

Report Item No: 1

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| APPLICATION No: | EPF/0409/11 |
| SITE ADDRESS: | Bald Hind Hainault Road Chigwell Essex IG7 5DW |
| PARISH: | Chigwell |
| WARD: | Grange Hill |
| APPLICANT: | Central Investment Properties (Chigwell) Ltd |
| DESCRIPTION OF PROPOSAL: | Demolition of existing public house and construction of a fourteen unit residential development of 2 and 3 bedroom flats (Revised application with access off Hainault Road) |
| RECOMMENDED DECISION: | Grant Permission (Subject to Legal Agreement) |

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=525960

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. For the purposes of this condition, details of external finishes may be indicated in writing with supporting colour photographs. Any material samples should only be produced on site.
- 3 The development hereby approved shall be implemented in accordance with the approved plans (which are listed as an informative to this decision), unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

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

writing of the Local Planning Authority in accordance with the immediately above condition.

- 9 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 10 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 12 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 13 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 14 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 15 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where

appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 16 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 17 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 18 Prior to the commencement of the development hereby approved, details of boundary treatment(s) shall be submitted to the Local Planning Authority for Approval in writing. The agreed boundary treatment(s) shall be erected prior to the first occupation of the development hereby approved and shall be retained in that form thereafter.
- 19 The 1.7m high obscure glazing to the north end of the balconies of flat nos. 6 and 10 and the north and west end of the terrace of flat 10, as indicated on drawing nos. ESG-203 rev. E and ESG-204 rev. E, shall be erected prior to the occupation of the relevant flats. The obscure glazing shall be permanently retained in accordance with the details given on the drawings.
- 20 Other than the areas of terrace or balcony shown on drawing nos. ESG-203 rev. E, ESG-204 rev E, ESG-205 rev. D and ESG-206 rev. B,. no part of the roof area of the building hereby approved shall be used as a terrace or balcony and no furniture, including tables and chairs, shall be placed on it.
- 21 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 22 The vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall be hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

This application is before this Committee since it is an application for development of a significant scale and/or wider concern and is recommended for approval (Pursuant to Section CL56, Schedule A (c) of the Council's Delegated Functions).

Description of Proposal:

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

The building would have an L shaped footprint fronting Hainault Road and Linkside. The 2-storey element would align with the house at 9 Linkside and be set 2m from the boundary with that property. It would rise to 3 storeys some 22m from that boundary and step up to 4 storeys a further 3m from that boundary. The 4 storey part of the building would be set some 6.5m from the site boundary with Linkside. The building would step down to 2-storeys again some 4.5m from the site boundary with an adjacent Shell filling station leaving the 4-storey element to act as a focal point at the junction of Hainault Road and Linkside as well as being the predominant height adjacent to the Hainault Road frontage. The building would include a 29 space basement car park accessed off Hainault Road. A further two parking spaces would be provided at lower ground floor level therefore total off-street parking provision would be 31 spaces.

The site would be excavated to not only provide a basement, but also to set the building at a lower level. Lower ground floor flats would have direct access to private sunken garden areas adjacent to Hainault Road and Linkside. A further communal amenity area would be provided to the rear of the building. Upper ground floor and first floor flats would have balconies fronting Hainault Road and Linkside, while two flats would have a balcony or terrace looking into the site. The second (top) floor would comprise two flats with roof terraces and balcony. Views from specific balconies and terraces towards Linkside would be screened by 1.7m high obscure glazing.

Both pedestrian and vehicular access to the site would be solely off Hainault Road adjacent to the southern site boundary with the Shell filling station. This is in the same position as the existing access to the site. The site would have no access to Linkside.

Refuse storage would be at basement and ground level with a refuse collection point adjacent to the proposed vehicular access off Hainault Road. A store for bicycles would be included within the building.

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

The maximum height of the building above existing ground level would be 6m for the 2-storey element, 9m for the 3-storey element and just under 12m for the 4-storey element. In relation to neighbouring buildings, the 2 storey element would match the eaves height of 9 Linkside and the 3-storey element would be 1.5m higher than the ridge of 1 Linkside.

Description of Site:

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

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

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

Relevant History:

EPF/2414/10 Demolition of existing public house and construction of a fourteen unit residential development of 2 and 3 bedroom flats. Refused on the basis of harm to the amenities of the occupants of Linkside as a consequence of siting the proposed vehicular access and refuse collection point adjacent to 9 Linkside and on the basis of making an inadequate provision of private amenity space, which is indicative of an overdevelopment of the site.

An appeal against that decision has been submitted. It is proceeding under the written representations procedure and is at an advanced stage. Statements have been submitted by all parties but a date for an Inspector's site visit has not yet been arranged.

Policies Applied:

East of England Plan

ENV7 Quality in the Built Environment

Epping Forest District Local Plan and Alterations

CP2 Quality of Rural and Built Environment
CP3 – CP5 & ST1 Sustainability policies
CP7 Urban Form and Quality
H2A Previously Developed Land
H5A Provision for Affordable Housing
H6A Site Thresholds for Affordable Housing
CF12 Retention of Community Facilities
DBE1 Design of New Buildings
DBE2 Effect on Neighbouring Properties
DBE3 Design in Urban Areas
DBE8 Private Amenity Space
DBE9 Loss of Amenity

LL11 Landscaping Schemes
ST6 Vehicle Parking

SUMMARY OF REPRESENTATIONS:

NEIGHBOURS: - 37 neighbours were consulted together with a planning agent who made representations for objectors to a previously refused scheme and a site notice was displayed. Objections were received from the occupants of all 9 properties in Linkside the occupant of 17 Dacre Gardens, Chigwell and the occupant of 35 Hazelbrouck Gardens, Hainault.

The grounds of objection raised are summarised as follows:

1. Loss of the pub to the community. This compounds the harm caused to the local community by the loss of both The Prince of Wales/Sloanes site in Manor Road and the Manor Hall. The Bald Hind is the last pub in this part of Chigwell. It has existed since 1908 and replaced a previous pub on the site.
2. By allowing the development, would that amount to a District Council policy of condoning drinking and driving?
3. Loss of an historic building to the area.
4. There is no need for more flats in this part of Chigwell
5. Lack of provision for visitor parking on site will lead to increased demand for on-street parking in the immediate locality. This will affect access to houses in Linkside
6. Overlooking of houses in Linkside would result in a loss of privacy.
7. The building would be excessively tall and bulky and therefore harmful to the character and appearance of the locality.
8. The flat roofed design does not complement the pitched roofs of houses in the surrounding area.
9. The building would be sited too close to 9 Linkside and therefore create the impression that 9 Linkside is a poorly designed extension of the flats that is out of character with neighbouring houses in the cul-de-sac.
10. The proposal would be an overdevelopment of the site.

CHIGWELL PARISH COUNCIL – “The Council has no objection to this application provided the appeal for planning application number EPF/2414/10 is withdrawn and not resubmitted. The Committee voted on this application with 7 in favour and 1 abstention. Members noted that 9 letters of objection to this application had been received and were displayed.”

HIGHWAY AUTHORITY – No objection raised to accessing the development off the existing access onto Hainault Road. Conditions and a planning obligation are requested in relation to matters of detail in the event of planning permission being granted.

Issues and Considerations:

The main issues raised by the proposal are whether there is proper justification for the replacement of the pub, which amounts to a community facility, with an entirely private residential development, its consequences for the character and appearance of the locality, the appropriateness of the detailed design of the proposal in respect of access arrangements, parking and amenity space provision and refuse storage/collection and the consequence of the proposal for the amenities enjoyed by neighbours. Since this proposal is a redesign of a previously refused scheme with a view to addressing the objections raised by Members, particular attention will be given to whether the proposal overcomes those objections.

Principle of the Development:

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

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

The applicant is clearly not proposing an affordable housing scheme and has agreed to make the same level of contribution to off-site affordable housing provision offered in connection with the refused scheme. That level was £100,000 and it is Officers assessment that this would satisfy the requirements of Policy CF12 in this case. On that basis, the principle of redeveloping the site for an entirely private residential development is acceptable.

Character and Appearance of the Locality:

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

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

The main change to the design of the building compared to the previous proposal is creating a more dominant frontage to Hainault Road by extending the 4 storey element towards the Shell filling station. This has allowed the higher parts of the building to be sited further from 9 Linkside such that a greater part of it will clearly be at significantly lower level than that house. Only the two-storey element would be sited adjacent to 9 Linkside and that part of the building would match the eaves height of the house.

A further change has been to the precise position of the building on the site. As before, the building now proposed would have a stepped elevation but it would be set some 2m further away from the site boundary with Linkside. This will also assist in lessening the visual impact of the building when seen from Linkside. Although it will clearly still be prominent, it will respect its setting to a greater degree than the previous proposal which was in any event not refused on the basis of its visual impact.

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

The revisions to the design and siting of the building have gone some way towards addressing the concerns of residents in Linkside. However, having regard to the objections raised, residents nevertheless remain opposed to its design and scale. Officer's assessment is that by careful attention to siting, scale and detailed design the revised proposal would respect its setting while achieving the objective of being a high quality landmark in the locality.

Detailed design:

Vehicular access

Considerable objection was raised to the siting and design of the vehicular access of the refused scheme, which proposed it off Linkside and that informed Members decision to oppose that proposal. In considering that scheme Members took the view that since there was no highways objection to accessing the site via the existing vehicular access point off Hainault Road any proposed redevelopment of the site should be accessed from that point.

The revised scheme has had clear regard to Members views and proposes access via the existing access point to the site. This has overcome the objections to the previous proposal that arose from the proposal to access it off Linkside.

Parking provision:

The site is situated in a sustainable location within an urban area. The mix of accommodation comprises 7 two-bedroom units and 7 three-bedroom units. The minimum off-street parking provision for those flats as prescribed in the 2009 Parking Standards is 28 spaces with an additional 4 spaces for visitors bringing the total to 32 spaces. The proposed level of provision is 31 spaces, 1 short of that required by the parking standards. However, the parking standards do allow for a lower level of provision in urban areas that are well served by public transport. Given the proximity of the site to good bus services and that there are 2 underground stations within reasonable walking distance of it there is no doubt that it is appropriate to require a marginally lower level of provision in connection with this development. The proposed level of provision is therefore acceptable.

Private amenity space provision:

Private amenity space provision would be in the form of balconies and sunken gardens associated with each flat together with some 400m² of private communal amenity space rear of the building. The communal space has been achieved as a consequence of resiting the access to Hainault Road.

Objection was raised to the form and amount of private amenity space proposed in connection with the refused scheme since no communal area was proposed and the remaining areas dedicated to particular flats were not adequately private and often of inadequate size for the flat they would serve. Dedicated space for each unit continues to be proposed and is a valid way of contributing to amenity space provision. Indeed, it may well be of greater benefit to the occupants of the flats if in an appropriate form. The revision to the scheme to provide a good area of communal private amenity space that would not be observed from public areas deals with any perceived shortcoming of the dedicated space for each flat. That communal space exceeds the amount of space sought by Council policy by some 50m². Together with the dedicated amenity

space for each flat the revised proposal would provide a level of amenity space provision more than twice the area sought by Council policy.

Refuse storage/collection:

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

Amenity:

The objection to the vehicular access point of the previous proposal was on the basis that its use would cause harm to the amenities of neighbours in Linkside and that it dictates the position of a refuse collection area that would cause further harm to amenity. These objections have been overcome by resiting the access point and associated refuse collection point to Hainault Road. Residents of Linkside maintain that, notwithstanding the repositioning of the access point, the proposal would cause harm to their amenities as a consequence of increased demand for on-street parking on Linkside.

Such on-street parking does presently take place and, given the short length of Linkside before its turning head, opportunity for this to increase would be limited. The degree of harm to amenity that would be caused above the present situation is therefore likely to be slight and certainly not amounting to excessive harm to the amenities of residents. Indeed, it is likely that a more intensive use of the existing public house would have a greater impact on the amenities enjoyed by residents in terms of noise and disturbance than the proposed development. Such intense usage would be unlikely to require planning permission.

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

A distance of some 17m would separate the front elevation of 2 Linkside from the proposed building. This is an increase of 3m compared to the refused scheme. Due to the level of the lower ground floor and proposed landscaping on the site boundary with Linkside, there would be no overlooking of 2 Linkside from any lower ground floor flat. A balcony off the living room of flat 6, an upper ground floor level flat, would face 2 Linkside as would a terrace and balcony of flat 10, a first floor flat. This arrangement has the potential to give rise to a material reduction in the level of privacy currently enjoyed by the occupants of 2 Linkside. However, the applicant proposes 1.7m high obscure glazed screens on their north sides to prevent excessive overlooking. This would safeguard the privacy of 2 Linkside and can be secured by appropriate conditions. Furthermore, conditions can be used to ensure no other flat roofed part of the building is used as a balcony or terrace.

The refuse collection point would be sited close to windows of the proposed flats. It has potential to cause harm to amenity, but since it would be an enclosed structure with a solid roof used for

limited periods it is unlikely that any odours from it would cause excessive harm to the living conditions of the occupants of the proposed flats.

Other Matters:

Contribution for education:

The Education Authority advises that there is a shortfall of secondary school places in the locality. On the basis of the formula outlined in the Education Contribution Guidelines Supplement a contribution of £20,671 is requested. The applicant's agent has confirmed the applicant is willing to make the contribution to education provision requested by the Education Authority.

Landscaping:

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

Other highways matters:

It is appropriate to secure raised kerbs at adjacent bus stops and provide a Travel Information and Marketing Scheme for sustainable transport to be approved by Essex County Council by planning obligation. Written agreement to this has been given by the applicant's agent.

Archaeology:

This matter can be resolved by a suitable planning condition.

Land contamination:

This matter can be resolved by a suitable planning condition.

Conclusion

The loss of the site for a community use or development for affordable housing is remedied by the applicant's agreement to make a contribution of £100,000 to the provision of affordable housing elsewhere within the District. The development would generate a need for additional secondary school place provision, which can be secured by a financial contribution of £20,671, which the applicant's agent has also confirmed the applicant is agreeable to. These contributions can be sought by way of a S.106 agreement as can the provision of necessary minor off-site works and a Travel Information and Marketing Scheme.

On the basis that a contribution towards off-site affordable housing would be received, the principle of the development of the site for an open market residential development is acceptable. In terms of the detail of the proposal, by careful attention to siting, scale and detailed design the proposed development would respect its setting while being a high quality landmark in the locality. The revision to access arrangements to the site, resiting of refuse collection area and provision of a good sized communal private amenity space rear of the building address in full the reasons for refusing application EPF/2414/10. The revised proposal would not cause harm to the amenities of neighbours sufficient to justify withholding consent.

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

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

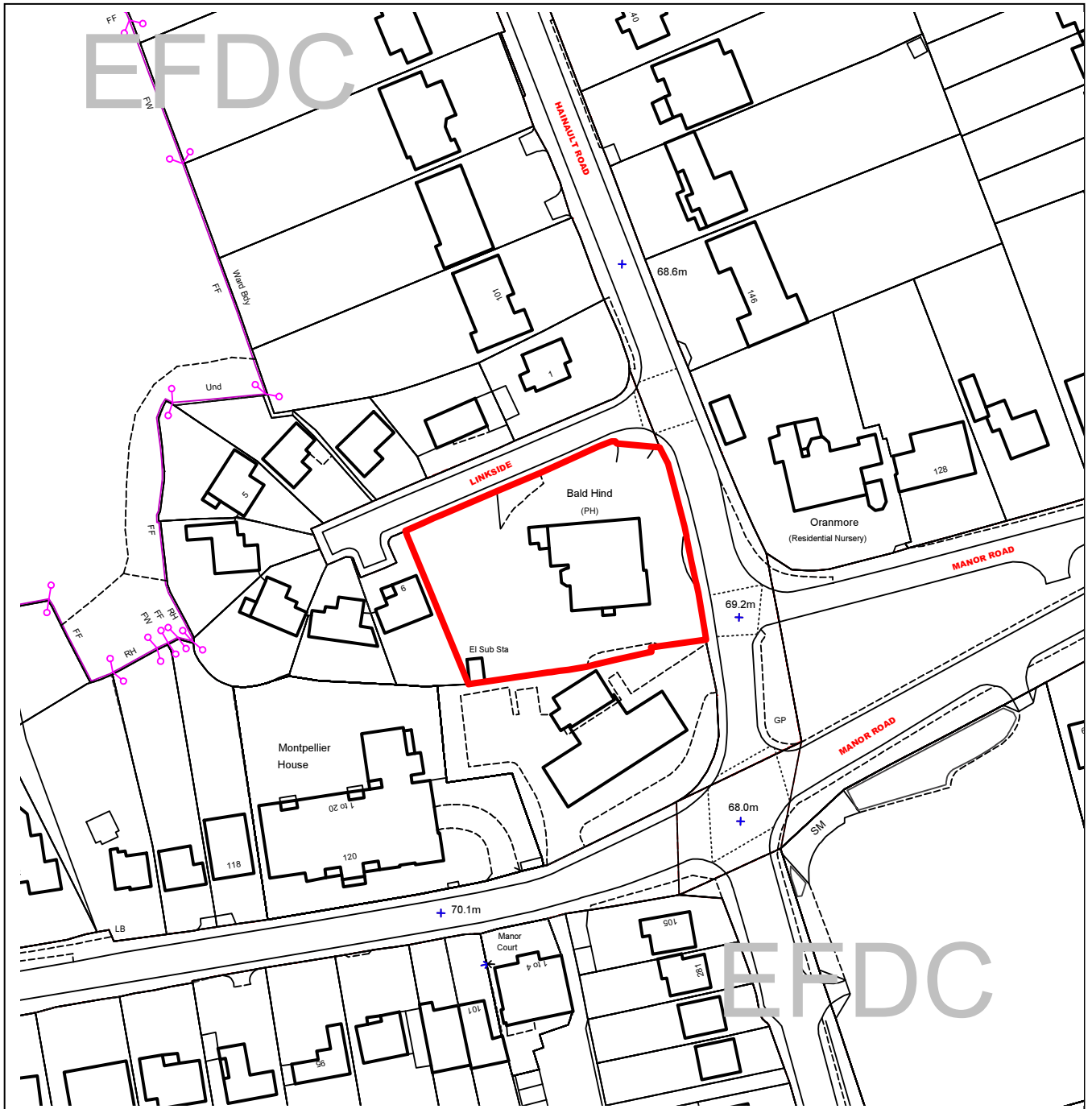
Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018

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



Epping Forest District Council

Area Planning Sub-Committee South



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| Agenda Item Number: | 1 |
| Application Number: | EPF/0409/11 |
| Site Name: | Bald Hind, Hainault Road Chigwell, IG7 5DW |
| Scale of Plot: | 1/1250 |

Report Item No: 2

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|---------------------------------|--|
| APPLICATION No: | EPF/2664/10 |
| SITE ADDRESS: | Woolston Manor Abridge Road Chigwell Essex IG7 6BX |
| PARISH: | Chigwell |
| WARD: | Chigwell Village |
| APPLICANT: | The Joint LPA Receivers |
| DESCRIPTION OF PROPOSAL: | Use of 'Motel' building (Use Class C1) for residential purposes as 26 apartments (Use Class C3). |
| RECOMMENDED DECISION: | Grant Permission (Subject to S106) |

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=524133

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Subject to the completion of an agreement under S.106 of the Town and Country Planning Act 1990 within 9 months requiring a financial contribution of £813,000 for the provision of off-site affordable housing within the District.

This application is before this Committee since it is an application for development of a significant scale and/or wider concern and is recommended for approval (Pursuant to Section CL56, Schedule A (c) of the Council's Delegated Functions). It is also before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

It is proposed to use a 'Motel' building (Use Class C1) for residential purposes as 26 apartments (Use Class C3). No works are proposed to the building or site which includes parking areas providing up to 30 parking spaces and associated landscaping. The site does not include any dedicated private amenity space.

Following lengthy and detailed negotiation between the Director of Housing and the applicants during the course of processing the application, the proposal now also includes a financial contribution towards provision of off-site affordable housing. The level of contribution offered is £813,000.

Description of Site:

The application site comprises a two-storey building with accommodation in the roofspace, purpose-built as a motel comprising of 26 apartment style units together with parking areas immediately to the northwest and southeast of the building. It is set within the context of a leisure complex known as Woolston Manor, which consists of a Golf Club, Holmes Place (now Virgin Active) Gym and the Woolston Hall and Top Golfing driving range facility. It lies within the Metropolitan Green Belt.

The site is bounded to the northeast and southwest by access roads to the leisure complex. Trees to the northeast of the site, which include a number of preserved trees, obscure long views of the building. Beyond the trees is an open field and substantial buildings of the leisure complex.

To the northwest of the site is a substantial parking area for the leisure complex and a large golf clubhouse building. Land to the south west and southeast is open, comprising of a golf course and wide grass area between the access roads to the leisure complex. Land rises gently to the southeast.

Relevant History:

The history of the site is key to understanding the context of the proposal. It is therefore explained below in some depth.

Permission EPF /1753/03 – granted 27th September 2004.

On the 9 September 2003 Leisure Holdings UK Limited applied to EFDC for outline planning permission for a “*proposed two storey building to house a fifty bedroom motel*”. The plans showed a building broadly within the existing Woolston Manor Complex although separate from the club house itself and the other facilities.

In March 2004 the Plans Sub Committee A voted, against officer recommendation, to recommend that the District Development Control Committee allow the application. On the 27th April 2004 the District Development Control Committee voted to grant the application. Again, this was against officer recommendation.

On the 27 September 2004, on receipt of a completed section 106 undertaking in respect of works for the improvement of a footpath running close to the site of the proposed motel, the District Council granted outline planning permission.

The permission was subject to 17 conditions. Most of these dealt with controlling the height location and appearance of the final building and assessing flood risk as well as other matters such as limiting external illumination due to its Green Belt Location. Condition 9 attached to the permission reads:

“The motel hereby approved shall only be used to provide accommodation for visitors and users of the Woolston Manor complex comprising Woolston Manor Golf Club, Holmes Place, Woolston Hall and Top Golf Facility. It should not be used for any other purpose unless previously authorised in writing by the Local Planning Authority.”

The stated reason for the condition is: *“To support the leisure facilities on the site and sustain the very special circumstances to justify the development in the Green Belt terms.”*

Reserved Matters Approval: RES/EPF/1651/04

On 2 February 2005 consent was given for "Reserved matters application for a proposed two storey building to house a 36 bedroom motel. No additional conditions were imposed on this reserved matters approval but it expressly stated: *"This approval relates to conditions 2, 12, 13 and 14 of permission EPF/1752/03. All other conditions remain to be complied with in full."* This permission was not taken up.

Reserved Matters Approval: RES/EPF/810/05

Condition 2 of the 2004 Outline permission had required the submission and approval by EFDC of "detailed plans and particulars". These were submitted by planning consultants Andrew Martin Associates on behalf of Bulwood Limited who were by now the owners of the site. (And had signed the 106 Agreement as owners in September 2004).

The plans approved showed 48 bedrooms in 24 suites of accommodation. The suites were laid out as self contained flats. There was to be a ground floor reception / office and the building had three separate entrances. The supporting letter accompanying the application gave a "Motel" justification for the three bedroom suites, namely that the third bedroom could be let independently or in association with a two bedroom suite.

The reserved matters were approved by a decision dated 7 July 2005. This describes the development as **"Reserved matters application for a proposed three storey building to house a 48 no. bedroom golfing lodge/motel. (Revised application)** The approval expressly states that ***"This approval relates to condition 2 only of permission EPF/1752/03. All other conditions (other than those separately approved) remain to be complied with in full."***

During 2006 the developers submitted further information and discharged the remaining detailed conditions. They also indicated a change from the 24 suite, 48 bedroom accommodation layout to a 26 unit, 47 bedroom layout. The new layout was to be within the same external envelope. A letter of the 7 June 2006, on behalf of EFDC stated: *"I note the variations [to the 26 unit, 47 bedroom layout] and consider these to be of a minor nature not requiring the submission of a further planning application. The terms of planning permission RES/EPF/810/05 still apply in their entirety and all conditions are to be met."*

Following further correspondence, all other outstanding matters were satisfied for all material purposes by December 2006. The "motel" building was constructed and substantially complete by the end of 2006. The building was lawfully constructed in accordance with the approved plans for the development.

Planning Enforcement Investigation ENF/0088/08 and pre-application advice

Investigation into the use of the building was commenced in February 2008 when planning officers found the building was being marketed as residential units. Following inspections of the site and receipt of the response to a Planning Contravention Notice on 30 April 2008 it was apparent that some units were being let on shorthold tenancies and no hotel use was taking place.

Counsel's advice was sought on options for proceeding. That advice states that, notwithstanding the approved layout of the building, the planning permissions given do not amount to permissions for a block of flats. The permissions make it clear that the approved development was for a motel and therefore the lawful use of the building is for purposes within Use Class C1. Furthermore, the occupancy of that motel is restricted to those "visiting or using" the facilities of the Woolston Manor complex. Accordingly there is no doubt that the use for residential purposes within Use Class C3 requires planning permission. That is reinforced by condition 9 of the Outline planning permission.

Responses to a further Planning Contravention Notice issued on the advice of Counsel in December 2009 made the nature and extent of the residential use of the building clear. Not long afterwards the owner who carried out the breach of planning control, Urbane Hotels Ltd, had gone into receivership.

The receivers entered into negotiations with the Officers to resolve the breach of planning control and establish the principles for a future use of the building. At Officers request the receivers took all necessary steps to cease any residential occupation of the building. Since late 2010 the building has been vacant and therefore no breach of planning control is presently taking place. Accordingly, the planning enforcement investigation was closed.

In respect of the future use of the building, having regard to the fact it is lawfully constructed and benefits from a planning permission to be used as a motel, the receivers were advised a hotel use should be explored first and, if that were not a viable proposition, alternative employment uses compatible with the context of the site should be explored. Officers further advised that should an employment use for the building also prove unviable, a change of use to residential could be considered, but any such proposal would need to deal with the matter of the need for affordable housing in the District in accordance with adopted planning policy.

Policies Applied:

Epping Forest District Local Plan and Alterations

| | |
|------|--|
| GB2A | Green Belt |
| GB8A | Change of Use or Adaptation of Buildings |
| GB9A | Residential Conversions |
| H6A | Site Thresholds for Affordable Housing |
| H7A | Levels of Affordable Housing |
| DBE8 | Private Amenity Space |
| ST6 | Vehicle Parking |

Summary of Representations:

39 neighbours were consulted, a site notice was displayed and the application was advertised in the local press. One response was received.

WOOLSTON MANOR GOLF & COUNTRY CLUB (JD Properties UK Ltd) object to the proposal and make the following comment:

“We have been trying to meet with GVA Grimley since May 2010 to discuss the potential sale of the building. Each time they have said that the property will not be in a position to market until late Autumn at the earliest because they needed to guarantee vacant possession.

When we learned that planning permission was being applied for and studied the documents, we asked GVA Grimley for a copy of the missing report – they have not responded.

We have carried out our own research as to whether a hotel / aparthotel would be viable as part of the business:

We held over 60 weddings last year together with various parties (not including Christmas). We lost over 10 weddings as we could not provide accommodation. We lose corporate / conference bookings as we are unable to provide accommodation, the Marriot which is 6 miles away is fully

booked during the week for this. We would be able to offer golf packages, as we have one of the best golf courses in Essex.

Therefore we cannot see how a statement that there is no requirement for accommodation in the area makes any sense.

Also the club is licensed until late, we have functions on almost every weekend, we have early morning business clubs and Christmas is a very busy time. If the building was to become residential this would be a nuisance to potential residents.”

Woolston Manor Golf & Country Club (JD Properties UK Ltd) have subsequently been provided with further information and invited to comment should it feel necessary. If such comment is received it will be reported verbally.

CHIGWELL PARISH COUNCIL – “This Council strongly objects to this application on the grounds that the proposal would result in the inappropriate use of the Green Belt. Furthermore, a business case has not been submitted demonstrating the reasons why the property cannot operate effectively as a permitted ‘motel’. The Parish Council would, therefore, prefer the site to continue operating as intended thereby providing much needed hotel facilities in the local area.”

The Parish has subsequently been provided with further information and invited to comment should it feel necessary. If such comment is received it will be reported verbally.

Issues and Considerations:

This application is made by the receivers for the company that originally developed and occupied the site. It appears the building has never been used as a motel in accordance with the terms of the planning permissions for it and it has never been more than partially occupied. No works are required to implement the proposed use of the building for residential purposes as 26 apartments since the buildings internal arrangement is lawfully constructed as 26 flats. In the circumstances, and having regard to the nature of a residential use, the proposed use would not prejudice the continued operation of any of the other uses on the leisure complex site. Accordingly, the main matters to consider when assessing the merits of the proposal are:

1. Whether the proposal is inappropriate development in the Green Belt and, if it is, whether very special circumstances that outweigh any harm caused exist.
2. Whether the proposed development adequately addresses the policy requirement to make provision for affordable housing.
3. Whether the proposal would achieve adequate living conditions for the occupants of the flats.

Appropriateness in the Green Belt:

The reuse of buildings in the Green Belt is allowed for by planning policy GB8A provided a number of criteria are met. The building concerned should be of permanent and substantial construction, and Woolston Manor clearly is. The new use should not have a greater impact than the lawful use on the Green Belt or a significant impact on the character or amenities of the countryside. The proposed use as flats would be very unlikely to have a materially greater impact on those matters than the lawful use as a motel if it were operated to its full intensity. In respect of an impact on any town centre the proposed residential use would have no consequence for its vitality and viability.

Policy GB8A also includes a criteria that the Council should be satisfied that works within the last 10 years were not completed with a view to securing a use other than that for which they were

ostensibly carried out. Such criteria is not included in national planning policy relating to Green Belts, but, it nevertheless is part of the development plan for the locality.

The first owners, Urbane Hotels Ltd, took ownership of the site in 2006 and constructed the building in accordance with the planning permissions for it. They advised Officers they aspired to run an apart-hotel under the terms of the planning permissions for a motel which, by condition linked its occupation to use of the wider leisure complex. When initially questioned as part of the planning enforcement investigation they provided information which showed they understood they were carrying out a use in accordance with the terms of the permissions in the form of a planning assessment by Andrew Martin Associates, a planning consultancy. However, upon further investigation and questioning Officers gained evidence demonstrating the use actually being carried out was a residential use. Regardless of the stated intentions of Urbane Hotels Ltd, since it appears the building has never been used as a motel in accordance with the terms of the planning permissions for it, it is concluded that the works may well have been carried out with a view to achieving a residential use of the building.

Although not a planning matter it is noted that if Urbane Hotels Ltd did intend to secure a residential use for the building, they are in receivership and the receivers advise the company's debts exceed the value the property could reasonably be expected to achieve even if an unencumbered planning permission to use it as 26 flats were given. The applicant did not carry out the development and is obliged to realise the best value for the company's assets within a limited timescale.

The inescapable fact of this case is that the building lawfully exists and will remain regardless of the original developer's intentions. Prolonged vacancy would be likely to result in the appearance of the building deteriorating. Having regard to the size and location of the building it is in the interests of the visual amenities of the locality and vitality of the leisure complex within which the building is situated that it is brought into appropriate use. In the circumstances there is no planning objection to the principle of the re-use of the building.

Policy GB8A states preference will be given to employment generating uses therefore the appropriateness and viability of such uses must be considered before consideration can be given to a re-use for residential purposes. The applicant has produced a report by GVA Grimley Limited that considers such alternatives. The report considers hotel use in general, serviced apartment use and office use as the alternatives to the proposal. Since the building is not easily adapted to other commercial uses and such uses, for example, industrial or storage purposes, would be likely to have a materially greater impact on the Green Belt and character of the locality than the lawful use, that approach is considered appropriate.

In respect of a general hotel use the report is supplemented by a report from hotel operators "then hospitality", who have inspected the building. The GVA report states hotel operators tend to prefer sites that are more prominent, either in urban areas or on main roads therefore this location is likely to be less profitable than many and unlikely to appeal to any of the major hotel groups. The adjoining golf club is not a destination club where on-site accommodation is provided for major tournaments. The GVA report also advises that the layout of the building is problematic for hotel use since it is constructed as 26 flats, each accessed by a single door. "then hospitality" advise considerable internal alterations would therefore have to be carried out to increase the bedroom stock to a minimum of 60 en-suite bedrooms, which would entail complete realignment of the floor areas. In addition, a reception and dining area would also have to be created. "then hospitality" further advise the mechanical and electrical installation, with each flat having an independent boiler, is designed for residential use and would have to be replaced to facilitate a hotel use. Both reports conclude the cost of converting the existing layout to hotel use would be prohibitive.

"then hospitality" also advise that in order to maximise the viability of a hotel use it would be sensible to badge the hotel with a recognised brand. However, the building is too small to meet

the requirements and brand standards of international hotel companies therefore to achieve the required space the building would have to be extended. Unfortunately the site is too small to allow for that, as an appropriate extension would be likely to take up space currently set aside for customer car-parking which, together with the costs of the conversion and extension works, would further undermine the viability of the use.

On the basis that one hotel operator has failed to operate a hotel under the terms of the planning permission and two expert consultancies advise that a more general hotel use for the building is unviable it concluded there is no reasonable prospect of the building being operated as a viable hotel.

Consideration has been given to the comments by JD Properties UK Ltd, particularly their contention that their wedding function business would attract sufficient trade to operate the building as a hotel. It is considered that the original operator, Urbane Hotels Ltd, would have been likely to take advantage of this trade if it had been available at the time they were in business. They have clearly gone into receivership and therefore that trade was either unavailable at the time or, if it was, it made no material difference to the viability of their business. Since wedding guests normally only require short stay accommodation, the existing layout of the building as 26 flats would probably be unattractive to such customers. Accordingly, JD Properties UK Ltd or any other hotel operator would have to carry out the conversion works described by "then hospitality" for GVA Grimley. Such works are stated to be prohibitively expensive for a relatively small hotel in this location therefore the interest expressed by JD Properties UK, even if taken up, is unlikely to achieve a long term use for the building.

Alternative uses for the building also considered by the applicants include serviced apartment use and office use. Serviced apartments are an intermediate form of accommodation between traditional hotel use and longer term lettings such as shorthold tenancies. The GVA Grimley report supporting the application finds they are heavily reliant on business demand, which exists in the West End or City. However, the location of this site is assessed as very unlikely to be attractive to an operator in that market as occupancy levels would be lower than required to be commercially viable. Even if it were viable, however, such usage would be little different to the residential use proposed by the applicant in terms of its consequences for the Green Belt.

GVA Grimley advise the re-use of the building as offices use would be severely constrained by the internal arrangement of the building. Aside from the constraints of the floor layout, the low ceiling heights are barely adequate for the required servicing, which would normally require a suspended ceiling. Considerable modification would be required to facilitate adequate IT infrastructure as well as the air-handling and lighting necessary for the increased number of people using the building. There must also clearly be a consequence for the viability of an office use for the building arising from its location, which is poorly serviced by public transport. It is not clear what the impact of a reuse for offices would be on the vitality and viability of the nearby town centres, such as Debden. A low intensity office is indicated as a possibility by GVA Grimley but their report indicates it would be unlikely to be commercially viable.

Following consideration of the advice and comments received it is concluded that the use of the building as an unrestricted hotel, serviced apartments or offices would not be viable for a number of reasons and, even if it were viable, it is not clear what impact an intensive office use would have on nearby town centres. Other uses such as general industrial use have not been considered since the building clearly could not facilitate such use and since such use would have a materially greater impact on the Green Belt than the lawful use.

Although not referred to in the GVA Grimley report, car parking would be an issue of some concern for any alternative use. Since the site is not well served by public transport the maximum space requirement for any non-residential use would be an appropriate level of provision, but such provision cannot be achieved on this site which only offers a maximum of 30 off-street parking

spaces. In respect of hotel use the adopted parking standards require a maximum provision of one space per room so a 60 bedroom hotel would require a corresponding number of off-street parking spaces. In respect of an office use, parking standards would require the provision of some 80 off-street parking spaces based on a gross floor area of the existing building being approximately 2,400m². Consequently an office use or normal hotel use would either lead to increased competition for the parking spaces serving the leisure complex or informal parking on grassed areas adjacent to the access roads. The visual impact of such levels of informal parking is likely to have a materially greater impact on the openness of the Green Belt than the lawful use of the existing building with its current layout as a hotel.

Having regard to the above analysis, it is appropriate to consider re-use of the building for residential purposes as proposed. No new curtilage is proposed to be created for the building and it, together with the existing parking areas, would not be changed. Since the proposal involves no change to the internal arrangement, which is as a mix of 2 and 3 bedroom flats, the parking standards require a minimum of 59 parking spaces, which includes a total of 7 for visitors. As discussed above, such level of provision cannot be met and the potential for demand for parking to have a materially greater impact on the openness of the Green Belt than the lawful use must be assessed. The existing restricted use would clearly have less of an impact but it is demonstrably unviable and preventing any change of use or relaxing existing limitations on the lawful use would result in the building remaining vacant with a harmful consequence. An unrestricted lawful use as a hotel would generate the same off-street parking requirement as the proposed use. However, at full occupancy it is much more likely that a 60 bedroom hotel would attract significantly higher number of car users than a fully occupied residential development of 26 flats. Since the existing use is unviable, comparison of the proposal with an unrestricted hotel use is the better approach to assessing impact on the Green Belt. Having regard to the nature of the two uses it is much more likely the proposed residential use would have a smaller impact on the openness of the Green Belt because it would be a much less intensive use of the building.

In conclusion on the matter of appropriateness, since the existing use and alternative business uses are demonstrably unviable and the proposed residential use would not have a materially greater impact on the openness and visual amenities of the Green Belt, the proposal is appropriate development in the Green Belt.

Provision for Affordable Housing:

In terms of its size, the proposal triggers a need to make provision for affordable housing and a level of provision in accordance with adopted Council policy would equate to making 11 of the proposed flats available to a social housing provider. However, having regard to the layout of the building, its location remote from public transport and shopping facilities and the absence of any dedicated private amenity space, there is no prospect of a social housing provider being interested in taking on any of the flats. In such circumstances the need for affordable housing can be addressed through making an appropriately justified financial contribution.

The applicants' initial position was that since the debts of the company in receivership are far greater than any possible value that could be achieved for the site, it is appropriate to waive the policy requirement to make provision for affordable housing in this case. In planning policy terms, however, that is not a proper justification for waiving such a requirement since that would amount to putting the applicants' private interests before the wider public interest. Following negotiation the applicant now accepts this position and has submitted a final detailed report on the provision of an affordable housing contribution in accordance with the requirements of the Director of Housing. This has been the product of lengthy and detailed negotiation between GVA Grimley for the applicants and the Director of Housing with input from planning officers. Essentially, the amount of contribution required has been calculated on the difference between the current market value of the scheme assuming 100% private housing and the value if it included 42% affordable units. The level of contribution offered by the applicants based on this assessment is £813,000. The basis

for this and the evidence for valuations has been considered in some detail by the Director of Housing who advises it is appropriate and should be recommended to Members. Accordingly, the financial contribution offered properly deals with this policy matter.

Living Conditions for the Occupants of the Flats:

The flats would have good internal space and would not be exposed to any excessive overlooking. The level of parking provision available, while not in accordance with standards, is greater than one space per unit and consequently acceptable in amenity terms.

The greatest shortcoming in amenity terms is the absence of private amenity space. Most have some form of restricted dedicated amenity space in the form of a balcony or small patio, but none are adequately private and are far short of the level of provision sought by policy DBE8. However, when assessing the consequence for the living conditions of future residents, weight must be given to its situation within a leisure complex surrounded on 3 sides by extensive green open space. Although not ideal, this arrangement would not cause such poor living conditions that it could on its own amount to a reason for withholding planning permission in this particular case.

Other Matters:

Given the distance of the site from the vehicular access to the highway, some 235m, there is no likelihood that the proposal, which does not comply with parking standards, could cause any harm to the interests of the safe and free flow of traffic on Abridge Road. Accordingly no objection is raised by the Highway Authority.

The County Council as Education Authority has not identified any requirement for any contribution to education provision in this particular case and advises there are sufficient primary and secondary school places within the school catchment area that the site is situated.

There are no drainage or flood risk matters that the proposal needs to address since they were all dealt with in connection with the permissions to construct the building in the first place.

Conclusion

The proposal is appropriate development within the Green Belt. It would provide for a good standard of accommodation that would have acceptable living conditions and not cause any harm to the operation of neighbouring uses. The proposal would not have any harmful consequence for the safe and free flow of traffic on Abridge Road. The need for affordable housing is properly addressed by the proposal. The proposal is therefore in accordance with the adopted policies of the adopted Local Plan and Alterations and is recommended for approval subject to the completion of a legal agreement to secure the financial contribution towards off-site affordable housing provision referred to in this report. Having regard to the nature of the proposed use, its location and that it does not require any works to be carried out to the building or site there is no need for any planning conditions other than a standard limitation on the timescale for implementing the permission.

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

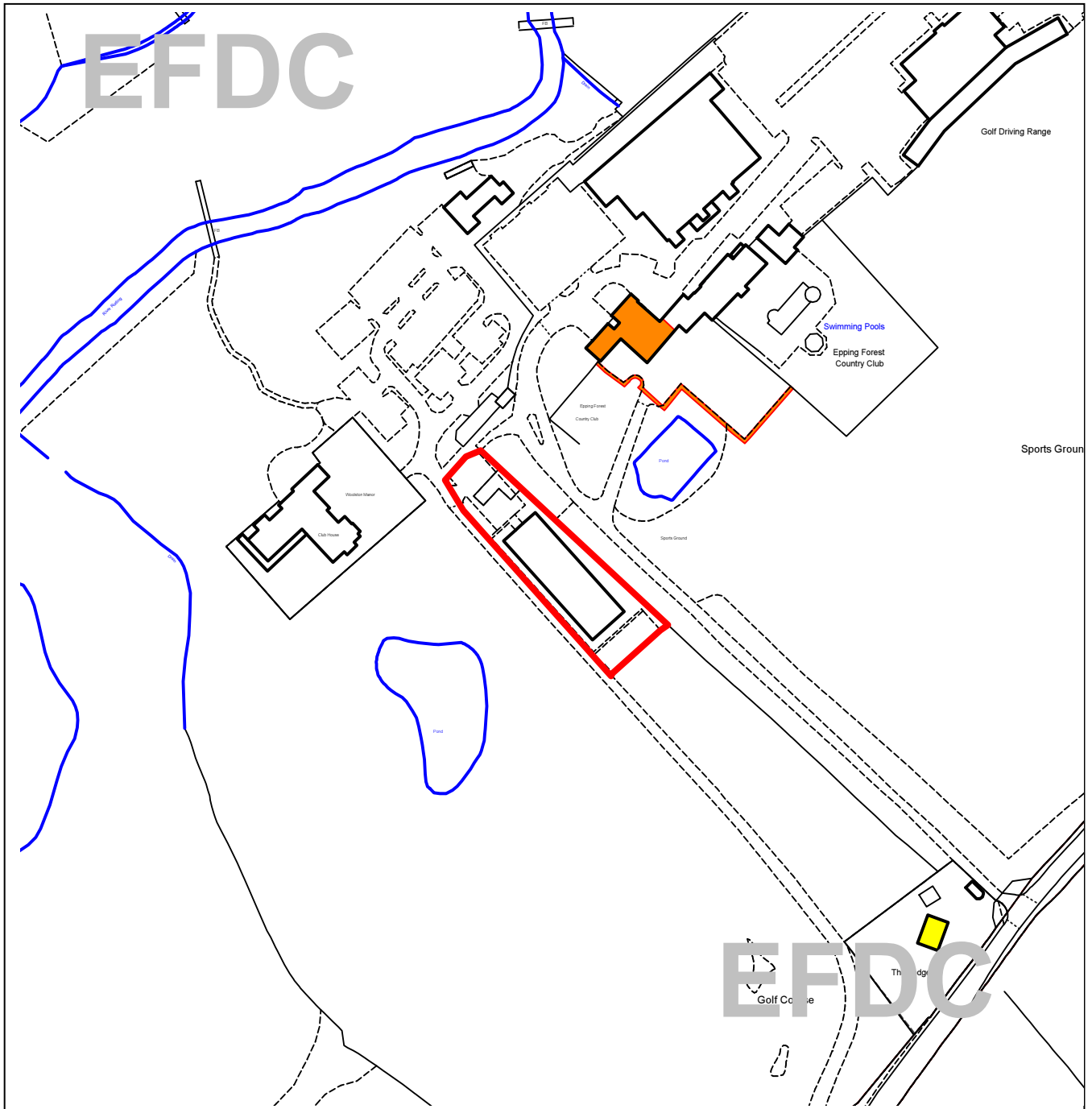
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

Area Planning Sub-Committee South



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| Agenda Item Number: | 2 |
| Application Number: | EPF/2664/10 |
| Site Name: | Woolston Manor, Abridge Road Chigwell, IG7 6BX |
| Scale of Plot: | 1/2500 |

Report Item No: 3

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/0031/11 |
| SITE ADDRESS: | Broom House Little Plucketts Way Buckhurst Hill Essex IG9 5QU |
| PARISH: | Buckhurst Hill |
| WARD: | Buckhurst Hill West |
| APPLICANT: | Dr J Samuel |
| DESCRIPTION OF PROPOSAL: | Erection of double storey rear extension from lower ground floor (basement), front car parking canopy, loft floor alteration with dormer and roof light windows. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=524377

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 Notwithstanding the details shown on the approved plans, no window opening shall be formed in the first floor east facing flank elevation of the existing house or that of the extension hereby approved.
- 3 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

This item was on the agenda of the last meeting but was not considered. Members agreed that exceptional circumstances prevented the owner of 1 Little Plucketts Way from being able to address the Committee in person in connection with the application. They resolved to defer considering the application until the next meeting of the Committee when that person would be able to address the Committee.

The previous report is repeated, without alteration, below:

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:

This application seeks planning permission for a double storey rear extension. It will be sited on the south eastern corner of the building and will be 4.5 metres by 4.5 metres with an additional 1.8 metre deep by 2.8 metre wide single storey projection. The double storey extension will measure 7.4 metres to its ridge and 5.7 to its eaves height. The single storey projection will be 3.6 metres to its ridge and 2.4 metres to its eaves.

Part of the proposal is for a front canopy and this will project forward 2.0 metres and 5.8 metres wide. It will be 3.0 metres high with a mono-pitch roof.

There will also be minor changes to the fenestration of the buildings façade.

Description of Site:

The application site accommodates a large detached two-storey dwelling that is sited to the southern side of Little Plucketts Way, a cul-de-sac that is accessed off Roebuck Lane. The site is a wide, elongated rectangular plan shaped plot. As a result of the sharp drop in ground level rearwards in a southerly direction, when the building is seen from its rear garden there is a full height walk out basement level. There are steps on the eastern boundary with adjacent plot, 1 Pluckett's Way and a sloped gradient with Rivington.

The appearance of the building is seen as a 3-storey building with room in the roof from the south whilst from the north within the street, it appears as a two-storey building. The dwelling is finished in brown stock brick with a brown tiled roof and features black and white render detailing to the front and rear gable projections.

Within the immediate proximity of the site, the immediate neighbour to the west boundary of the site 'Rivington' is built to a near mirror footprint as the subject site and it is also similar in form and style, with minor variations to the façade and external finishing.

The immediate neighbour to the east is a more modest size two-storey detached building on a lower ground floor level.

The buildings within the street are built to a staggered front building line and though building styles vary considerably in form, size and design, the majority of dwellings are built with single front projections with hip or gable ends. Example of these two varied roof forms can be seen with the subject site and neighbouring property 'Rivington'.

Relevant History

EPF/0468/10 - Erection of front and side first floor extension, loft conversion involving alterations to roof, with front and rear dormer windows. Increase basement level. Refused for two reasons these are:

1. The proposed front/ side extension, together with the extensive roof alterations by reason of its inappropriate forward projection, its height, bulk and massing, would detract from the visual quality of the building. Consequently the proposal fails to respect the character and appearance of the locality and would detract from the street scene.
2. The elongated balcony proposed in the rear roof slope will result in increased level of perceived overlooking into neighbouring gardens and the lower ground floor level will result in unacceptable direct overlooking into neighbouring occupiers of 1 Pluckett's Way. As such, this proposal would cause excessive harm to the amenities enjoyed by the occupants of neighbouring properties.

EPF/1583/10 - Erection of a 3 storey rear extension, basement floor swimming pool and gym hall. Front side car parking canopy roof and external/internal alterations with loft floor. Withdrawn.

EPF/2118/10 – Certificate of lawful development for a proposed two storey rear extension from lower ground (basement), front parking canopy, loft conversion with dormer windows. Not lawful.

Policies Applied:

Adopted Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Amenity of neighbouring occupiers

DBE10 – Design and appearance

SUMMARY OF REPRESENTATIONS:

Notification of this application was sent to 10 neighbours and the following responses were received.

RIVINGTON, LITTLE PLUCKETTS WAY – Existing windows are not shown on plans. Proposal would result in loss of privacy, request obscure glazed windows. Site plan shows an inaccurate outline of 'Rivington' because the two properties are mirror images of each other. Would like to ensure builders respect their property and clear any debris during construction work.

13 THE MEADWAY – Object on grounds that this is still an over-development of this site.

1 LITTLE PLUCKETTS WAY – Objects on grounds that the property is on four floors with a double garage and it is presently underused. The proposal will result in loss of light and will reduce privacy as it will allow people to look directly into rooms.

BUCKHURST HILL PARISH COUNCIL – Objection: Development too large, not in keeping with street scene and local area and insufficient parking provision.

Issues and Considerations:

The main issues to be considered are the impact of the proposed development on neighbouring occupier's amenity, the design and its visual appearance within the street scene and effect on the character of the area.

Impact on neighbouring dwellings

The subject dwelling and adjacent property to the west, 'Rivington' are large detached buildings on wide, generous sized plots. The two properties are built to a similar style, form and design. Rivington has however, been extended at the rear with a ground and first floor extension with a flat roof balcony. Clear views of the rear garden and patio of Broom House are available from the rear extension to Rivington and balcony above. What is proposed at Broom House is a more modest extension by comparison and it will not result in excessive harm to the neighbouring occupier's amenity.

This proposal will be sited towards its eastern boundary and the extension will be set in from the common boundary with the adjacent property to the east (1 Little Pluckett's Way) by some 1.6 metres. Whilst this property is a more modest sized two-storey building, it is sited some 3.0 metres from the boundary with the proposal site. A patio extending beyond the rear elevation of no 1 and that of Broom House is some 1.5m above the level of the rear garden of the application site. Moreover, a substantial outbuilding is situated at the end of the patio adjacent to the part of the

boundary nearest the proposed extension. As such, it is considered this proposal will not result in loss of light, outlook or privacy to the immediate neighbouring occupiers.

Design and impact on the character and appearance of the area

The Council's local plan policy DBE 10 requires new extensions to complement and enhance the existing building and overall should generally adopt a size and position of visual significance within the street scene.

The height, depth and appearance of the front canopy with matching materials will complement the design of the building when seen from the street.

The double storey extension adopts a form that is complementary with the overall, height, bulk and form of the existing building. The minor alterations to the façade will also be acceptable. The proposal will be in keeping with the existing building and will complement the appearance of the street scene.

Other considerations

The letters of representation from neighbours and the Parish Council object on a number of grounds. The first point concerns overdevelopment. It is considered that whilst the property is seen as a comparatively large building, as a balance it occupies a large and generous site with substantial private amenity space towards the rear. The property has also had only minor extensions in the past, and it has not been extended rearwards. As such the applicant has the fall back of permitted development to extend 4.0 metres from the original rear wall of the building. This proposal cannot be considered to be an overdevelopment.

The proposal will not result in harm to neighbouring occupiers as it will be set in from the boundary. There are however, a number of windows proposed on its flank elevation, and this can be covered by a planning condition that requires obscure glazed windows.

The proposal will retain the existing garage for parking vehicles and the front garden area provides hard standing and this can be used to park vehicles. The parking provision for this site is therefore acceptable.

Conclusion:

The proposed alterations and extensions to this building are deemed proportionate. The aesthetic appearance of the extension will complement the building and the proposal will not result in harm to neighbouring occupier's amenity. 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:

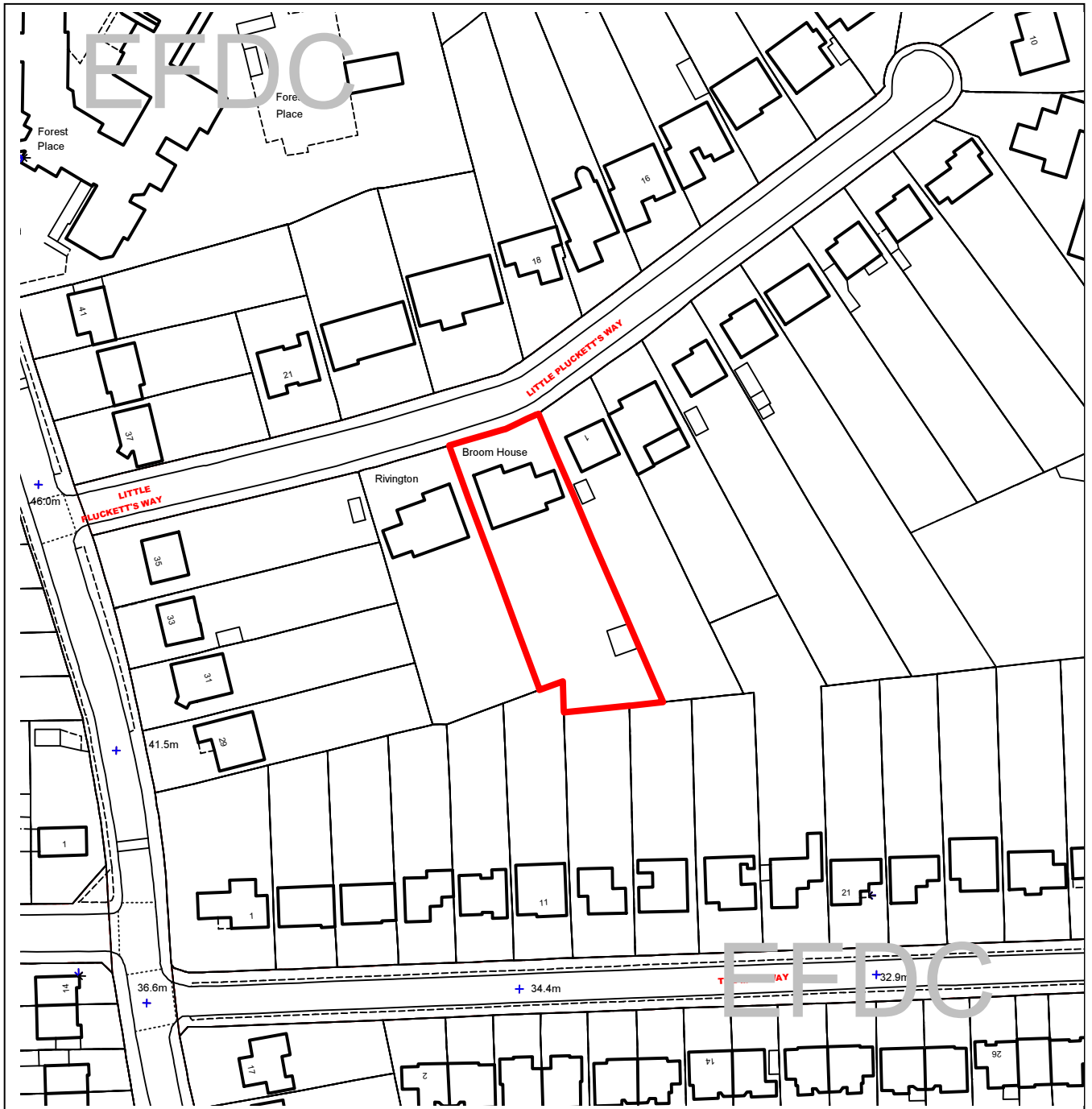
***Planning Application Case Officer: Paula Onyia
Direct Line Telephone Number: 01992 564103***

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



Epping Forest District Council

Area Planning Sub-Committee South



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| | |
|----------------------------|--|
| Agenda Item Number: | 3 |
| Application Number: | EPF/0031/11 |
| Site Name: | Broom House, Little Plucketts Way Buckhurst Hill, IG9 5QU |
| Scale of Plot: | 1/1250 |

Report Item No: 4

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/0221/11 |
| SITE ADDRESS: | 165 & 165a High Road Loughton Essex IG10 4LF |
| PARISH: | Loughton |
| WARD: | |
| APPLICANT: | Mr James Lawlor and Sandra Lawlor |
| DESCRIPTION OF PROPOSAL: | Refurbishment and enlargement of existing building by way of a basement storage area, construction of one additional storey and erection of a four storey rear extension incorporating 5 parking spaces, extension to ground floor commercial units (12 additional flats) comprising 6 studio flats, 8 one bedroom flats and 2 three bedroom flats. |
| RECOMMENDED DECISION: | Grant Permission (Subject to S106) |

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=525219

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 proposed window openings on the first, second and third floors facing across the void area of the building hereby approved shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 The development shall be carried out in accordance with the approved plans (which are listed as an informative to this decision) unless otherwise agreed in writing by the Local Planning Authority.
- 5 No development or preliminary groundwork's of any kind 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 by the local planning authority.

- 6 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.
- 7 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.
- 8 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages hereby approved shall be retained so that they are 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.
- 9 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.
- 10 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Subject to the completion of an agreement under S.106 of the Town and Country Planning Act 1990 within 9 months requiring financial contributions of £3, 995 for the provision of education.

This application is before this Committee since it is an application for development of a significant scale and/or wider concern and is recommended for approval (Pursuant to Section CL56, Schedule A (c) of the Council's Delegated Functions).

Description of Proposal

The proposal is to extend an existing building to include alterations and extensions to commercial premises on the ground floor, the provision of 12 additional dwellings on extended upper floors and five parking spaces and associated facilities. The existing three storey building would be extended to the rear with the addition of a fourth floor. Parking spaces would be provided to the

rear. The additional dwellings would result in a total of 16 residential units; 2 three bedroom, 8 one bedroom and 6 studio flats. A basement would be constructed to the rear of the building.

Description of Site:

The proposal site occupies a prominent position on Loughton High Road opposite the entry point to High Beech Road, and an open area of public amenity space. The existing building is three storeys in height and forms the end of a row of properties. It is separated from the Marks and Spencers development by the accessway to the parking at the rear of the store. An access point from the adjacent accessway provides entry to a rear yard area. A single storey structure straddles along the north east and south east boundaries of the site.

The site comprises office development and retail on the ground floor in the form of Lawlors Estate Agents and Multiyork, a furniture store. The first floor is being used as office space, with the second floor in residential use, by way of four separate flats. The first floor office space was originally in residential use. The change of use of the first floor to offices appears to have taken place without planning permission. No Certificate of Lawful Development has been given for the office use. The development is within the Key Retail Frontage (KRF) of Loughton High Road as identified in the Proposals Map of the Adopted Local Plan and Alterations. The adjacent three storey building is in retail use (A3) with office space above.

Relevant History:

CHI/0271/60 – Three shops and six flats. Grant Permission (with conditions) - 21/12/1960.
CHI/0165/61 - LOADING PLATFORM CARPORT AND RE-ADJUSTMENT OF SHOP, OFFICE AND FLAT ACCOM 165. Grant Permission - 21/06/1961.
EPF/1188/81 - Change of use of premises to warehousing. Refuse Permission - 02/11/1981.
EPF/0474/02 - Outline application for the erection of a three storey block of flats. Grant Permission (with conditions) - 12/06/2002.
EPF/0475/02 - Outline application for the erection of three storey office block. Grant Permission (with conditions) - 12/06/2002.

Policies Applied:

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP4 – Energy Conservation
CP5 – Sustainable Building
CP6 – Achieving Sustainable Urban Development Patterns
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE3 - Design in Urban Areas
DBE8 – Private Amenity Space
DBE9 – Excessive Loss of Amenity to Neighbouring Properties
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking
H2A – Previously Developed Land
H3A – Housing Density
H4A – Dwelling Mix
L1A – Planning Obligations
TC1 – Town Centre Hierarchy

TC3 – Town Centre Function
E4A – Protection of Employment Sites

SUMMARY OF REPRESENTATIONS:

9 neighbours consulted & site notice displayed – 1 reply received.

167 – 169 HIGH ROAD: Objection. Out of scale with neighbouring development. Needs to be reduced in scale to be more in character. Lack of parking and private amenity space.

LOUGHTON TOWN COUNCIL: No Objection. Expressed concern about the lack of private amenity space and limited parking though accept that the site is well located for public transport. Would like to see a guard rail along the boundary and realignment of the footpath to aid pedestrian safety. The committee asked for a Section 106 Agreement for town centre enhancement and repairs to the nearby drinking fountain and for the provision of hanging baskets in the vicinity of the site.

LOUGHTON RESIDENTS ASSOCIATION: Objection. This is not just a refurbishment but a total redevelopment. The poor design is a throwback to the 1960's. It will appear very bulky in appearance and make the area around Marks and Spencers appear oppressive. The adjacent buildings are shallow and this will appear out of place. It is difficult to assess the impact on adjacent buildings from the drawings.

Issues and Considerations:

The main issues to consider include;

1. The principle of the development
2. Potential impact on the character and appearance of the area.
3. Amenity.
4. Parking and road safety.

Principle of Development

The proposal complies with council policy which promotes the more efficient use of previously developed land as contained in policy H2A. The proposal would also aid the supply of smaller, single occupancy units, the demand for which is highlighted in Policy H4A. It also remains a key Government objective to promote the efficient use of land in the provision of housing, where it respects the character of the area. This development is not considered significantly out of character with the wider locale, which includes flat developments. It therefore represents a more efficient use of previously developed land.

The existing office space at first floor level is used in connection with Lawlors Estate Agents who also occupy part of the ground floor. Policy E4A of the Local Plan aims to protect current employment sites from redevelopment to other uses. However the office space at first floor level seems to have developed on an ad hoc basis and this proposal would result in a return to the lawful use of the first floor.

The proposal would have the benefit of increasing the shop frontage along the southern boundary which would promote town centre objectives and help retain the town centre hierarchy. This would sustain the vitality and viability of this principal centre, as outlined in Policy TC1.

Having regard to housing and retail policy and the history of the existing office use the proposal would be beneficial and the principle of the development is therefore deemed acceptable.

Impact on the Appearance of the Area

The existing building on site forms part of the Key Frontage of Loughton High Road as identified on the proposals map. The structure is perhaps starting to look a little dated, particularly on the upper floors, and would benefit from a refurbishment. This proposal would add considerable bulk to the existing structure and would extend over the entire site. The proposed fourth floor would result in the structure being slightly higher than the adjacent building. However it would not appear excessively over dominant, and given its location on a corner plot it would provide a strong focal point for this part of the high road. The fourth floor is recessed which would also reduce any potentially excessive impact. The structure would extend along the southern boundary in the same bulk and scale and this elevation would be visible from the High Road. It would not however have any serious impact on the appearance of the area, and the corner plot would allow for greater bulk without resulting in an overdevelopment. There are examples of other four storey structures nearby, such as to the south of the adjacent Marks and Spencers. Collectively these existing structures provide examples of 1960's building which are generally dilapidated. The Marks and Spencers between provides an example of how good urban design can contribute to the vitality and viability of the town centre by providing structures clearly discernible by their function. The proposed development is also clearly discernible, in this case as a sustainable, centrally located mixed use scheme.

The plans of elevations submitted do not suggest an elaborate reworking of the existing structure. The same linear design is continued through the additional sections. The materials proposed are white render walls with an aluminium fenestration finish and cladding at fourth floor level. This would result in a clean, crisp exterior which would provide a contrast with adjacent structures without appearing excessively provocative or extending beyond its function as a small scale retail/residential scheme. The proposed building would therefore conform to the existing order of the High Road without appearing out of place. It is therefore considered that subject to the acceptability of submitted materials, the design and appearance of the building is acceptable. The proposed basement raises no concerns.

Amenity

The lawful use of the upper floors of the adjacent building are for purposes within Class D1 (Beauty Treatments EPF/2540/10), although they are seemingly vacant at present. There would be some overshadowing of rear facing windows particularly in the later part of the day. There would however be no increase in the built form adjacent to the rear elevation of this property which would reduce impact. The four storey section at the rear of the site is essentially adjacent to service yards for the neighbouring businesses and would not raise any serious concerns in relation to amenity. The height of the rear section has previously been agreed by the council to three storeys under planning permissions EPF/0474/02 and EPF/0475/02. Both residential and office use were approved by these applications. Access balconies would look towards the rear facing windows on adjacent premises.

The proposed development would not result in a serious loss of amenity, particularly to commercial premises. However some loss of light and overlooking of rear facing windows, and a certain amount of rear dominance from the structure is recognised. On balance, it is considered that impact on the occupants of adjacent buildings is to an acceptable level.

The residential amenity of future occupants of the development would not be seriously impinged. Internal windows facing into the building can be conditioned as obscure glazed. The studio flats are not deemed excessively small and to a certain degree follow the layout of the existing building. Future housing trends point to an increased demand for smaller/single occupancy units. This demand would be addressed without compromising the living conditions of occupants.

Private Amenity Space Provision

The proposal suggests a minimal amount of private amenity space which is located on the upper level of the building. Policy DBE8 requires 25 sq m per unit of communal private amenity space. The proposal obviously falls way short of this. However there is a degree of flexibility with this policy, particularly if the proposal is in an urban area with good access to public amenities. The site is located a short walk from the forest and other areas of public amenity space; therefore the provision of amenity space is not as essential a requirement as would usually be the case. Given the sustainable nature of this proposal a relaxation of the policy is deemed appropriate in this instance.

Highways and Parking

The development proposes a collective total of 16 residential units, 14 one bedroom/studio and two 3 bedroom. This would require a parking provision of 22 spaces. 5 parking spaces are provided to the rear of the building. These are a useable size for the purposes of vehicular parking. This provision is short of the standards as outlined in planning policy guidance. However this standard comes with the caveat that reduced parking would be accepted under certain circumstances i.e. in main urban areas with good transport links. Loughton High Road represents one of the most sustainable locations in the District with regards to links to public transport. Regular bus routes pass along the high road and the local tube station is approximately a five minute walk away. It is therefore considered that the reduction in the standards is appropriate in this instance, having regard to the central location of the development and the tight confines of the site. There is also public parking available in close proximity to the site.

Provision is made for cycle parking on the ground floor which is secure, covered and easily accessible.

There is also the issue of the parking arrangement for the commercial uses on the ground floor. 5 spaces are provided within the Marks and Spencers development by way of a Deed of Variation for use by the freeholders of No165 High Road (Lawlors). This would provide some parking provision in connection with the existing ground floor uses of the site. Again in urban areas with alternative forms of transport available, flexibility is much more appropriate. Therefore the provision of parking in connection with the commercial uses is acceptable. In general, the parking provision, given the sustainable location of the site is deemed acceptable. Loading and unloading of vehicles delivering to Multiyork will take place in the accessway between the development and Marks and Spencers. The Highways Authority at Essex County Council raise no objection to the development. They state that although the development falls short of the required standards, it would not have a detrimental impact on highway safety and the immediate area is well secured by parking restrictions.

Other Matters

Refuse Storage

Following consultation with the Refuse section of the Council, the applicant has amended the development to meet the requisite provision for waste storage. Therefore this element of the scheme is deemed acceptable.

Essex County Council Education Comments

Comments from Essex County Council Education Authority have been received in relation to the development. The proposal falls within the catchment area of Staples Road Infant School and Staples Road Junior School. The Essex School Organisation Plan (SOP) up to 2015 indicates that Staples Road Infant School would not be able to meet the demand generated by future housing in

the area. Essex County Council has therefore requested a Section 106 Agreement to secure £3,955 to help meet this demand. The applicant's agent has provided email correspondence from the applicant which outlines a willingness to make the contribution.

Environmental Health

The Environmental Health section has requested that the standard hours of work condition is attached to an approved scheme.

Land Drainage

There are no land drainage objections to the development and it does not lie within a flood risk zone. .

Essex County Council Historic Environment Advice

The Essex Historic Environment (EHER) Record shows that the proposed development lies within the built up extent of the medieval and post medieval settlement at Loughton (EHER 45908). The present High Road was constructed during the early 17th century and most likely along the route of the medieval road. The proposed development lies close to the historic centre focused at the junction of High Road, Station Road and Forest Road. Early OS mapping also depicts a former building in the area which will be affected by the excavation of the proposed new basement. It is therefore probable that medieval and post-medieval structures or deposits will be disturbed or destroyed by the proposed development. In view of this a condition requiring a programme of archaeological work is deemed necessary, prior to the commencement of any development.

Loughton Town Council Comments

Loughton Town Council has requested a realignment of the footpath and a fence rail along the boundary with the accessway to Marks and Spencers. This footpath is not considered particularly dangerous, especially given its location adjacent to an accessway to the parking area. Traffic movement would be slow and the proposed footpath arrangement is acceptable.

A request has also been made to secure town centre improvements by way of a Section 106 Agreement. This would include repairs to a drinking fountain nearby and hanging baskets for along the High Road. Since April 2010 The Community Infrastructure Levy Regulations have provided that it is unlawful for a Planning Obligation to be taken into account if it fails to meet the following tests;

1. It is necessary to make the development acceptable in planning terms.
2. It relates directly to the development
3. It fairly and reasonably relates in scale and kind to the development.

These tests must be met whether a Local Levy is in operation or not. The Town Council suggestions are not necessary to make the development acceptable in planning terms and do not relate directly to the development. It is therefore not reasonable for the council to secure such improvements by way of a Section 106 Agreement.

Conclusion

The proposed development would promote the more efficient use of previously developed land whilst increasing the supply of smaller units to meet local demand. This is in line with local policy and national planning policy guidance. The increase in the size of the commercial units will help sustain and promote the vitality and viability of this principal centre. The bulk and scale of the proposed development would not appear excessively dominant or out of scale given its location on

a corner plot. The design proposed is not over elaborate but would conform to the existing order of Loughton High Road. The use of materials is deemed appropriate and can be verified as acceptable with an appropriate condition.

The proposed bulk towards the rear would have some impact on the adjacent building. However this would be to an acceptable level. The lack of amenity space and reduced parking is considered acceptable, given the sustainable location of the development. Reduced standards in relation to these factors is justifiable. The comments of consultees have been considered and where appropriate suggested planning conditions will be included to restrict the use of the site. In conclusion it is considered the proposed development will conform to sustainable development principles by promoting the more efficient use of previously developed, urban land.

Therefore, the proposed development is in general accordance with Local Plan policies and conditional approval is recommended, following the completion of an agreement under Section 106 of the Town and Country Planning Act to secure the education 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:

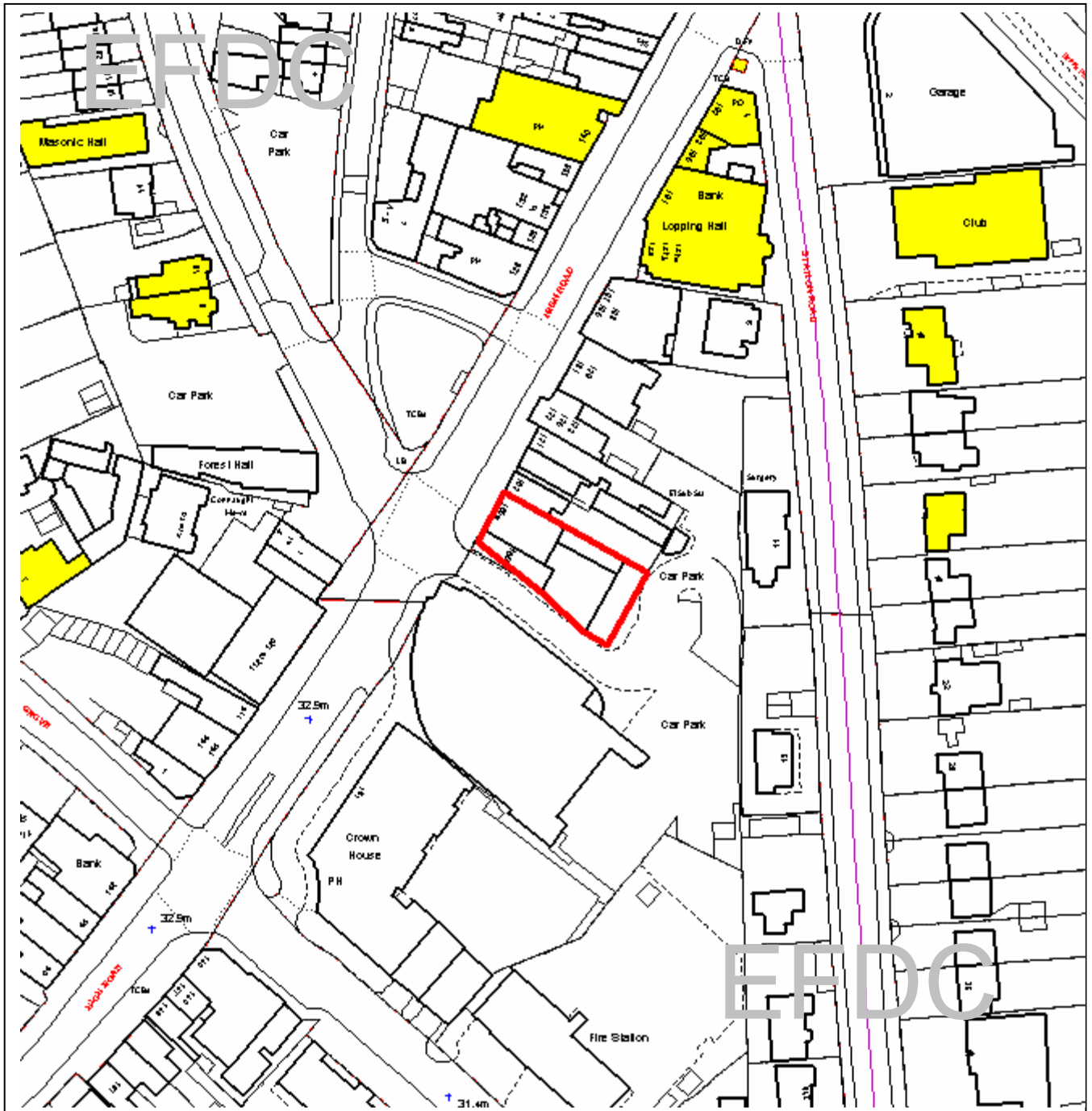
***Planning Application Case Officer: Dominic Duffin
Direct Line Telephone Number: 01992 56433***

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



Epping Forest District Council

Area Planning Sub-Committee South



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|----------------------------|-------------------------------------|
| Agenda Item Number: | 5 |
| Application Number: | EPF/0221/11 |
| Site Name: | 165 High Road, Loughton IG10 4LF |
| Scale of Plot: | 1/1250 |

Report Item No: 5

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/0416/11 |
| SITE ADDRESS: | 238 High Road Loughton Essex IG10 1RB |
| PARISH: | Loughton |
| WARD: | Loughton St Marys |
| APPLICANT: | Mrs Samantha Jenkins |
| DESCRIPTION OF PROPOSAL: | Continuance of use of pavement area to front of premises for ancillary occasional stationing of tables and chairs. |
| RECOMMENDED DECISION: | Grant Permission |

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=525984

CONDITIONS

NONE

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:

Permission is sought to use an area of the pavement to the front of No 238 High Road, trading as Candy Café, for the occasional stationing of tables and chairs. The tables and chairs would cover an area measuring 3.5m x 3.0m and would be located adjacent to the front window to the side of the entrance doorway.

Description of Site:

The premises are situated on the eastern side of the High Road, north of its junction with The Drive. It is a small ground floor shop within a short parade of 4 shops that is part of the key retail frontage of the Loughton High Road town centre as defined on the proposals map of the Local Plan and Alterations. The frontage of the shop is 3.2m and its current lawful use is as a mixed A1/A3 use. The shop is part of a 3-storey building with offices at first and second floor level. Access for servicing is available from a rear yard area off The Drive. Tables and chairs are currently stationed at the front of the building and at the adjacent premises, Fratelli's.

Relevant History:

EPF/2300/09 - Change of use of ground floor from purposes within Use Class A1 to a mixed use for purposes within Use Classes A1 and A3. Grant Permission (With Conditions) - 03/02/2010.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment
TC1 – Town Centre Hierarchy
TC3 – Town Centre Function
TC5 – Window Displays
DBE2 – Effect on Neighbouring Properties
DBE9 – Loss of Amenity

SUMMARY OF REPRESENTATIONS:

(4 properties consulted and site notice displayed – 1 reply received).

LOUGHTON RESIDENTS ASSOCIATION – Objection. The fact that the applicant owns the pavement to the front has never been in contention. The table and chairs give the impression to passers by that this is a bona fide A3 use. The table and chairs tip the balance towards a more intense A3 use and impede views of the window display. The retail use is effectively lost to the detriment of the vitality of the town centre. It is noteworthy that the applicant has ignored the conditions of approval and subsequent letters from the enforcement section of the Council. This would set an unfortunate precedent for other such applications.

LOUGHTON TOWN COUNCIL – Objection. The committee objected to this application and thought it irrelevant whether this was a private forecourt given that pedestrian flows were previously unimpeded since the construction of the parade circa 1935. The use detracted from policy TC4 which states that non retail use in the Key Retail frontage should not exceed 30%. The committee considered that the stationing of tables and chairs at the adjacent property was also an infraction.

Issues and Considerations:

The main issues to consider relate to potential impact on the vitality and viability of Loughton Town Centre and the amenity of the area. The reasoning behind the original condition on EPF/2300/09 which prevented the stationing of tables and chairs to the front of the premises will also be assessed.

The mixed use of the site was granted permission by committee on 03/02/10. The approval had a number of conditions attached including Condition No2 which stated;

“The footway adjacent to the shopfront shall not be used for stationing tables, chairs, outdoor heaters, planters or other furniture.

Reason: To safeguard the vitality and viability of the Loughton High Road town centre and in the interests of the visual amenities of the locality.”

The use of the outlined area for the stationing of tables and chairs would not impede the free movement of pedestrians and there is clearly space for pedestrians to manoeuvre safely with them in place. The Highways Authority at Essex County Council has not raised an objection to the application. Therefore the core issue is whether the stationing of tables and chairs would impact negatively on the vitality and viability of Loughton High Road and if there is harm to visual amenity.

Loughton Residents Association states that the proposal would impact on the vitality and viability of the centre in that the site would become more of an A3 use and that views of the window display would be impeded. However the window display is still visible and the fascia sign and “A” frame pavement sign helps to make it clear that the use of the premises includes a primary purpose of the sale of cold food for consumption off the premises (Use Class A1). The entrance

door remains unimpeded and to the north side of the shop clear views into the premises are possible. This confirms the strong A1 element of the mixed use and that the front section of the unit operates as an old style sweet shop.

It is the case that, notwithstanding Britain's often inclement weather, outdoor eating can contribute to the vitality and viability of a centre by promoting a café culture. In many ways this site is ideally suited given that the free flow of pedestrians is not interrupted. The mixed use of the site was originally granted consent as Members felt its catering to young families would justify a relaxation of Policy TC4 which required that non retail uses did not exceed 30%. Similarly this proposal would cater for a wide range of users whilst making a positive contribution to Loughton Town Centre. There are a small number of tables and chairs at present, and although some impact on visual amenity is evident, the area to the front of the shop does not appear excessively cluttered. The width of the pavement adds real benefit by reducing any cluttered appearance.

Conclusion

The proposed development can make a positive contribution to the vitality and Viability of Loughton High Road without seriously affecting the visual amenity of the area. It is therefore recommended that the application is approved.

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

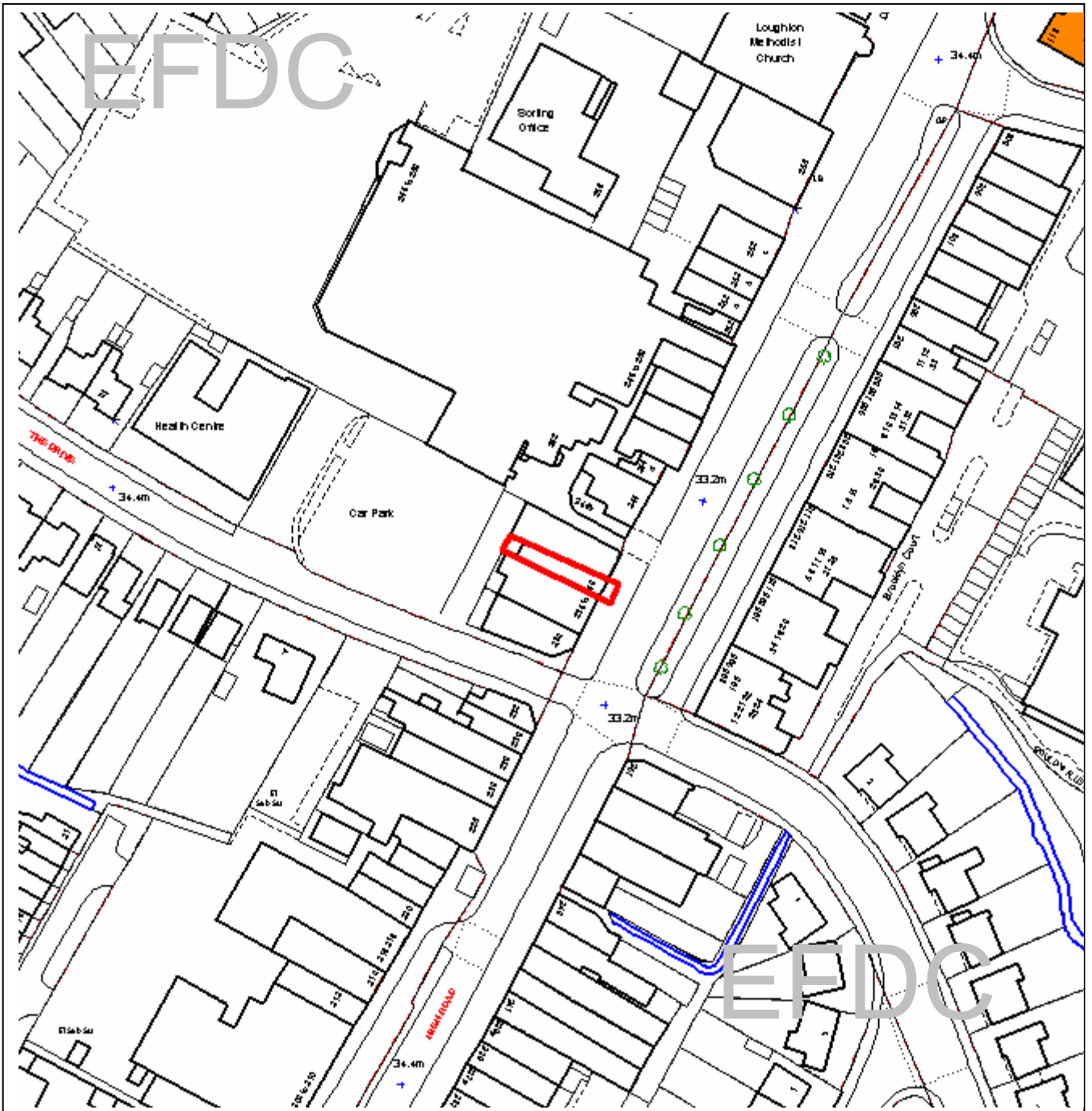
***Planning Application Case Officer: Dominic Duffin
Direct Line Telephone Number: 01992 564336***

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



Epping Forest District Council

Area Planning Sub-Committee South



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| Agenda Item Number: | 5 |
| Application Number: | EPF/0416/11 |
| Site Name: | 238 High Road, Loughton IG10 1RB |
| Scale of Plot: | 1/1250 |

Report Item No: 6

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/0553/11 |
| SITE ADDRESS: | 15 Goldings Rise Loughton Essex IG10 2QP |
| PARISH: | Loughton |
| WARD: | Loughton St Johns |
| APPLICANT: | Mr John Stephens |
| DESCRIPTION OF PROPOSAL: | Two storey side extension. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=526486

CONDITIONS

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

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

Description of Proposal:

The applicant seeks planning permission for the construction of a double storey side/rear extension to the existing dwelling house. It should be noted that the proposed application is a revised application as the previous application ref: EPF/2142/10 was refused and later dismissed at an appeal.

The ground floor of the extension would be set back a metre behind the original front façade of the dwelling house, have a width of 2.3 metres and would have a depth of 11.1 metres. It would project 4 metres past the original rear façade and it would be constructed up to the side boundary.

The first floor of the extension would be set back 3 metres behind the original front façade of the dwelling house, have a width of 2 metres at the front and a width of 2.8 metres towards the rear. It would have a depth of 9.3 metres and would also project 4 metres from the original rear façade. The first floor element of the extension would be set off the boundary by a metre.

Description of Site:

The subject site is located on the northern side of Goldings Rise within the town of Loughton. The site itself is mainly regular in shape, relatively level apart from a slight slope towards the front, and comprises approximately 390 square metres.

A detached double storey dwelling house finished from brick and render is located towards the front of the site. Off street parking is located on the hard surface towards the front of the building. A private open space area is located towards the rear of the site. A medium size timber paling fence and a hedge row are located along the side and rear boundaries.

The surrounding area is characterised mainly by double storey detached dwelling houses varying in scale, size and form. Spaces/gaps between building blocks are an important component to the character of the surrounding area and front setbacks within the street scene are consistent.

Relevant History:

EPF/0836/10 – Two storey side extension (refused 8/7/10)

EPF/2142/10 – Two storey side extension. (Revised application) (refused and dismissed at an appeal 15/2/11)

Policies Applied:

Local Plan policies relevant to this application:

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

Summary of Representations

LOUGHTON TOWN COUNCIL:

Objected to the application for the following reasons:

- The committee objected to this application as it would impair the amenities and cause loss of light to the adjoining property at number 14, especially the kitchen, and overlook the patio.
- The committee considered the proposal to be over-large for the site, and in particular its overbearing impact, harmful to the street scene by adversely affecting the bold frontage of the existing dwelling, which was contrary to policies DBE9 and DBE10 of the Adopted Local Plan and Alterations.

NEIGHBOURS:

7 neighbouring properties were notified and the following responses received:

14 GOLDING RISE. Objection: Their main concerns are as follows:

- The proposed development would be overbearing and visually intrusive.
- It would result in a loss of light to flank windows and patio area.
- The development would result in a loss of privacy

- The development would impact upon the foundations of the boundary fence.
- The proposal is an overdevelopment of the site
- No access for emergency services

17 GOLDINGS RISE. Supports the proposed development.

18 GOLDINGS RISE. Supports the proposed development.

22 GOLDINGS RISE. Supports the proposed development.

Issues and Considerations:

Firstly, it should be noted that the previous application (EPF/2142/10) was refused for the following reasons:

- The proposed double storey side extension, by reason of its poor design, would not complement the design of the original dwelling. In particular the roof pitch of the proposed extension does not match that of the existing dwelling house and given that the extension would not be set back from the front façade, it would appear as an over dominant addition that would appear excessively prominent in relation to the existing gabled roof of the house. The extension would therefore fail to respect the design of the existing house and as a consequence would be harmful to the character and appearance of the existing street scene contrary to policies CP2 and DBE10 of the Adopted Local Plan and Alterations.

Within the appeal decision, the inspector concluded that given the extension's failure to be set back from the principal elevation, it would not appear subservient to the host dwelling and the extension would appear unduly prominent and unsympathetic, hence resulting in a harmful impact to the character and appearance of the street scene.

As a result, the applicant submitted a revised application in order to overcome the above reason of refusal and the inspector's concerns.

The main difference between the application that was refused and the revised application is that the new scheme has set back both the ground and first floors of the side extension behind the principal elevation of the dwelling house. As a result the extension would now project past the rear façade of the dwelling by 4 metres. Also the roof pitch of the extension is to match that of the existing roof pitch of the dwelling house.

Therefore the main issues to be addressed are whether the revised application has overcome the above reason of refusal and the inspector's concerns in terms of the development's design and appearance and whether it would be harmful to the amenities of the adjoining occupiers.

Design and appearance:

Policy DBE10 of the Epping Forest District Local Plan seeks to ensure that a new development is satisfactorily located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties.

The main feature of the dwelling house is the prominent front gable end with its steep roof pitch which gives the building its visual articulation and interest within the street scene.

The ground floor of the side extension would now be set back 1 metre behind the principal elevation and the first floor 3 metres. As a result, the first floor would now be constructed approximately in line with the adjoining dwelling, number 14's front façade.

The proposed side element of the extension would now ensure that the main front gable end with its steep roof pitch would remain as the prominent feature of the dwelling house and that it would now appear sympathetic and form an integral part to the dwelling house. Therefore the development would now not result in a harmful impact upon the character and appearance of the street scene and has overcome the previous reason of refusal and the inspector's concerns.

The overall scale, form and size of the extension is appropriate in that it would not be excessive in terms of bulk and massing and it would appear subservient and form an integral part to the original dwelling house.

Neighbouring amenities:

Under the previous application that was refused, it was considered that the proposed development would not result in a harmful impact upon the amenities of adjoining occupiers, in particular number 14, in relation to a loss of light, privacy or visual blight. The planning inspector agreed within the appeal decision.

However, it is now proposed to extend the side extension at both ground and first floors 4 metres past the original rear façade of the dwelling house and therefore the circumstances between the refused application and the proposed application could be different in relation to neighbouring amenities.

Although the development is projecting 4 metres from the rear façade of the dwelling house, it would only be projecting 2.5 metres further than the rear façade of number 14. The proposed development would not break the imaginary 45 degree line from the rear corner of the adjoining dwelling house and therefore the development would once again not result in being visually intrusive or be an overbearing development when viewed from adjoining properties.

In relation to the neighbour's concerns regarding a loss of light to habitable rooms, it should be noted that both ground floor flank windows are secondary windows to a dining room and a kitchen. Adequate sunlight and daylight would still be achieved throughout the majority of the day to these rooms as a result of the extension, especially that of the dining room which has a large south facing window on the rear elevation. Given that the patio area is also south facing, adequate sunlight and daylight would also be achieved to this area for the majority of the day.

No flank windows are proposed either at ground or first floor level on the extension. As a result there would be no greater material detriment from existing conditions in relation to loss of privacy to adjoining occupiers as a result of overlooking.

The proposed development would not result in a harmful impact to the amenities of neighbouring occupiers in relation to loss of light, loss of privacy or visual blight.

Conclusion:

In conclusion, the proposed development has overcome the previous reasons for refusal as a result of the revisions. The design and appearance of the development is now appropriate in that there would not be an impact upon the character of the street scene, its scale and size is appropriate and there would not be harmful impact to the amenities of adjoining property occupiers. The development is in accordance with policies contained within the Adopted Local Plan 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:

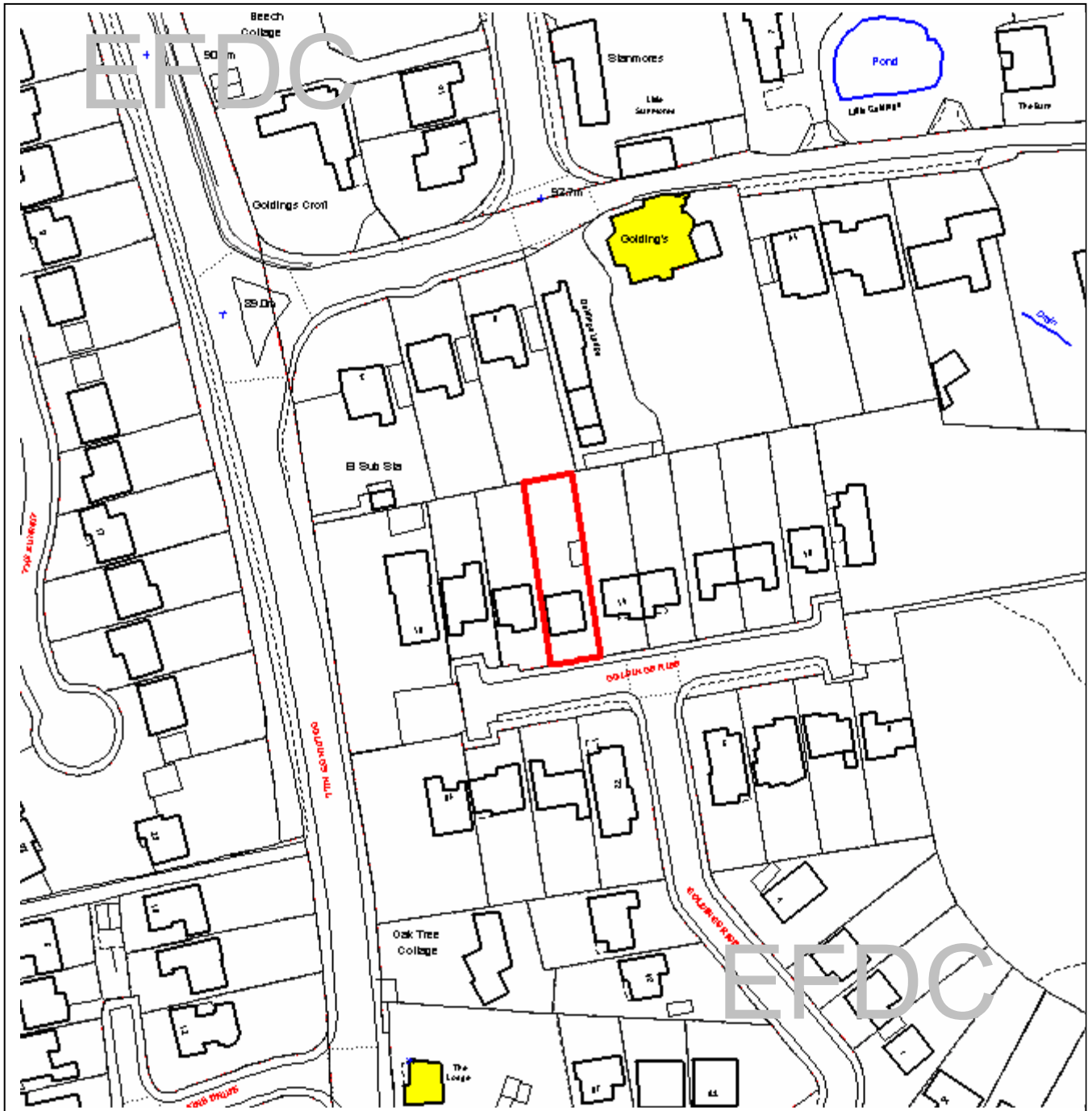
**Planning Application Case Officer: Lindsay Trevillian
Direct Line Telephone Number: 01992 564 337**

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



Epping Forest District Council

Area Planning Sub-Committee South



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| Agenda Item Number: | 6 |
| Application Number: | EPF/0553/11 |
| Site Name: | 15 Goldings Rise, Loughton IG10 2QP |
| Scale of Plot: | 1/1250 |

Report Item No: 7

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|---------------------------------|---|
| APPLICATION No: | EPF/0613/11 |
| SITE ADDRESS: | 179 Queens Road Buckhurst Hill Essex IG9 5AZ |
| PARISH: | Buckhurst Hill |
| WARD: | Buckhurst Hill West |
| APPLICANT: | Ms Gemma Clarke |
| DESCRIPTION OF PROPOSAL: | Change of use of ground floor to a power plate studio. (Use Class D2) |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=526707

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 Power Plate Studio hereby permitted shall not be open to customers / members outside the hours of 07:00 to 21:00 on Monday to Saturday and 08:00 to 12:30 on Sundays and Bank/Public Holidays.
- 3 Prior to commencement of development details of methods to reduce noise transmission from the Power Plate Studio to the residential flat above shall be submitted to the Local Planning Authority for approval. Such approved details shall be fully implemented prior to the first use on the site and shall be permanently retained thereafter.
- 4 The ground floor windows of these premises shall incorporate a permanent window display which shall be retained for the duration of this permitted use.
- 5 The premises shall be used solely as a Power Plate Studio or Gymnasium. and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

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).

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Description of Proposal

The proposal is to change the use of the premises from a use within Class A1 to a purpose within Class D2. The site would be used as a power plate studio, or type of gymnasium.

Description of Site:

The premises are a detached structure situated on the north side of Queen's Road. The unit is outside the Key Retail Frontage and located in a Local Centre known as Queens Road West. The upper floor of the premises is in residential use. The site is bordered to the east by residential properties. A public car park is located at the western boundary.

Relevant History

EPF/2130/04 - Single storey rear extension for retail area. (Revised application) - Grant Permission (with conditions) - 27/04/2005.

EPF/1134/08 - New internally illuminated fascia sign. Refuse Permission – 18/08/08.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment

TC1 – Town Centre Hierarchy

TC5 – Window Displays

TC6 – Town Centre Function

DBE2 – Effect on Neighbouring Properties

DBE9 – Loss of Amenity

RP5A – Adverse Environmental Impacts

ST6 – Vehicle Parking

SUMMARY OF REPRESENTATIONS:

(4 properties consulted and site notice displayed – 0 replies received).

BUCKHURST HILL PARISH COUNCIL: Objection: Concern regarding length of opening times.

Issues and Considerations:

The main issues to consider relate to potential impact on the vitality and viability of this District Centre and neighbour amenity.

Vitality and Viability

Policy TC6 of the adopted Local Plan relates to development within the Local Centres. This states that permission will not be granted unless it can be proven that;

- There is no market demand for a retail use.
- The service provided is to be continued in another location in the village or locality.
- The new use would meet an identified community need.

The previous use of the site was as a clothing store (Use Class A1). The applicant has provided no evidence that there is no market demand for the use or that it would continue in another

location in the locale. However Queen's Road West is in close proximity to the main shopping area of Queen's Road. This area is well served by A1 uses, including other clothing stores. Therefore the loss of this A1 unit would not be keenly felt. Although it is not clearly evident that the proposed use would meet an identified community need, it would ensure that a currently vacant unit would remain in beneficial use. The unit would also be open during the day and would not result in "dead" frontage. Therefore the daytime economy would not be seriously diminished. However Members may take the view that an A1 use at this site is preferable and that evidence of no market demand for such a use should be provided before any consent is given.

Neighbour Amenity

The upper floor and the eastern neighbouring dwelling are in residential use. The proposed noise from the power plates may be of concern. Noise from other machinery, and music played within the unit, is another potential cause of noise disturbance. It is therefore deemed necessary to require details of noise insulation measures to be submitted prior to the commencement of the use.

The proposed hours of use would allow the premises to operate from 07:00 – 21:00 on weekdays. Given that the use would generate some noise and movement Members may feel that the proposed hours of use could lead to excessive disturbance, particularly for occupants of the flat above. However in a town centre location with a certain degree of movements, including traffic movements, it is not considered the proposed use would be detrimental to neighbour amenity provided sound insulation required by condition is implemented.

Parking

The site is well served by public transport and a public car park is adjacent to the site. There is also parking for up to two hours on Queen's Road adjacent to the premises. There are therefore no serious concerns with regards to parking.

Conclusion

The proposed development is deemed appropriate at this location and is recommended for approval with conditions.

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

***Planning Application Case Officer: Dominic Duffin
Direct Line Telephone Number: 01992 56433***

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



Epping Forest District Council

Area Planning Sub-Committee South



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| Scale of Plot: | 1/1250 |