from views from Coopers' Hill by the Giant Sequoia and the frontage broadleaf group. Its landscape value can only be considered as moderate and its loss would detract minimally from the overall landscape character of the locality and property.

iii) Suitability of location

The main reason for wanting to remove T14 is that of location. It is asserted that the tree has caused distortion to the footpath passing directly beneath it by direct root action on the pavements from below. Another path to the side of the domestic dwelling, less than 4 metres from the tree,

appears to have slumped in places and this is attributed to the tree's roots. Similarly, a drain runs close to the tree and fears have been expressed about root ingress into it. No clear evidence has been produced to support these assertions but it is reasonable to expect the tree to impact on lightweight structures as it develops. Furthermore, its crown development will clash directly with the building in the medium term and, therefore it can be said that this tree will become increasingly incompatible with its location on this site.

iv) Replacement tree

The proposed removal of T14 will not create a significant gap but a young ornamental specimen of Chinese Scarlet Rowan has been planted in the vicinity and will provide a more suitable choice between the two buildings.

Conclusion

The Chestnut T6 has now died and is exempt from planning control. A replacement Dove tree has been planted nearby and will provide good cover in the future. T14 Sycamore is unsuitable for its location and a replacement already planted. It is, therefore recommended to grant permission to this application on the grounds that the planned succession for the tree justifies its removal. The proposal therefore accords with Local Plan Landscape Policy LL9.

It is recommended that, in the event of members granting permission to fell this tree, the condition that would normally be attached to the decision notice requiring the replanting of an agreed suitable replacement at an agreed location on the site should be waived due to the existing replacement.

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:

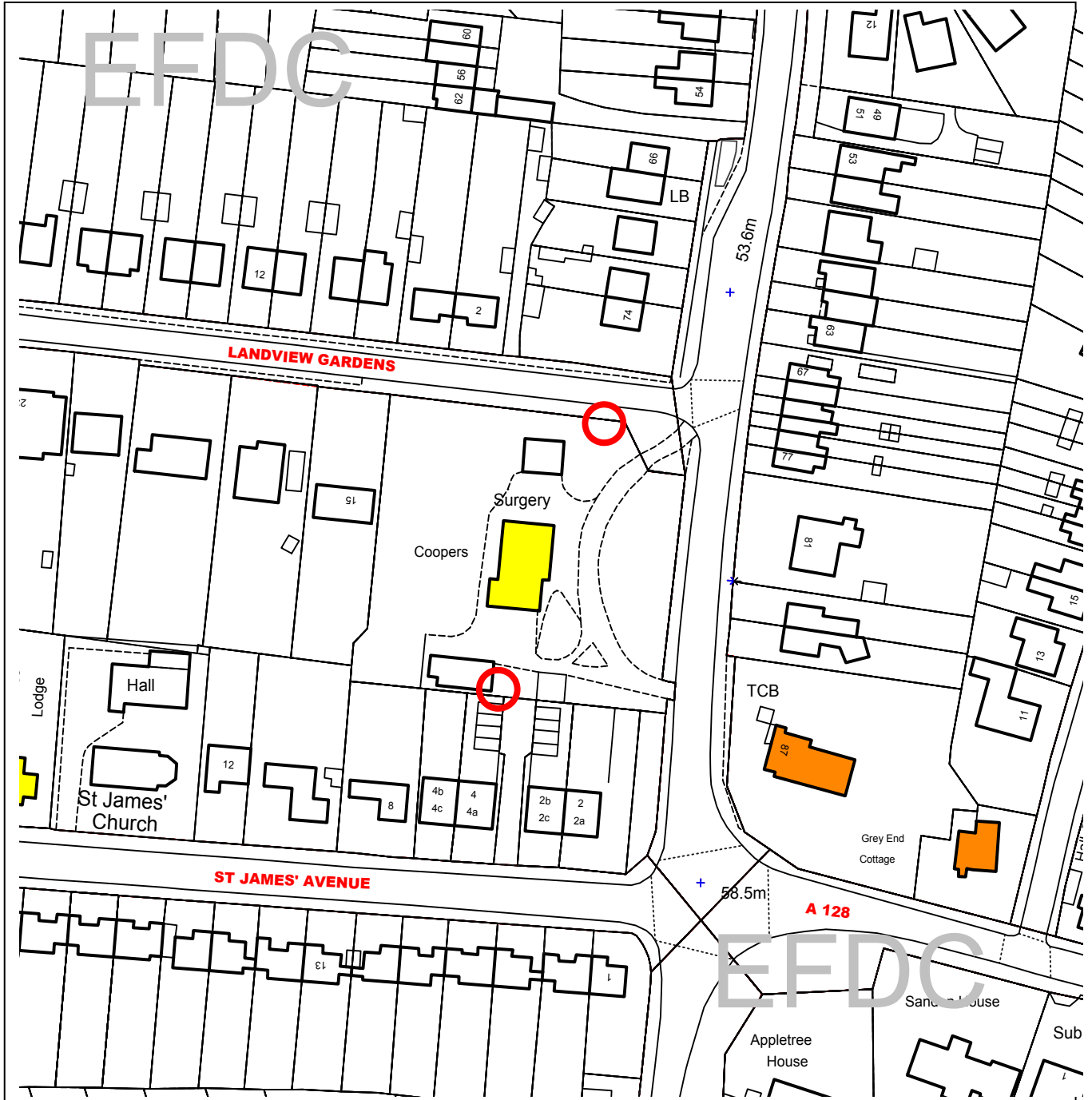
***Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/0442/11
Site Name:	Coopers, Coopers Hill Ongar, CM5 9EG
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0448/11
SITE ADDRESS:	24 Kendal Avenue Epping Essex CM16 4PR
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mrs Pauline Clarke
DESCRIPTION OF PROPOSAL:	TPO/EPF/45/91 G4 - Cedar - Fell
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=526089

CONDITIONS

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

This application is before this Committee since it is an application to fell preserved trees and is recommended for approval (Pursuant to Section P4, (3) of the Council's Delegated Functions)

Description of Proposal:

G4. Cedar – Fell.

Description of Site:

This suppressed specimen stands around 11 metres tall, in the corner of the front garden of this detached house. This part of Kendal Avenue is characterised by numerous mature groups of mixed native broadleaf and evergreen trees. Pine, Lime and Wellingtonia specimens, exceeding heights of 18 metres, line the street and nearby cul-de-sac. In particular, a magnificent 20 metre tall Oak and a prominent Pine are close neighbours in this crowded front garden. The Cedar is subordinate in this trio, with low extended branches reaching out over the pavement and busy access route to the tube station. Two garden sheds have been erected directly beside the tree, but they are shielded from public view by the dense screening hedge at the front boundary.

Relevant History:

No records exist for pruning to this tree but file correspondence does indicate that specific pruning was granted to the sibling Oak under TRE/EPF/0096/09.

Relevant Policies:

LL9 Felling of preserved trees.

Summary of Representations

3 neighbours were consulted but no responses have been received.

EPPING TOWN COUNCIL had made no comment at the time of the writing of this report and should representations be made before the meeting then they will be reported verbally by the presenting officer

Issues and Considerations:

Issues

The application is made on the basis that the tree is growing within the crown of the dominant oak and is covered in ivy.

The issue is whether or not the removal of this tree is justified and necessary due to its crowded unsuitable position and uneven form.

Considerations

i) Tree condition.

From a ground level visual inspection, the tree appears to be vigorous, with a long life expectancy, but its normal development has been seriously compromised by standing less than 4 metres from the dominant Oak, previously mentioned. The crown spread of the Oak extends over 8 metres, enveloping the subject tree. This has caused the underdevelopment of both height and fullness of crown. The spread of ivy throughout its small crown may indicate stressful conditions for the tree. Its continued growth will not benefit its future health.

Where the tree has sought light, it has developed a number of very extended lower limbs, with a very narrow and weak central leader. It is unlikely that the tree will ever develop into a good specimen in this location.

ii) Amenity value and suitability

The tree stands in public view but is partially obscured by a thick front hedge and the dominant Pine between it and the road. It contributes to the group but, due to its crowded location, beneath the spreading larger crown of the Oak, its landscape value is only subsidiary to its two siblings. Its presence is not unattractive in the screening mix but is structurally unusual when assessing the tree individually. It is of a large growing species, usually a centrepiece or dominant feature in a large landscape setting and is, therefore, an unsuitable choice for this location

iii) Potential for a replacement tree

The proposed removal will not create a significant gap since under-storey cover is well established around it. In view of the number of hedges, shrubs and impressive canopy trees filling this garden, the need for a new tree could be waived without ill effect.

Conclusion

The tree is not unattractive as part of a landscape group but its position will continue to exaggerate problems of structural deformity and interference with the two larger neighbours. The loss of amenity from its removal is outweighed by its unsuitable location. It is, therefore recommended to grant permission to this application on the grounds that the position of the tree justifies its removal. The proposal therefore accords with Local Plan Landscape Policy LL9.

It is recommended that, in the event of members granting permission to fell this tree, the condition that would normally be attached to the decision notice requiring the replanting of an agreed suitable replacement at an agreed location on the site should be waived.

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:

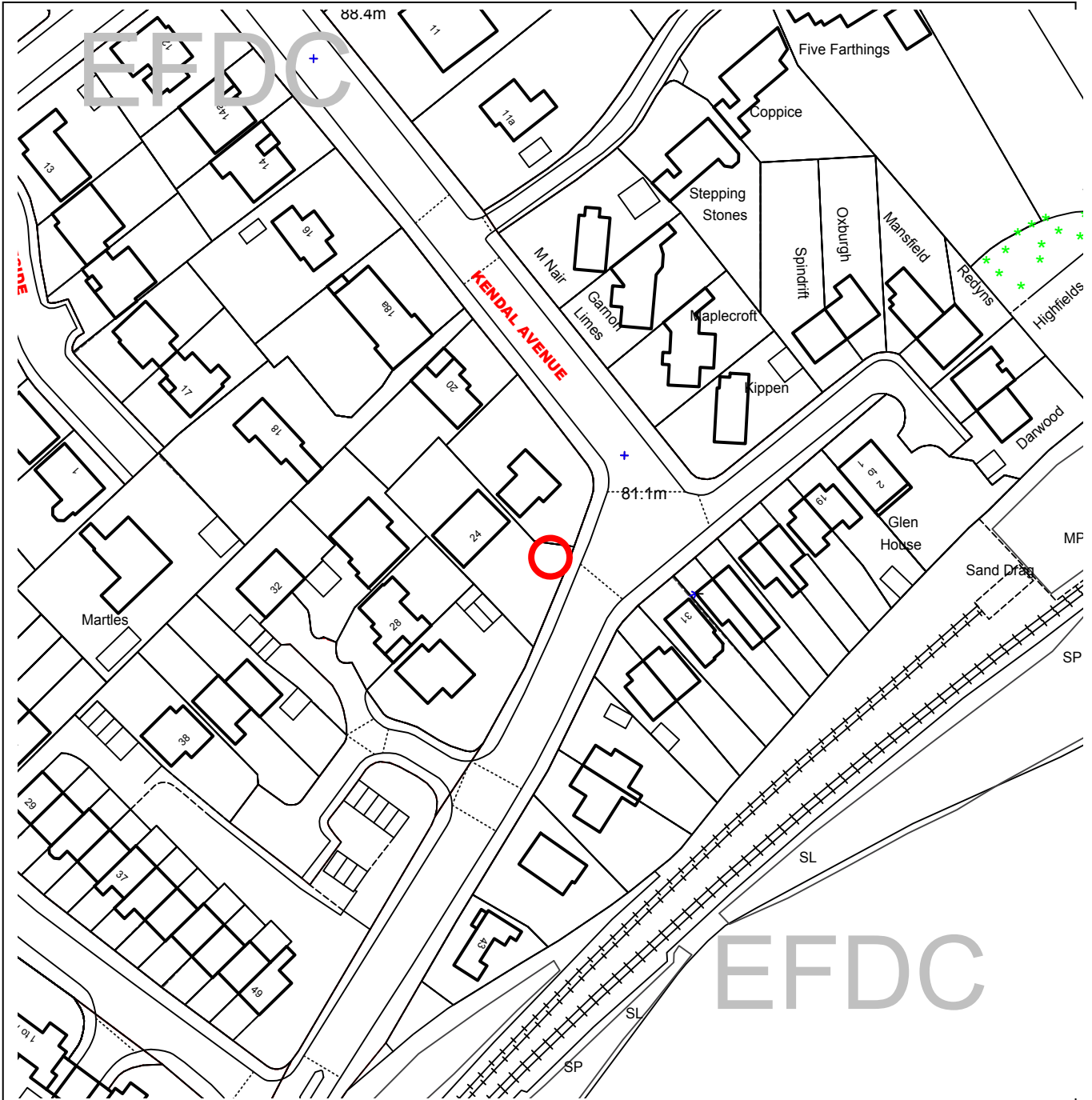
***Planning Application Case Officer: Robin Hellier
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Area Planning Sub-Committee East



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Agenda Item Number:	2
Application Number:	EPF/0448/11
Site Name:	24 Kendal Avenue, Epping CM16 4PR
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0115/11
SITE ADDRESS:	Gunn Lodge The Street Sheering Bishop's Stortford Hertfordshire CM22 7LY
PARISH:	Sheering
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Clearwater Homes
DESCRIPTION OF PROPOSAL:	Detached four bedroom dwelling (Material amendment to planning permission EPF/1437/09 for proposed alterations to Gunn Lodge bungalow to create a two storey dwelling and partial demolition to provide a site for a new chalet bungalow - revised application)
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=524716

REASON FOR REFUSAL

- 1 The development, due to its height, design and overall bulk appears overly dominant and cramped within this plot to the detriment of the character and appearance of the street scene. As such, the development is contrary to policies CP2 and DBE1 of the Adopted Local Plan and Alterations.

This application is before this Committee since it has been 'called in' by Councillor Morgan (Pursuant to Section CL56, Schedule A (h) of the Council's Delegated Functions) and since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section CL56, Schedule A (k) of the Council's Delegated Functions).

Description of Proposal:

Erection of a new detached four-bedroom dwelling. This is a retrospective application following the previous approval ref: EPF/1437/09, which was for:

Proposed alterations to Gunn Lodge bungalow to create a two storey dwelling and partial demolition to provide a site for a new chalet bungalow (revised application).

This proposed scheme relates purely to the site of the approved chalet bungalow and seeks to obtain planning permission for works that have, and are continuing to, take place without consent. The footprint of the dwelling is almost identical to that previously approved (with a slight increase

in width from 7.2m to 7.6m), however the design and overall height is radically different. The original application proposed a chalet bungalow style dwelling, with the second storey sitting within the roof space, which reached a maximum height of 7.3m. The revised application is for a full two storey house with an additional third floor window located within the front gable. The maximum height of this development is 8.65m, and the latest plans indicate a change in ground level previously missed off the plans.

Description of Site:

The application site is located on the southern side of The Street, within the village of Sheering. The site is located outside of the Metropolitan Green Belt and involves part of the side and rear garden of Gunn Lodge, which dog-legs behind the neighbouring property known as Aspen.

Relevant History:

EPF/1482/78 - Alterations and extensions – approved/conditions 08/01/79

EPF/0952/79 - Installation of projecting dormer windows in roof – refused 23/08/79

EPF/0122/04 - Erection of new dwelling – refused 15/03/04

EPF/0658/09 - Proposed new chalet bungalow and alterations to the existing Gunn Lodge bungalow – refused 04/06/09

EPF/1437/09 - Proposed alterations to Gunn Lodge bungalow to create a two storey dwelling and partial demolition to provide a site for a new chalet bungalow (revised application) – approved/conditions 21/09/09

EPF/0399/10 - Proposed alterations to Gunn Lodge bungalow to create a two storey dwelling and partial demolition to provide a site for a new chalet bungalow (amended application) – refused 21/04/10 (appeal dismissed 19/11/10)

EPF/2000/10 - Removal of condition 5 'tree protection' on EPF/1437/09 and replacement with two trees to the front of the site (proposed alterations to Gunn Lodge bungalow to create a two storey dwelling and partial demolition to provide a site for a new chalet bungalow -revised application) – approved/conditions 22/11/10

EPF/2588/10 - Retention of removal of garage door and replacement with window and alterations to rear elevation – approved 31/01/11

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE8 – Private amenity space

DBE9 – Loss of amenity

LL11 – Landscaping schemes

ST1 – Location of development

ST6 – Vehicle parking

Summary of Representations:

10 neighbouring properties were consulted.

PARISH COUNCIL – Object due to: 1. Description of the works varied from the original; 2. Overdevelopment of site; 3. Relevant information incomplete on the application form. (No further details or clarification on these points received).

WHITE COTTAGE, THE STREET – Object due to the increased roof height over previous approval and as it was the intention from the start to obtain a larger property on the site.

OAK COTTAGE, THE STREET – Object due to the increased height and impact on the street scene.

292 HARLOW (incomplete address given) – Partially object due to the overbearing feeling and overdevelopment of the site.

3 SOUTHVIEW COTTAGES – Object due to increased overlooking.

Issues and Considerations:

The principle of a new dwelling being erected within the side garden of Gunn Lodge has been accepted, however the approved dwelling was a chalet bungalow with a low roof height not much higher than the neighbouring bungalow known as 'Aspen'. As part of the previous application was the creation of a first floor on Gunn Lodge, which was formerly a bungalow, it was considered that the originally approved chalet bungalow would have formed an acceptable transition between the neighbouring bungalow (Aspen) and the newly extended two storey property at Gunn Lodge.

When constructing the new dwelling it was revealed on site that there is a variation in floor level between the existing Gunn Lodge and the new property that was not shown on the submitted plans, which would have resulted in the building being slightly higher than approved. However, this variation does not account for the significant changes and increase in height to the dwelling erected on site. The original eaves height of the approved building was 3.6m, with the second floor being located within the roof space. The dwelling which has been erected (subject to this application) has an eaves height of 4.8m and has a traditional second floor and a roof area. Whilst it is stated that the roof area is not intended for use as habitable accommodation there is a large window located within the front gable which gives the appearance of a third floor even if not utilised as such.

When the builders had reached eaves level, Planning Enforcement confirmed that this dwelling was higher than approved and the applicant was advised to stop work at this point. However the work continued on site at the developers own risk. This retrospective application was then submitted to try and regularise the development. Once the builders reached roof level Planning and Enforcement Officers visited the site and measured the overall height of the building. This revealed that the originally submitted plans for this application were still incorrect and did not show the true height of the dwelling. Therefore further amended plans were received showing the actual height of the new dwelling as built (8.65m). Notwithstanding this, as the dwelling is up to roof level a full assessment of the impact of the development can be made from a Site Visit and site photographs.

Despite the increased height the dwelling is still lower than the newly extended Gunn Lodge, however it is considerably higher than Aspens. Views of the development from the east are currently somewhat obscured by existing vegetation on site, however the dwelling is very visible from the west as it protrudes in front of Gunn Lodge and has a front gabled roof (as opposed to the hipped roof on Gunn Lodge).

It is not considered that the increased height results in any significant loss of amenity to neighbours and although some concern has been raised from neighbours opposite regarding overlooking; as this is overlooking of the front (public) elevations, on the opposite side of the road, this is not considered significant. As such the main consideration is the overall design and impact on the street scene. Planning Officers consider that, whereas the previous development was an acceptable transition between the two neighbouring dwellings, the increased height of this new house fails to retain this transition and therefore adversely impacts on the site and how the

dwelling sits within the street scene. It is considered that the increased height and three storey appearance of the revised dwelling has a more dominant appearance within the street scene than the previous approval and has a greater impact on the overall character of the area. This impact is further exacerbated by the gables within the roof form (front, rear and both flanks), which were previously considered acceptable at a more subordinate height but are more prominent on this higher building. As a result of the increased bulk the dwelling now appears as a more cramped development that has been 'shoe-horned' into the site between the bungalow and the, now two-storey, Gunn Lodge.

The application must be considered on its own merits and not simply refused because it is not in accordance with what was originally envisaged (or conversely, approved simply because it has already been built).

The applicant's agent has asked that the following statement be included in this agenda report for information:

The original approval for a Chalet Bungalow on the site adjoining the above had to be adjusted to include conditions on drainage and building regulations that I will be able to clarify when speaking at the Committee Meeting. However it is agreed that at that point the applicant should have discussed the alterations with the LPA. The problems arose with a building contract that financially linked the existing Gunn Lodge with the new adjoining house which meant that they had to be built together with progress on one financing the other.

I appreciate that this is not a planning concern but it is a tragedy for a 76 year old widow who has been living in an on site caravan waiting to return to her completed refurbished home. Obviously if consent is refused neither house can continue to completion and may in fact be impossible to refinance as present payments are payable on progress.

On balance, however, officers are of the view that the development is of poor design which fails to respect its setting in terms of scale, massing, height and detailing and is therefore contrary to policies DBE1 and CP2 of the Local Plan and Alterations, and other non-planning issues are not sufficient to outweigh these concerns.

Conclusion:

Whilst it is accepted that the principle of development of the site is acceptable, it is considered that the revised building is overly dominant within the site to the detriment of the character and appearance of the street scene. As such the application is recommended for refusal.

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:

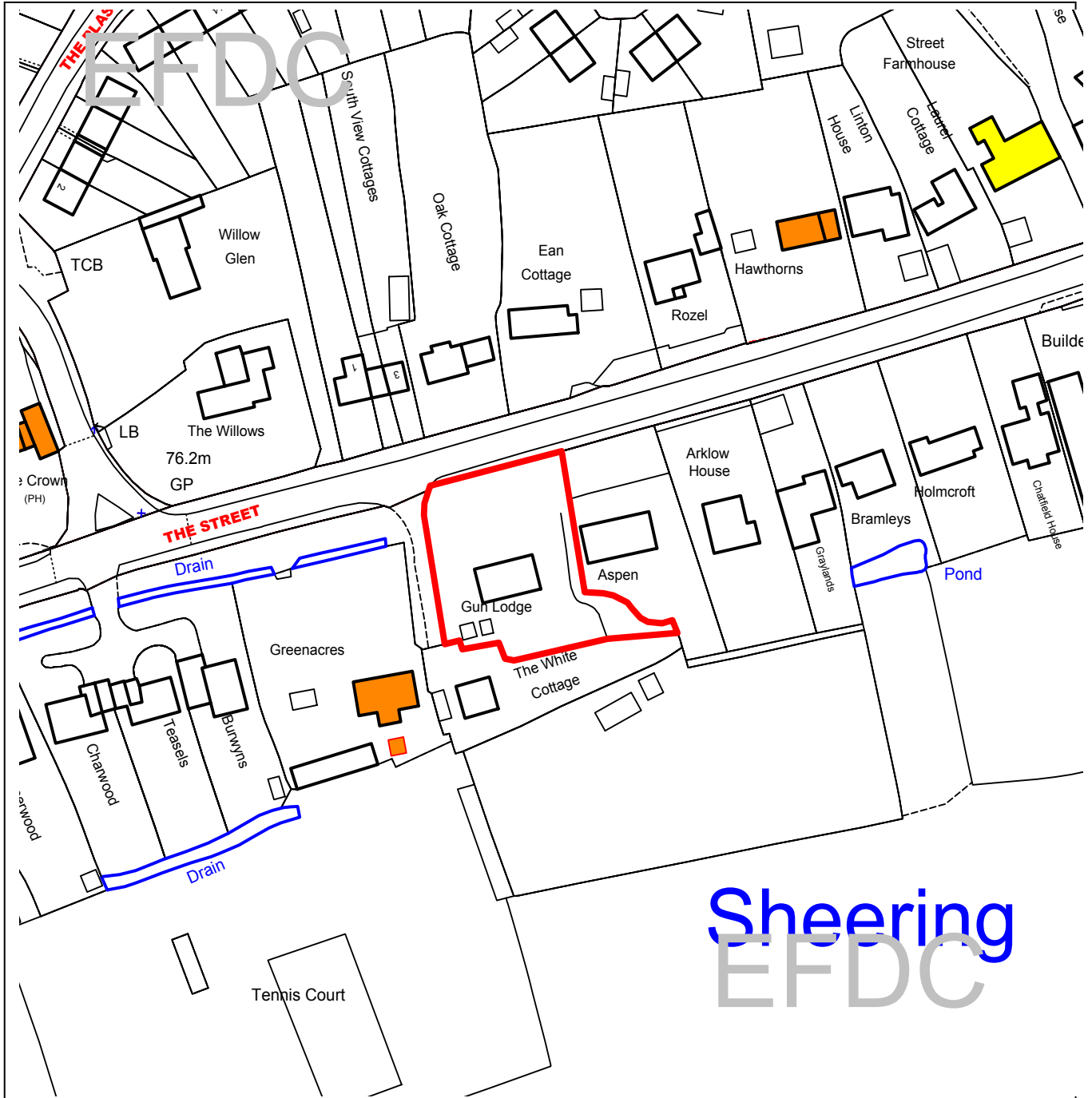
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3
Application Number:	EPF/0115/11
Site Name:	Gunn Lodge, The Street, Sheering, CM22 7LY
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/0167/11
SITE ADDRESS:	Wintry Park Service Station 37 Thornwood Road Epping Essex CM16 6SY
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr P Spencer
DESCRIPTION OF PROPOSAL:	Construction of 10 no 2 bed and 2 no 3 bed flats with associated car parking..
RECOMMENDED DECISION:	Grant Permission (Subject to S106 agreement)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=524917

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 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 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.
- 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 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.
- 8 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 tool. 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.
- 9 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]
- 10 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]

- 11 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]
- 12 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.
- 13 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.
- 14 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.
- 15 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 16 Notwithstanding the submitted plans, prior to commencement of works details of waste storage shall be submitted to and agreed by the Local Planning Authority and shall be implemented and maintained in accordance with the approved details.

And subject to the applicant first entering into a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) within 9 months of the date of this decision to ensure:

- An adequate access road into the car park shall be installed, including two dropped kerb crossing points with tactile paving shall be provided.
- The existing access to the north east of the site shall be suitably and permanently closed, including reinstatement of the kerbing.
- Two dropped kerb crossing points with tactile paving shall be provided in Thornwood Road at its junction with Wood Meads.
- A Travel Information and Marketing Scheme shall be provided and implemented for all future residents.
- A developer contribution be paid prior to the commencement of works to the sum of £17,537, (which has been calculated using the April 2010 cost multipliers) towards the provision of education.

This application is before this Committee since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section CL56, Schedule A (d) of the Council's Delegated Functions).

Description of Proposal:

The applicant seeks planning permission for the construction of 12 flats. 10 with two bedrooms and 2 with three bedrooms, with associated car parking, amenity space, etc. The building would be located on the northern half of the site on the junction of Thornwood Road and the private road to the north of the site. On the southern half of the site would be a car parking area.

The proposed building would be set back 2m from Thornwood Road at its closest point and would have a footprint of approximately 410 sq. m. The proposed building would reach a maximum height of 9.6m compared to the road level of Thornwood Road, although the building would appear taller towards the rear where the land slopes down.

The proposed development would have communal open space of approximately 331 sq. m. surrounding the building, and a car park containing 23 parking spaces accessed from a widened vehicle access to replace the existing access to the site.

Description of Site:

The subject site is located on the western side of Thornwood Road approximately 100 metres north of Wood Meads on the fringe of Epping. The site is not within the Metropolitan Green Belt, however the Green Belt boundary runs along the northern edge.

The site itself is mainly regular in shape and has a moderate slope that falls from the front of the property towards the rear. The overall size of the site is approximately 1500 square metres. The site is currently vacant however it was once used as a service station which comprised of a single storey building to the northern part of the site and a canopy to refuel beneath.

Currently located on the boundaries of the site are timber paling and wire fences varying in height. There is a small tree located towards the south eastern corner of the site and there are some mature trees located on the boundaries of adjoining properties.

Located to the south and west of the site there are a mixture of buildings that vary in scale, form and size ranging from detached, semi detached and terrace style dwellings. Dwellings located south of the site have consistent front setbacks from Thornwood Road. Located to the east of the property on the opposite side of Thornwood Road is part of Epping Forest which is a site of Special Scientific Interest. The surrounding area to the north and east of the site are located within the Metropolitan Green Belt.

Relevant History:

There have been a number of planning applications submitted to Council over the years however the most relevant applications in relation to the proposed development are as follows:

EPF/2032/06 – Construction of 11 no. two bedroom, 2 no. three bedroom and 1 no. four bedroom dwellings – refused 14/12/06

EPF/0860/08 – Construction of 13 no. two bedroom flats and 1 no. three bedroom flats – refused 08/01/09 (appeal dismissed 30/11/09)

Policies Applied:

CP2 Protecting the quality of the rural and built environment.

CP3 New Development

CP4 Energy conservation

CP5 Sustainable Building

CP7 Urban Form and Quality

CP9 Sustainable Transport

DBE1 Design of New Buildings

DBE2 Effect on Adjoining Properties

DBE3 Design in Urban Areas

DBE8 Private Amenity Space

DBE9 Loss of Amenity

LL10 Adequacy of provision for landscape retention.

LL11 Landscaping Schemes

ST1 Location of development.

ST2 Accessibility of development.

ST4 Road safety.

H1A Housing Provision

H3A Housing Density

H4A Dwelling Mix

ST6 Vehicle Parking.

GB7A Conspicuous Development

NC1 SPAs, SACs and SSSIs
HC5 Epping Forest

Summary of Representations:

30 properties were consulted on this application and a Site Notice displayed on 4th February 2011.

TOWN COUNCIL: Committee objects by reason of height, mass and proximity to the road, the proposals will spoil this gateway to Epping and have a detrimental visual effect on the Green Belt. They will give an abruptly urban entrance to Epping from the open countryside which is out of keeping with the market town. The site requires a development without excessive height or mass to make a more gentle transition into the Epping townscape.

EPPING SOCIETY – Object due to the lack of usable amenity space for future residents, there is a lack of parking provision, and as the building is bulky in appearance and detrimental to the character and appearance of the area.

1 WOODMEADS – Object as this is overdevelopment and due to the increased pressure this would have on on-street parking.

19 WOODMEADS – Object as this would be out of scale and character with the existing properties on this prominent gateway location, would result in a loss of light to neighbours, and would result in harm to highway safety and traffic congestion.

37A THORNWOOD ROAD – Object due to loss of light, loss of privacy, amenity implications, inadequate car parking provision and highway safety implications, and due to the potential loss of trees.

Issues and Considerations:

The main issues to be addressed regarding the proposed development are as follows:

- Whether the site is in a sustainable location for this type of development and use.
- Whether the design and appearance is acceptable
- Whether there would be any traffic and parking concerns caused by the development
- Whether there are any impacts to the openness of the Green Belt
- Whether the landscaping is acceptable.
- Whether there are any impacts on the Site of Special Scientific Interest.
- Whether there would be any effects to the amenities of adjoining properties.

The previous application (EPF/0860/08) was refused permission for the following reasons:

1. By reason of its height, bulk and siting the proposed blocks of flats would have an overbearing impact on the amenities enjoyed by the occupants of neighbouring dwellings. As such the proposed development is contrary to policies DBE2 and DBE9 of the Epping Forest District Local Plan and Alterations.

2. By reason of its height, bulk and location on the edge of the built up area of Epping the proposed development would appear excessively prominent in the landscape and result in an abrupt and jarring boundary with the adjacent countryside that is within the Metropolitan Green Belt and includes Epping Forest. It would therefore be harmful to the character and appearance of the locality, the landscape setting of the site and the rural character and visual amenities of the Green belt. Accordingly, the proposal is contrary to policies CP2, GB7A, DBE1 and LL3 of the Epping Forest District Local Plan and Alterations.

3. *The proposed development fails to make adequate provision for visitor car parking and therefore is likely to cause indiscriminate on-street vehicle parking in the locality to the detriment of its character, the amenities enjoyed by the occupants of neighbouring dwellings and to the safe and free flow of traffic on the adjoining highways. The proposal therefore is contrary to policies CP2, DBE9 and ST4 of the Epping Forest District Local Plan and Alterations.*

4. *Having regard to the harmful impact of the proposal on amenities enjoyed by the occupants of neighbouring dwellings and the harm to the character and appearance of the locality detailed in reasons 1, 2 and 3, the proposal amounts to an excessively dense development contrary to policy H3A of the Epping Forest District Local Plan and Alterations.*

The refusal was subsequently appealed and dismissed by the Planning Inspectorate, however this was on the basis that *“the closeness of the proposed southern block to the flank windows in No. 27, particularly the ground floor window in the main section of the house, would materially reduce daylight reaching the affected rooms and would appear visually obtrusive”*. This was the only ground that the appeal was dismissed on and has been addressed in this revised application by relocating the proposed building some 22m from this neighbour’s flank wall increased from 8.5 as on the refused application and locating the car park area between the built development and the neighbouring resident to the south. As such, the key considerations in this revised application are whether the new development overcomes the Planning Inspectorate’s previous concerns, and whether any additional issues have arisen as a result of the changes.

Sustainability:

The previous scheme was not refused on sustainability grounds and, whilst on the edge of the urban area, the site is within walking distance of Epping Town Centre and is relatively well served by public transport, which was also referred to by the Planning Inspector on the previous appeal.

Design and appearance:

The previous application was refused due to its height, bulk and overall design and the impact that this would have on this ‘gateway’ site. Concerns were previously raised, and have been once again here, about ‘overdevelopment’ of the site. The Planning Inspector previously stated that *“while this is an edge of town site that adjoins the Green Belt and the scheme proposes a density that is substantially in excess of that prevailing in the area I do not see that it creates a jarring fusion between town and country”*. It was concluded that the development *“would provide an appropriate terminal feature that would clearly mark the edge of the town”* and that he did not find that *“the introduction of flats in an area of mainly housing would create an objectionable change in the character of the built environment”*. As such it was previously stated that *“there is no sustainable objection to the development regarding its impact on the character and appearance of the area”*.

Whilst there has been an overall reduction in built form with this revised application (410 sq. m. footprint rather than the previous 581 sq. m.), the maximum height of the development has increased from 8.6m to 9.6m (although land levels do not appear to have been correctly shown on the previous application). Notwithstanding this, the overall design, bulk, and visual impact on the surrounding area is considered to be similar to the previous application and, as previously stated by the Planning Inspector, it is not considered that this would impact on the character and appearance of the area. The north east elevation which will be viewed as you approach Epping from the north, is well articulated with gables and varying roof heights and is softened by existing trees which are to be retained. It is considered that it will present an appropriate entrance to the town provided quality external finishes are used.

Residential amenity space:

Policy DBE8 of the Epping Forest District Local Plan and Alterations states that in respect to communal areas, at least 25 sq. m. of open space for each unit is required. Given that there are 12 units proposed within the development, a minimum of 300 sq. m. of communal space is required. Whilst the proposed amenity space generally meets this requirement (including roof terraces/balconies), it is not all considered particularly 'usable' amenity space. Of particular concern are the relatively thin strips around the front and side of the building, which are unlikely to be utilised by residents, and that the main amenity area to the rear of the building would be largely overshadowed by the building and therefore would not "receive sunlight throughout the year". Notwithstanding this, the location of the site and proximity of Epping Forest ensures that public amenity space is readily available for any future occupiers and therefore compensates for this.

Highway and parking considerations:

The proposed parking provision was a major concern within the previous application, which proposed 27 parking spaces predominantly located within a gated basement car park. Whilst the lack of visitor parking provision was previously a reason for refusal the Inspector did not uphold this and highlighted that "*the site is close to Epping town centre and is reasonably well served by buses with access to the centre and Epping underground*". The current Essex County Council Vehicle Parking Standards (2009) requires 24 parking spaces for future residents, plus 6 visitor spaces, equalling 30 in total. This revised application proposes just 23 spaces in total, 20 of which would be located beyond a retracting gate (for resident use) and 3 of which would be open to visitors. Whilst this is less than that required under the Vehicle Parking Standards it is stated within this document that "*reductions of the vehicle standard may be considered if there is development within an urban area that has good links to sustainable transport*" and that "*for main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment*". Given the previous comments by the Planning Inspector and the proximity to public transport (buses and Epping underground), public footpaths and bridle/cycle paths, Epping schools, St Margaret's hospital (and the health services within Epping), and Epping Town Centre, it is felt that it would be difficult arguing against a reduction in parking provision in this location.

Essex County Council Highway Officers have raised no objection to the proposed development, subject to conditions and provision within a legal agreement to provide the following:

- An adequate access road into the car park shall be installed, including two dropped kerb crossing points with tactile paving shall be provided.
- The existing access to the north east of the site shall be suitably and permanently closed, including reinstatement of the kerbing.
- Two dropped kerb crossing points with tactile paving shall be provided in Thornwood Road at its junction with Wood Meads.
- A Travel Information and Marketing Scheme shall be provided and implemented for all future residents.

Housing density and mix:

The previous scheme proposed a housing density of 93 dwellings per hectare. This revised scheme has reduced this to 80 dwellings per hectare. The Planning Inspector previously raised no concern regarding the higher density, and stated that, although "*the scheme proposes a density that is substantially in excess of that prevailing in the area I do not see that it creates a jarring fusion between town and country*". As such, it is considered that this slightly lower density scheme

is equally acceptable. Similarly there is a slightly better dwelling mix in this scheme than previously, which complies with policy H4A.

Green Belt:

In terms of the potential impact on the adjacent Green Belt, the points covered within 'design and appearance' and 'housing density and mix' address these concerns.

Site of Special Scientific Interest:

Natural England had no objections to the previous development as it was considered it would not adversely affect any known protected species and that the atmospheric pollution caused by traffic generated was too minor to warrant any reason for refusal. This opinion is unchanged.

Landscaping:

All the significant trees on the site are proposed to be retained and incorporated into the landscape scheme. The submitted information regarding this is considered sufficient and therefore the development complies with the relevant landscaping policies. However a tree protection condition and condition requiring further details of hard and soft landscaping are required.

Education contribution:

Essex County Council Educational Services require that a developer contribution be paid prior to the commencement of works to the sum of £17,537, (which has been calculated using the April 2010 cost multipliers) towards the provision of education.

Impacts to adjoining properties:

The appeal on the previous application was dismissed as "*the closeness of the proposed southern block to the flank windows in No. 27, particularly the ground floor window in the main section of the house, would materially reduce daylight reaching the affected rooms and would appear visually obtrusive compared with the existing situation*". To address this issue the proposed building has been situated 22m from the neighbour's flank wall (approximately 19.5m from the shared boundary). This level of set back would clearly overcome any loss of light or visual harm to this neighbour's windows. With regards to the neighbouring properties to the west, the Planning Inspector stated "*I regard that degree of separation as being adequate to prevent any significant loss of daylight to the flank wall of No. 37a Thornwood Road*". Although the revised building is slightly higher than the previous scheme it has been relocated an additional 1m from this shared boundary, which is considered sufficient to counter this height increase.

With regards to loss of privacy to neighbouring residents, the flank wall facing No. 27 Thornwood Road would contain several windows and a second floor roof terrace, and would be located 22m from the neighbour's flank walls (which contains habitable windows). Although the Essex Design Guide states that, with regards to flats, "*any rear facing upper storey living room should be no closer than 35m to the rear of any other dwelling. It should, however, be borne in mind that oblique views over side boundaries from upper storey living rooms can also be a problem, and this should be safeguarded against*", the windows that would be 'overlooked' by this development are side facing windows that can be viewed by users of Thornwood Road. As such, it is considered that the proposed distance of 22m in this instance is acceptable. Further to the above, No. 27 Thornwood Road has a small rear garden that would suffer similar overlooking, however this is currently overlooked by first floor windows in No. 29, which is located behind No. 27, and is just 12m from this neighbour's rear boundary.

There are two second floor bedroom windows facing No. 37a Thornwood Road, however these would simply overlook the roof of this neighbouring property and would not result in any loss of privacy.

The revised application now proposes the car park to be provided at ground level and would be adjacent to the shared boundaries with neighbouring properties. Whilst this would clearly result in some additional noise nuisance, given the previous use of the site as a petrol station the proposed development would have considerably less impact than this previous use.

Other issues:

The discharge of foul and surface water can be dealt with by imposing a condition on any permission as well as details of flood risk.

In relation to protecting the amenities of adjoining occupiers during construction of the development if approved, conditions would be placed on any consent to safeguard amenity during construction. This would include restricting the hours in which construction can take place and requiring the implementation of an agreed methodology for controlling dust during construction.

Conclusion:

In conclusion, and taking into account the previous appeal decision, it is considered that the design and appearance of the development is acceptable in terms of its scale, bulk, siting and massing, it will not cause harm to the Green Belt or to the amenities of adjoining residents. Whilst the type of amenity space and level of vehicle parking provision is less than desired, it is not considered that these would warrant refusal of the proposal in this instance.

Therefore it is recommended that the application be approved subject to conditions and to a legal agreement regarding highway issues and educational contribution.

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:

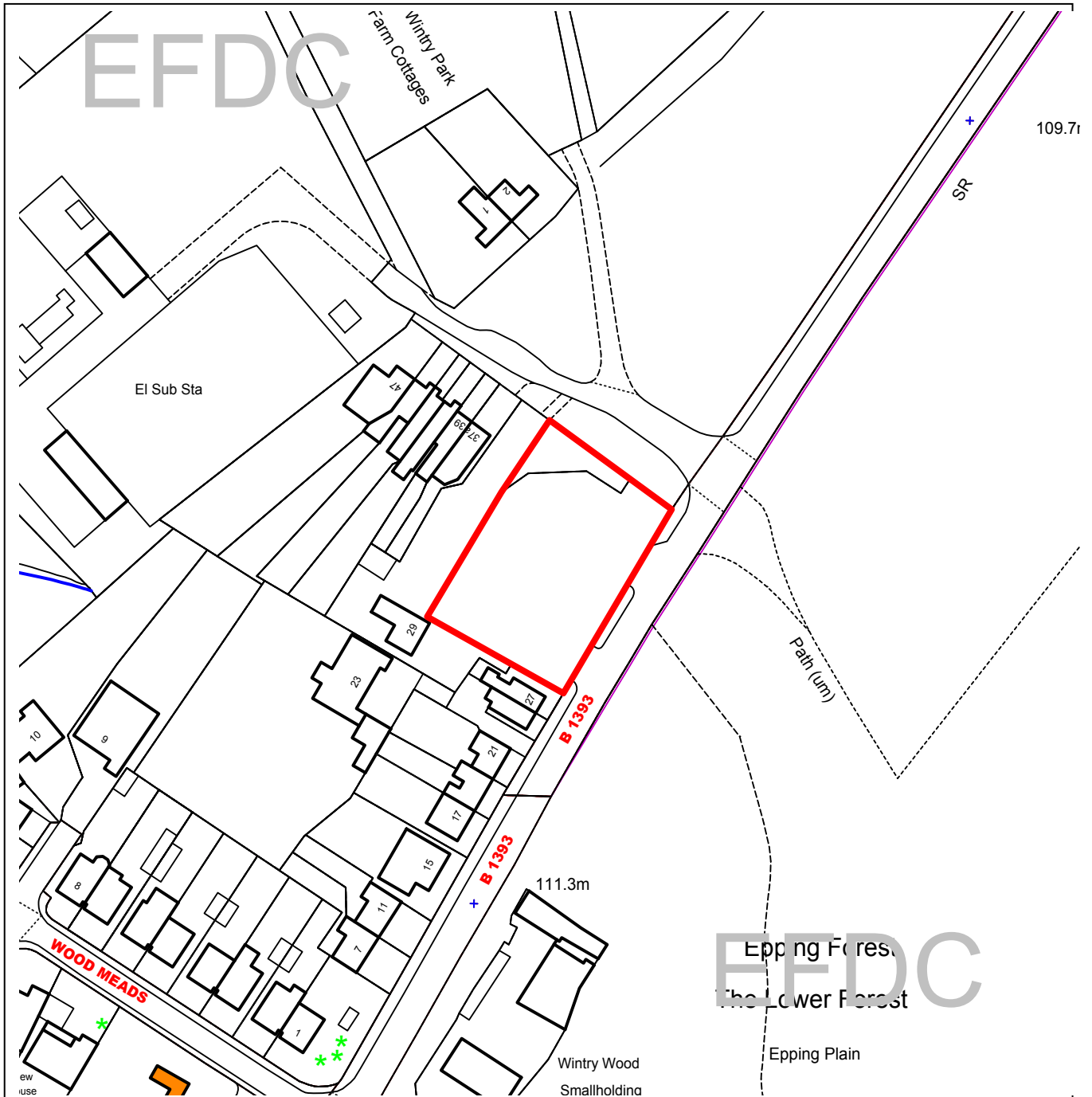
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4
Application Number:	EPF/0167/11
Site Name:	Wintry Park Service Station 37 Thornwood Road, Epping, CM16 6SY
Scale of Plot:	1/1250