

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2332/11
<b>SITE ADDRESS:</b>	Four Winds Baldwin's Hill Loughton Essex IG10 1SE
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns
<b>APPLICANT:</b>	Mr Austin Reid
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/16/89 T2 (T3 on TPO) - Cypress – Selective branch reduction, as specified G1 & T3, (A1 on TPO) - Holly - Fell T4 & T5 – Holly – Crown reduce by up to 1.5 metres of branch length
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=532812](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=532812)

**CONDITIONS**

- 1 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree 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.

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

**Description of Proposal:**

**T2. Lawson Cypress** - selective branch reduction, as specified

**T3. Holly group** - Fell to ground level.

**T4. Holly** - Crown reduction by up to 1.5 metres branch length.

**T5. Holly** – Crown reduction by up to 1.5 metres branch length.

**G1. Holly group** - Fell to ground level.

### **Description of Site:**

The two groups of trees subject of this amended application stand along the northern side boundary of the property's rear garden. The roadside fence, over which these two sections of hedge are visible, runs along the upper part of Stony Path, close to the junction with Baldwins Hill and within that Conservation Area. T3 is a suppressed thicket of at least 6 stems, about 6 metres in height and covering about 4 metres of boundary length. G1 is a similar but smaller group, between the large Cypress and Beech, about 4 metres in length and up to 5 metres in height. They form part of a linear group, in which T3, a 14 metre tall Lawson's Cypress stands out as the most important landscape feature. Two well formed, 8 metre tall hollies, T4 and T5, make a significant contribution to the street scene at the bottom, north eastern corner of this boundary group. A Beech stands closer to the house and overhangs the road but has recently succumbed to fungal infection and is to be removed for safety reasons.

### **Relevant History:**

The original proposal wanted to remove the Cypress, shown as T2, both Hollies, listed as T4 and T5 in addition to T3 Holly group. However, following a site meeting with client and agent it was accepted that T2, T4 and T5 must be retained and selectively pruned, as described above but T3 and an additional group G1 may be removed to be replaced by suitable new trees in a garden design, produced by the agent.

TPO/EPF/04/79 protected a Beech as T19. This tree has died and is exempt

TPO/16/89 protected an area, A1, of Hollies, including the groups described on the applicant's plan as G1, T3, 4 and 5. It also protected a Hawthorn, T1 and an Ash T2, which have been removed. The Lawson's Cypress is listed on this TPO as T3 but shown on the applicant's plan as T2.

TPX/EPF/2337/11 provides a notice to undertake felling works to five cypresses, a pear and a group of Holly protected by the Conservation Area status of the property. This notice has raised no objection due to the extensive and designed replanting scheme provided by the Landscape Designer employed as agent.

### **Relevant Policies:**

LL9 Felling of preserved trees.

### **SUMMARY OF REPRESENTATIONS**

3 neighbours were consulted but no responses have been received.

LOUGHTON TOWN COUNCIL were willing to waive their objection to the proposal providing the tree officer deems the works acceptable. They suggested that the District Council should consider whether it was appropriate to place TPO's on some or all the trees, subject to the notice EPF/2337/11, as significant loss would result in a drastic reduction of the trees at this locality, which were visible in the street scene.

### **Issues and Considerations:**

#### **Issues**

The application is made on the basis that the heavy presence of Holly and Cypress in the garden is overbearing and undesirable. A plan has been drawn up to redesign the garden with beech, Birch Rowan and more attractive and colourful large shrubs and ornamental trees, planted to retain privacy and a strong tree presence in the street scene.

## Considerations

### i) Amenity value

The two clumps of hedging trees T3 and G1 are clearly visible above the six foot high, close boarded roadside fence but are subordinated by the larger Holly trees to the east and the very dominant Cypress, T2, beneath which both groups strive to grow. Due to this dominance their landscape value is only moderate and contributory to the larger specimens. It should be noted that the death of the Beech will open a sizeable gap in this screen, which will be reduced by the required replacement trees in this area.

### ii) Suitability of location and potential for better replacement.

Originally, the line of trees would have formed an even aged boundary screen. Over the years the loss of three larger trees has allowed the Cypress to become the major landscape feature in this garden and local street scene. This has impacted on the development of the two groups directly beside T2, resulting in their slower and less vigorous development. The garden design proposes that varied and attractively shaped trees and or large shrubs are planted in these areas to ensure ongoing privacy and provide a visual improvement on the dark mass that characterises the current boundary vegetation.

### iii) Tree condition and life expectancy.

G1 and T3 both appear to be in a normal condition, despite their somewhat suppressed form. They have a long life expectancy of more than 10 years.

## Conclusion

Groups G1 and T3 are the least valuable roadside trees in this mature boundary screen. Their removal will allow better planting to improve the public views while retaining a screening function. The loss of amenity from their removal will be mitigated by the numerous, carefully chosen, replacements. It is, therefore, recommended to grant permission to fell these two groups of small Holly trees. The proposal therefore accords with Local Plan Landscape Policy LL9.

It is recommended that, in the event of Members granting permission to fell these trees, a condition be attached to the decision notice requiring the planting of two agreed suitable replacements at an agreed location on the site.

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

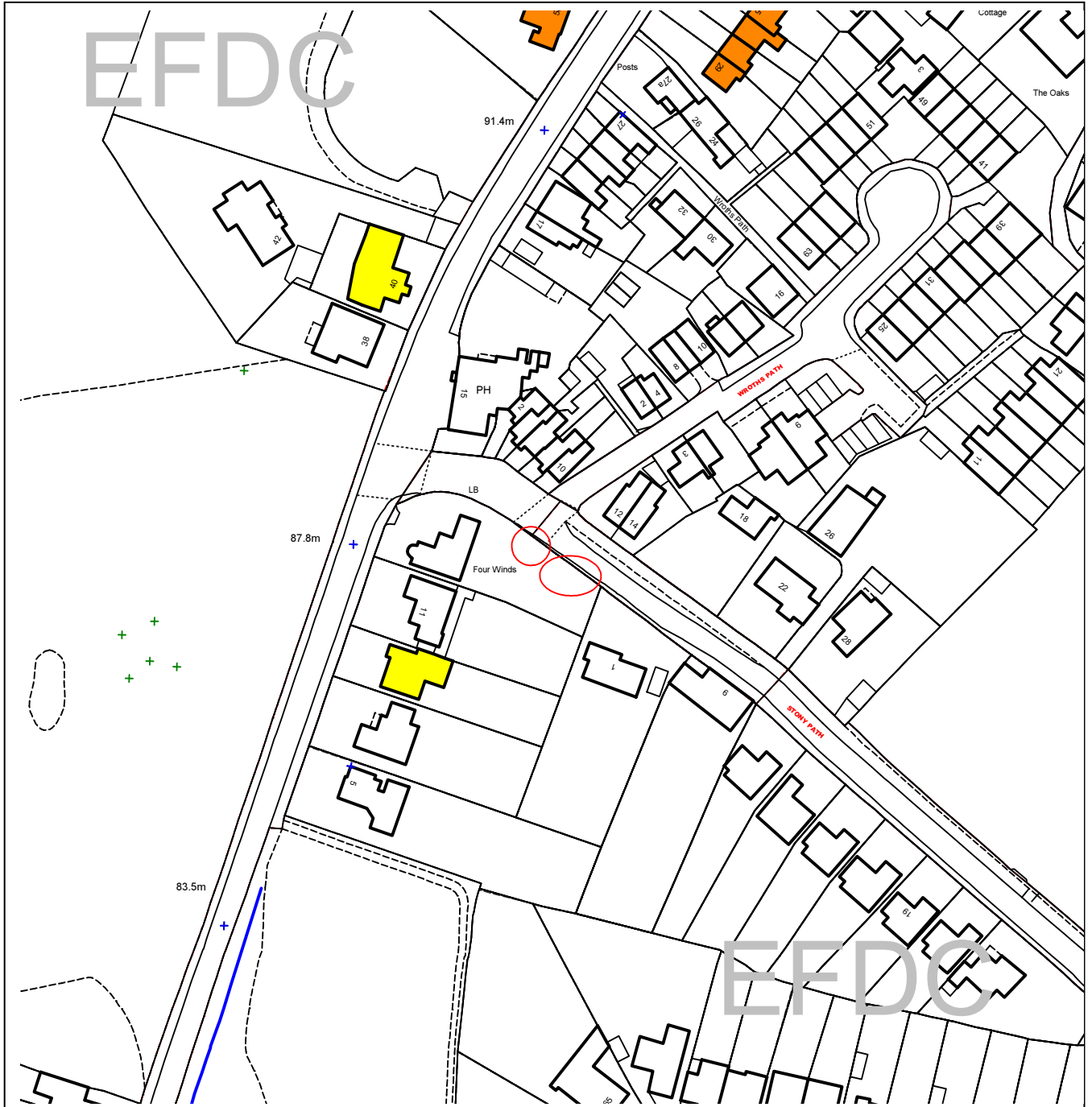
***Planning Application Case Officer: Robin Hellier  
Direct Line Telephone Number: 01992 564546***

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>1</b>
Application Number:	EPF/2332/11
Site Name:	Four Winds, Baldwin's Hill Loughton, IG10 1SE
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1732/11
<b>SITE ADDRESS:</b>	Lingmere Vicarage Lane Chigwell Essex IG7 6LQ
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Mr Martin Higgins
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing dwelling and erection of four detached dwellings, conversion of existing Coach House to a dwelling.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=530629](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530629)

**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 development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1191.4 Rev. A, 1191.5 Rev. A, 1191.6, 1191.7, 1208/07, 1208/09B (amended plan received 13 October 2011), and the following amended plan nos. 1208/01Q, 1208/02h, 1208/03h, 1208/04f, 1208/05G, 1208/06k and 1208/08B (Amended plans received 19 October 2011). Together with the supporting Design and Access Statement (August 2011 revised 12/08/11) and Great Crested Newt and Reptile surveys report date 10 July 2010
- 3 No construction works above ground level shall have taken place until documentary and photographic 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.
- 4 Prior to first occupation of the development hereby approved, the following proposed window opening(s) shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently in that condition.
  - i) Plot 1, first floor flank south-east flank elevation
  - ii) Plot 3, first floor flank east and west flank elevation(s)
  - iii) Plot 4, first and second floor east and west flank elevation(s)
  - iv) Plot 5, first floor east and west flank elevation(s)and the existing window opening in
  - v) Plot 2, first floor front (west) elevation.

- 5 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved (Plots 1 to 5) 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.
- 6 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]
- 7 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]
- 8 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]

- 9 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.
- 10 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.
- 11 Prior to first occupation of the development the vehicular accesses shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the accesses at the junction with the highway shall not be less than 3.6 metres and shall all be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 12 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.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 14 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.
- 15 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.

- 16 At least 48 hours prior notice shall be given to the Archaeological Advisory Group of Essex County Council of the date works will be commenced on this site or any part thereof, and persons authorised shall be afforded access for inspection of the site, and for carrying out works of excavation for the purpose of recording any features thereon of historical or archaeological significance.
- 17 Access to the flat roof areas of the approved dwellings Plot 3, 4, and 5, shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area. No furniture, including tables and chairs, shall be placed on the flat roof.
- 18 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 19 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class E shall be undertaken within Plot 1 and Plot 5 without the prior written permission of the Local Planning Authority.
- 20 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B and C shall be undertaken to any of the approved dwelling(s) contained within Plot 1 to Plot 5, without the prior written permission of the Local Planning Authority.
- 21 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
- 22 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.

- 23 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 24 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.
- 25 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.

**This item was on the agenda of the last meeting 02 November 2011 but was deferred by Members at the meeting. The Committee expressed concern about the size and siting of proposed House 1, but reserved their assessment of that matter. Members also resolved to defer consideration of the proposed development in order to secure/pursue:**

- 1. The opinion of Thames Water on the adequacy of drains in the locality to accommodate the additional load that would be created by the development.*
- 2. Options for dealing with the condition of the road surface of Lingmere Close and the damage likely to be caused to it as a consequence of construction the proposed development.*
- 3. Legal advice on the legality of any planning obligations that may be sought and the legality of any decision to give planning permission on the basis that such agreements are offered.*
- 4. The advice of the District Council's Tree and Landscape officer on whether trees presently unprotected merit being made the subject of a tree preservation order and on the impact of the development on the amenity and landscape value of trees on site.*

The additional comments received have been added below.

### **Thames Water Comments on Drainage**

With regards to the concerns about the sewerage infrastructure at this site, Thames Water do not object to this development as their records suggest that there is capacity available in the sewers for the increased input. In respect of surface water drainage, sewer upgrade works for the surrounding area would not be necessitated by this development.

Based on information provided for the number of dwellings, Thames Water has advised that with regard to sewerage infrastructure and water infrastructure, they have no objection to the above planning application.

### **Highways**

The applicant has commented that the resurfacing of the road would necessitate the raising of existing dropped kerbs, gullies, manhole cover and frames, kerbs and the public footpath in front of the existing properties. The applicant is prepared to make a contribution of £25,000 towards the costs incurred by the Highway Authority in the upgrading of the highway surfacing to Lingmere Close.

With regards to the resurfacing/repairs of Lingmere Close, the Highway Authority points out that Lingmere Close is an adopted highway, maintainable at the public expense. As such, the Highway Authority would not ask for contributions towards the maintenance of it. Lingmere Close has been assessed by their Maintenance Manager and has deemed it to be structurally sound and in no need of resurfacing in the foreseeable future. A new road surface would cost well in excess of £25,000 and this figure would only cover the cost of tarmacing over a concrete road, but it would only crack and break up very quickly, becoming unsightly and in need of future repair at continuing maintenance costs to Essex County Council.

The Highway Authority does not seek contributions towards maintenance issues of the highway and would re-iterate that there is no engineering need for Lingmere Close to be re-surfaced.

The Planning Officer comment in this respect is that there is no engineering justification for this, leaving only a possible aesthetics improvement to the appearance of the road.

### **Legal Agreement**

There is no justification under the CIL Regulation 2010 to seek a financial contribution in this case. The applicant has however provided a Unilateral undertaking to contribute £25,000 towards the cost for the road improvement.

### **Tree Officer's comments on Landscaping**

On the 20<sup>th</sup> August 2010, 20 trees were given Tree Preservation Orders (TPO's). The Council's Tree Officers carefully assessed the impact of the proposed development on all the preserved trees and is satisfied that they will be retained. The Council's Arboricultural officer confirms that the remainder are not justified for retention.

From the trees that are shown to be removed, Tree 7 is one of a group of cypress conifer trees, which is given a low C category rating. Tree 8 is a young sycamore, again with a category C rating. The removal of this young tree will help to encourage tree 9 (Horse Chestnut which is a TPO) to become a better shaped specimen and health into maturity. Trees 10, 11, 12 and 13 are all cypress conifers, which are all classified with a C category grading and are of limited value. Therefore, apart from one young sycamore, all of the trees being removed are cypress conifers of

very limited value in landscape terms. The benefit of the removal is that the remaining trees grow to a better shape and maturity.

The original report is repeated, without alteration:

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

### **Description of Proposal:**

This application is to demolish the existing one and a half storey detached building and replace it with four new, detached dwellings and to convert the existing coach house building into a dwelling with associated works.

The size of the proposed dwellings, are summarised as follows:

House 1 - A one and a half storey, 4-bed cottage style dwelling. Its access is the existing access off Vicarage Lane. Its appearance is a double gabled façade with a small, central dormer. It will be 7.2 metres high and its plan footprint measures 14.8 metres deep by 13.0 metres.

House 2 – This will be fashioned from the existing coach house that directly fronts onto Vicarage Lane. It is an elongated, timber clad building and it presently serves as ancillary accommodation to the main dwelling. This will be retained and converted into a one and a half storey, 3 bed dwelling. Its fenestration will be improved with new windows and roof lights to the bedroom at first floor level. The only addition will be a 2.2 metre deep by 6.0 metre wide extension to the west elevation of the building. This will provide the double garage for House 1. The height of the building is 5.6 metre high and its plan footprint 22.2 metres wide by 7.4 metres deep.

House 3 – This property will appear as a two and a half storey dwelling with a double integral garage. It is designed with a central dormer above a small portico entrance flanked by double storey front projections. The building will be 8.9 metres high and the plan footprint will be 14.1 metre deep by 17.6 metres wide. It will have its access off Lingmere Close and fronts onto Lingmere Close.

House 4 – This property will be a two and a half storey, 6 bed dwelling with a double integral garage. Its façade will have gable ends with 3, front facing dormers. It will be 9.5 metres high and its plan footprint measures 17.6 metres wide by 13.6 deep. This property will front onto Lingmere Close and its access will be off Lingmere Close.

House 5 - This site will accommodate a two and a half storey, 6-bed dwelling with a single integral garage. Its access will be off Lingmere Close. From the street its façade adopts 2, front facing dormers positioned to the side of a double storey front projection. It will be 8.6 metres high and its plan footprint will be 14.2 wide by 17.0 metres deep.

### **Description of Site:**

The application site comprises approximately 0.5 hectare of land sited at the western corner of Vicarage Lane and north of Lingmere Close. Lingmere Close is a small cul de sac with 4 detached properties. The site is bordered by residential developments to the south and west, and open fields to the east and north. The plot of land is located on the edge of the built up area of Chigwell village. Although the Chigwell conservation area lies to the immediate north of the plot, the site does not form part of the Conservation area boundary.

The buildings that occupy the site are presently a detached, red brick built one and a half storey 'L' plan shaped building. There is also an associated detached building historically used as a coach house, it is rendered with timber cladding and immediately fronts onto Vicarage Lane.

The site is heavily treed and contains several TPO trees. The north and eastern boundary is within the Green Belt however, the site does not lie within the Green belt.

### **Relevant History:**

EPF/0714/10 - Demolition of existing dwelling and erection of five detached dwellings. Coach House to be retained for ancillary accommodation. Withdrawn

EPF/2678/10 - Demolition of existing dwelling and erection of five detached dwellings. Coach House to be retained for ancillary accommodation. (Revised application)

This application was refused for the following reasons.

1. The siting and location of proposed dwelling house Nos. 2, 3, 4 and 5, due to their overall size, height, bulk and proximity to their corresponding boundaries, would result in a cramped form of development detrimental to the character and appearance of the area.
2. By reason of its siting and scale, House 2 would appear in sharp contrast to an important element of the character of the locality: its open or landscaped frontage to Vicarage Lane. That contrast would detract from the character and appearance of the locality and underscore the cramped appearance of the development as a whole.
3. The proposed House No. 2, as a result of its height and siting, will appear prominent when seen from adjacent land in the Green Belt, particularly if existing trees adjacent to the site boundary are significantly reduced in height or removed. As such it will result in development conspicuous from the Green Belt that detracts from its visual amenities.
4. The size and layout of the proposed building within the curtilage of House No. 2 and position of the proposed vehicle and pedestrian access into this site would put undue stress on nearby trees that would be harmful to their future viability.

### **Policies Applied:**

GB7A	Conspicuous development in the green belt
CP1	Protecting the quality of the built environment
CP2-CP5	Sustainable design/ building objectives
CP7	Urban Form and Quality
DBE1	Design of New Buildings
DBE2	Effect of New Buildings on surroundings
DBE3/ DBE5	Design and layout of new development in urban areas
DBE6	Car parking in new development
DBE8	Provision of Private Amenity Space
DBE9	Amenity Considerations
H2A	Residential Development on Previously Developed Land
H3A	Housing Density
ST1	Location of Development
ST2	Accessibility of Development
ST4	Highway safety
ST6	Vehicle parking
NC4/ NC5	Protecting Established Habitats of Local Interest
LL10	Protecting Landscape Features
LL11	Adequate Landscaping

## **SUMMARY OF REPRESENTATIONS:**

8 letters were sent out to neighbouring occupiers and a site notice displayed at the front of the site and the following letters of representation have been received.

2 LINGMERE CLOSE – Objects because of the impact on the existing housing in the area and traffic concerns. Proposal will result in overdevelopment of the site and as such it is out of character and will be detrimental within the street scene. Plot 2 will be smaller than every other property. It has no garage and very little garden. An entrance immediately adjacent to the junction is proposed for Plot 2. There is not enough room to allow cars to turn around within the site. This will force vehicles to reverse and this is a highway safety concern.

If consent is however approved, the applicant through a Section 106 and Planning Conditions should pay for the cost to upgrade the existing pipe work for the sewage and water. The applicant should also pay for the cost to re-surface the entire road surface and pavement of Lingmere Close. Existing access from Lingmere should also be used for all construction traffic.

3 LINGMERE CLOSE – Strong objection on grounds that in broad terms, the existing dwellings that front onto Lingmere are of a similar size and footprint. The proposed houses are of a smaller footprint and different design. The street scene will become imbalanced. The proposal will see an overdevelopment of the site adversely affecting the character of the area to a significant and unacceptable degree. Proposal is too cramped and is not in keeping with existing houses. Impact on traffic generation. If consent is however approved, the applicant through a Section 106 should re-surface the entire road surface and pavement of Lingmere Close. All construction traffic should be through Vicarage Lane and 'not' Lingmere Close Proposal should have been discussed with the existing residents of Lingmere Close prior to submitting the application.

THE END HOUSE, 4 LINGMERE CLOSE – No objection to the three new houses proposed in Lingmere Close. However, would like the developer to upgrade the existing pipe work for the sewage and water. The applicant should also pay for the cost to re-surface the entire road surface and pavement of Lingmere Close. Existing access from Lingmere should also be used for all construction traffic. The increase traffic is also of great concern.

5 LINGMERE CLOSE – Raise concern on a number of issues, principal bedroom windows at first and second floor of plot 3 and 4 will have a line of sight to patio and rear facing master bedroom. This will reduce their level of privacy. On plot No. 2 there is insufficient space for vehicles to turn within the site and leave in forward gear. Potential increase in highway safety and ongoing parking issues within Lingmere Close.

CHIGWELL PARISH COUNCIL – The Council OBJECTS to this application unless the developer can reach agreement for the resurfacing of the highway and replacement of drainage.

## **Issues and Considerations:**

The main issues with regards to this proposal are the appropriateness of the new housing development at this location. Its design and appearance, its effect on the amenity of neighbouring occupiers, impact on highway safety. Also considered is the effect on the local wildlife and with regards to the wider landscape and protected trees.

In addition, because this application has previously been refused it will need to be considered whether this revised scheme has overcome the reasons from the previous refusal.

### Sustainability of the site's location

The application site is on the edge of the Chigwell urban area it is within walking distance of Chigwell High Road and Chigwell Underground Station. There is a frequent bus route that serves the High Road. Given the proximity to the adjoining fields, it is also very close to public open space.

The application site is in a sustainable, urban location and is classed as previously developed Brownfield land. The principle for a housing development at this site is therefore acceptable.

### Density – amount of development

The density of new housing development can be somewhere between 30 and 40 dwellings/hectare. In urban area such as this, 8-15 dwellings per hectare can be acceptable.

For this plot, the proposed four new dwellings with the additional dwelling that will be converted from the coach house will provide less than 10 dwellings per hectare. Policy H3A allows for lower densities depending on “the size and shape of the site, including any significant heritage, landscape or wildlife features”.

The site has a large number of trees some have TPO. The layout and siting of the new buildings, is such that three of these plots House 3, 4 and 5, will have their new access from Lingmere Close.

Whilst the occupiers of Lingmere Close have raised objections and concerns about the amount of development, only 3 of the 5 properties will be accessed directly from Lingmere Close. Each new dwelling provides adequate private amenity space within their rear gardens.

It is considered the proposed number of new dwelling proposed for this site is acceptable.

### Scale, Layout and Siting of new development

For new development, the scale and layout will usually be required to conform to the existing street pattern. The Councils policies do not support a radical deviation from the general building line. A projection or recess in the building line of a few inches may however be a useful design feature depending on the existing layout of the street. Characteristic features at upper floor levels and articulation of the roof form, may also be incorporated in order to achieve an acceptable design.

Lingmere Close is a small cul de sac with only 4 dwellings. The character of the area is individually styled buildings set in wide, spacious plots and the layout of the street is a curved sweeping pattern. Within Lingmere Close all the properties are detached, double storey and some of these provide accommodation within the roof.

The new layout proposed for House 3, 4 and 5 will see a continuation of this curved, sweeping pattern. The siting of the new building's that will front onto Lingmere Close is slightly staggered, and the design and scale of the buildings will vary to complement the existing street. The articulation of the roofs will add variety to the street and as a consequence, the overall built form will complement the area.

The retention of the substantive tree screening will add benefit to soften the appearance from the street.

The overall scale and layout of the 4 new dwellings and the coach house to be retained when seen from Lingmere Close and Vicarage Lane will adopt varying heights and plan form. The new

dwellings provide adequate set-backs from the edge of the roadway. The single storey elements will also benefit to allow the buildings not to appear cramped. This overcomes the previous reasons for refusal and the new dwellings will not appear out of keeping with the character of the wider area.

### Design and appearance

Policy DBE1 and DBE2 of the Local Plan requires new development to be of a good design that respects their settings in terms of scale, proportion, siting and massing.

The concept for these new buildings is such that they adopt traditional features in their design approach. These are typified by their hip and half hipped roof form that will fit in with the vernacular of the area. External finishes would be facing brick work, plain tiles roofs and timber frames for the doors and windows. The proposed dwellinghouses are modern in many respects and some have been designed with small pitched roof dormers together with other architectural design features that will result in an attractive frontage to the buildings façade.

The proposed cottage style dwelling House 1 is acceptable in size, design and its appearance. The proposed dwellings Nos. 3, 4 and 5 have been reduced and will appear more in keeping with the existing street pattern.

Paragraph 15.69 of the Local Plan requires a minimum gap of 1.0 metre between each detached dwelling house to its side boundary. House 3, 4 and 5 are all sited a minimum 1.0 metre from each corresponding side boundary. The single storey garage also adds to reduce the bulk, size and scale.

The topographical landscape of this site has been taken into account at an early stage to determine the character, layout, pattern and form of the proposed development. The staggered layout of the buildings, the orientation and the improved design of the façade will result in an attractive street scene. With additional conditions for site levels and the types and quality of materials to be used, this scheme is acceptable and overcomes the reasons for the previous refusal.

### Conspicuous development from the green belt

The plot lies to the south and west corner of the Green Belt. The site will be visible from an open area of Green Belt to the north. The site is also clearly visible from a nearby public footpath east of Vicarage Lane.

The Council will not allow conspicuous development from within or beyond the Green Belt which would have an excessive adverse impact upon the openness of the Green Belt.

With the previous proposal, a new dwelling would have been sited on the corner of Vicarage Lane and Lingmere Close. This has been revised and omitted from the scheme. With this revised proposal, the most prominent new dwelling from the Green Belt will be House 1 (House 2 is existing), which fronts onto Vicarage Lane. This property has been designed to appear as a cottage style dwelling with a lowered ridge and a more compact built form. House 3, the house immediately east of Vicarage Lane will be hidden in part by a tree on the corner of the plot. From the revision, the proposal will not appear visibly conspicuous from the Green Belt.

### Private amenity space provision and amenity of immediate neighbouring occupiers

The private amenity space each of the 5 new dwellings provides is as follows,

House 1 – 4, bed 573 m<sup>2</sup>

House 2 – 3, bed 170m<sup>2</sup>  
House 3 – 6, bed 320 m<sup>2</sup>;  
House 4 – 6, bed 397m<sup>2</sup>  
House 5 – 6, bed 483m<sup>2</sup>

The Council's policy expects rear gardens of new dwellings to have a minimum area of 20 square metres per habitable room in order to provide a reasonable area of outside amenity space. From the siting and layout of the new dwellings, each property will provide excess of the prescribed minimum. The private amenity space for all the dwellings is acceptable and will fit in with the scale and character of the area.

The properties that will be most affected will be dwellings in Lingmere Close. The properties closest to the site to its eastern and southern boundary are No. 1 Lingmere Close and Brimure, which fronts onto Vicarage Lane.

The siting of House 5 will be a minimum 3.0 metres from the property at No. 1 Lingmere. There are several TPO trees along the boundary and this substantive attractive soft landscape feature that will be retained will to a great degree, screen the property from their view.

The closest building to Brimure will be sited some 16 metres from their rear garden fence. With new landscape features, this property will not be overlooked.

The siting of the new buildings has been carefully considered. The objections received from the occupiers of Lingmere Close have been taken into account and their grounds of objection considered in detail. However; the siting, position and scale of the new buildings have been carefully considered and will not result in loss of light, outlook, and privacy or harm the visual amenity of neighbouring occupiers.

#### Landscaping

There are a number of mature trees and hedgerows on the site. Several trees within the site have been recently been TPO. For this reason, there are significant landscaping implications for this site. The scheme however, has made considerable efforts to safeguard soft landscape features within the site and will provide additional tree screening to safeguard the amenity of the new House 1.

In order to safeguard existing landscaping and provide sufficient screening for this development, any approval for this site will need a landscape condition.

#### Effect on nearby Conservation Area

This site is set adjacent the Chigwell Village Conservation Area. Substantial greening on the north and western boundaries of this proposal will soften the effect of this new development in the landscape and retain the screening that affords to this Conservation Area.

As such, the Conservation Officer does not wish to raise any objections to this proposal as it will not have a detrimental impact upon the character and appearance of this Conservation Area.

#### Contaminated Land

The site has been identified as potentially contaminated due to the presence of an in-filled lake and man made ground. Any grant of planning permission should therefore have a phased land contamination investigation; this can be secured by a condition.



### Land Drainage

The Land Drainage Officer does not wish to raise an objection because the site is not within a flood risk zone and no foul or surface water drainage is required. The size of the proposed development is such that it is necessary to avoid additional surface runoff. This can be secured with a planning condition.

### Archaeological Implications of this site

The Historic Environment Management Team of Essex County Council has identified the site as having archaeological implications. Given the nature and scale of the proposals, this is the last chance to record the development of the site and to 'preserve by record' those structures targeted for demolition. In view of this, a condition will be made with the grant of planning approval in line with Planning Policy Statement 5: Planning for the Historic Environment

### Parking and Highway safety

The new dwellings will each have one or two garage(s) and in addition, parking bays at the front for off street parking. The provision of garages is an appropriate design-led solution to the provision of car parking and other storage needs which are likely to be associated with large family houses. Therefore this level of parking provision is acceptable.

The neighbours have raised objections on grounds that the proposal will raise highway safety concerns and exacerbate the parking situation. Although this development would result in more cars using the site, this however, will not result in detrimental harm to highway safety. The highway authority would not wish to raise an objection to this scheme, subject to conditions.

It is also noted the comments received from neighbours requesting possible financial contributions should be imposed on the developer/ applicant. A financial contribution is not necessary or justified for this type of development towards roadway/ pavement improvements at Lingmere Close because of the number of dwellings proposed with this scheme.

### Other considerations

On the issue of possible contributions for this site for highway improvement and drainage, given the size of the plot at just under 0.5 hectares it falls short of the size for contributions. In addition, the number of dwellings proposed is for 5 new dwellings, it also falls significantly short of the threshold for contributions.

A number of neighbours in Lingmere and the Parish Council have raised objections on grounds that the applicant/ developer should improve the drainage and resurface the roadway of Lingmere Close and its footpath.

Under the test of Circular 1/97, these requirements should not be imposed upon the applicant/ developer. This is because for the works that will need to be carried out, it will not be reasonably related in scale to the proposed development. For this reason, it will not be reasonably justified to impose such a condition or seek such financial contributions through a Section 106 agreement from the applicant/ developer.

### **Conclusion:**

This proposal to redevelop this site to provide four new dwellings and to convert the existing coach house into a separate dwelling is acceptable as part of a comprehensive development of this site. The layout, scale and siting will complement and fit in with the character and appearance of the existing street pattern.

The proposal overcomes the reasons for the previous refusal and despite objections and concerns raised by neighbours and this has been addressed in the body of this report; the proposal on balance complies with relevant Local Plan policies. It is therefore recommended for approval with conditions.

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

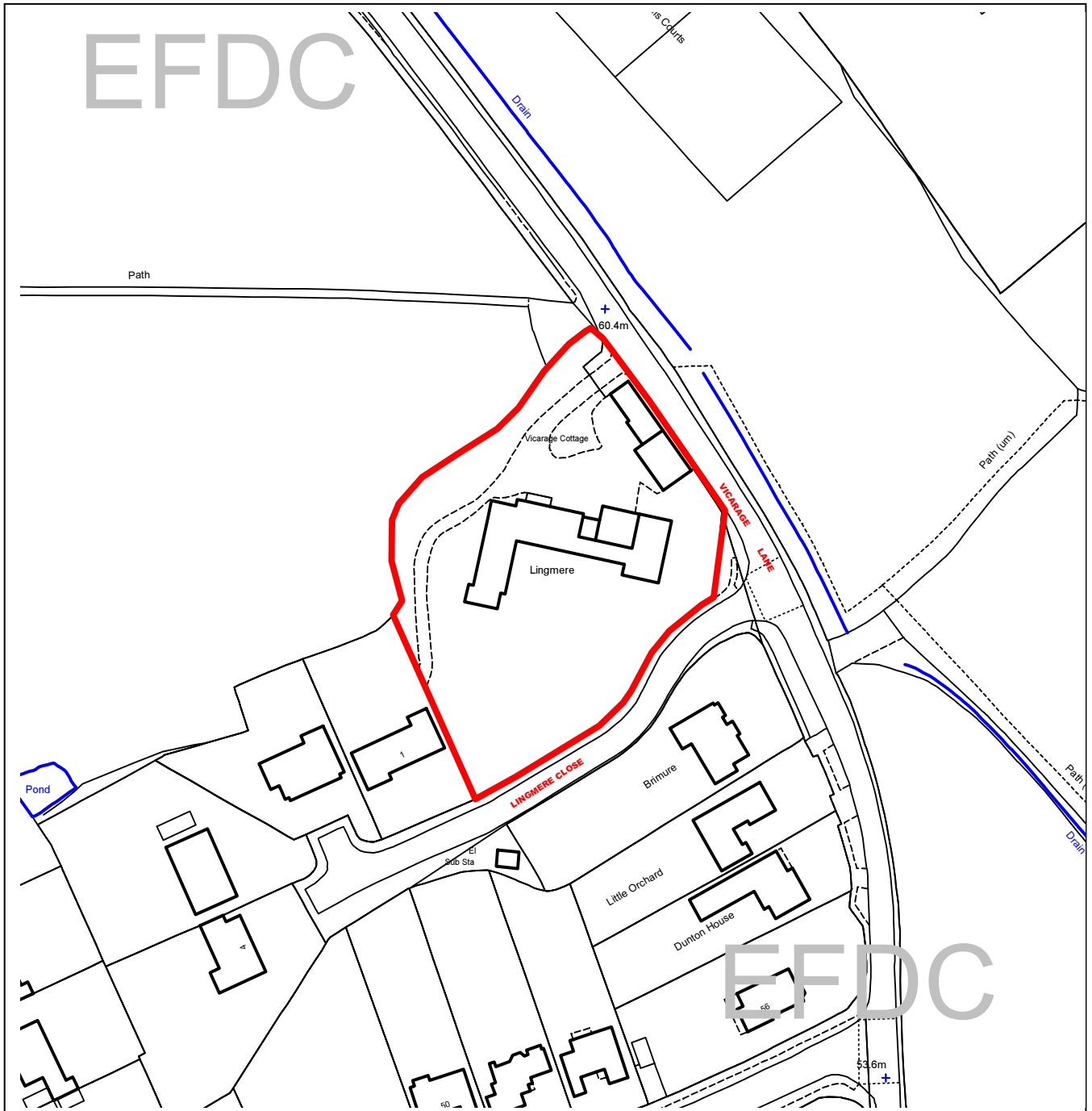
***Planning Application Case Officer: Ms Paula Onyia  
Direct Line Telephone Number: 01992 564103***

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>2</b>
Application Number:	EPF/1732/11
Site Name:	Lingmere, Vicarage Lane, Chigwell, IG7 6LQ
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2102/11
<b>SITE ADDRESS:</b>	3 Church Hill Loughton Essex IG10 1QP
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>APPLICANT:</b>	Mrs K Hersey
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from dwelling (C3) to pre-school day-nursery (D1)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=532018](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=532018)

**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 development hereby permitted will be completed strictly in accordance with the approved drawings nos: (10) 001 Revision A, (11) 001 Revision C, (21) 001 Revision A, (21) 002 Revision A, (21) 003 Revision A, (20) 001 Revision A and (20) 002 Revision A. Supporting Planning Statement with Appendix 1 and Appendix 2.
- 3 The Nursery/ Daycare use hereby permitted shall not be open to customers outside the hours of 7:30 am to 18:30 pm Monday to Friday only and not at all on Saturdays, Sundays or Bank/Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.
- 4 There shall be no more than 45 children at the daycare/ nursery premises at any given time.
- 5 Prior to the use hereby approved commencing, two car parking spaces shall be marked out on the ground of the driveway of the site, off the Uplands, stating 'Staff Parking Only' and be retained as such thereafter.
- 6 The premises shall be used solely for Pre-School Day Nursery and for no other purpose (including any other purpose in Class D1 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.

- 7 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.
- 8 No development shall take place until details have been submitted and agreed in writing by the Local Planning Authority showing the position and extent of the outdoor playing area.
- 9 The number of children in the outdoor playing area at any one time shall not exceed 20.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

### **Description of proposal**

Proposal is for a change of use of this detached residential property, including the use of the existing detached double garage, into a pre-school/ nursery and the use of the external areas for parking and playground.

### **Description of Site:**

This corner premises lies on the eastern side of Church Hill and has a return frontage onto The Uplands. The site accommodates a detached bungalow with a first floor in the roof void fronting Church Hill and detached double garage to the rear, served by a vehicular access and drive from The Uplands. The ground level is level with the road.

It is part of a residential area, on the edge of Loughton Town Centre and shopping facilities in Church Hill. South of the site, on the other side of The Uplands/Church Hill junction, there is a recently completed residential development of 8 apartments, formerly a site of a Montessori Nursery at 1 Church Hill.

## **Relevant History:**

### *Application Site:-*

Garage and car port approved in 1970's.

### *1 Church Hill:-*

EPF/0146/07 – Demolition of existing building (Montessori Nursery) and redevelopment of 8 x 2-bedroom apartments - Allowed on appeal.

## **Policies Applied:**

DBE2 and 9 – Neighbour amenity

RP5A – Adverse environmental impact (noise and disturbance)

ST1, ST4 and ST6 – Parking and highway safety

E12 – Small scale businesses

## **Summary of Representations**

LOUGHTON TOWN COUNCIL – The Committee OBJECTED to the proposed change of use, expressing concern at the loss of parking spaces as there was very limited parking in the vicinity and existing on-street parking had reached saturation levels. It NOTED that the nursery formerly at 1 Church Hill had provided significant private parking. Members considered the loss of a dwelling house and the disturbance the proposed nursery would cause to residents in The Uplands, Church Hill and The Pavilions unacceptable and NOTED the site was immediately opposite a conservation area.

24 properties were consulted and a site notice was displayed. The following letters of representation have been received:

6 FIELDING COURT, 1A THE UPLANDS, LOUGHTON – Strongly Object on grounds the location is hazardous and would severely restrict access to/from our narrow street. This application would encourage more illegal and reckless parking.

7 FIELDING COURT, 1A THE UPLANDS, LOUGHTON – Objects on ground of road safety concerns, parking problems that already exist would worsen with drop off and collection times. Potential increase in noise.

8 FIELDING COURT, 1A THE UPLANDS, LOUGHTON – Objects on grounds that it will cause more parking congestion in this part of the street.

4 THE UPLANDS, LOUGHTON – Objects on grounds of potential increase in parking. It is appreciated the Cricket Club have given their permission for the potential use however, presently there is an overspill of people who use the Cricket Club that leads to increased parking along The Uplands.

15 CHURCH HILL, LOUGHTON - Supports. Local resident fully supports the opening of another nursery because there have been recent closures of nurseries and pre-schools in the local area. The site is in a convenient location.

301b HIGH ROAD, LOUGHTON – Supports a new nursery at this location because there are long waiting lists for nurseries. It will benefit the community.

9 MONKCHESTER CLOSE, LOUGHTON – Supports a new nursery at this location because there are long waiting lists for nurseries. It will benefit the community

5 SEYMOURS, LOUGHTON – Supports the opening of another nursery because there have been recent closures of nurseries and pre-schools in the local area. The site is in a convenient location and replaces the Montessori that was in The Uplands.

13 GRANGE COURT, LOUGHTON - Supports the opening of another nursery because there have been recent closures of nurseries and pre-schools in the local area. The site is in a convenient location.

30 MORNINGTON ROAD, LOUGHTON – Supports because there is a desperate need for nursery places in the area with presently long waiting list. Good location and accessible to local bus routes and on foot and there is parking available.

19 GOLDINGS RISE, LOUGHTON – Supports because there is much need for more nurseries in the area.

47 NEVILLE WAY, LOUGHTON – Supports because there are long waiting lists in the area. This could become an even bigger problem in the coming years.

18 COOPERSALE STREET, EPPING – Supports because there is a need for nursery places in the area.

2 STEWARDS CLOSE, EPPING – Supports because it is difficult to find suitable nursery places in the area. The more places the better.

COURTYARD COTTAGE, HARTLAND ROAD, EPPING – Supports because a number of new homes have been built and the closure of the Montessori Nursery in Uplands Road, seem to indicate a lack of sufficient places for local children. The proposal would be useful for this site.

166 FOREST EDGE, BUCKHURST HILL – Comments that the surrounding community, Loughton, is in need of more nurseries. The proposed area is convenient for many potential customers and does not pose any danger or threat to the children. Environmentally is ideal, as beforehand many families would have to drive their child to a nursery, however with this new development fewer families would need to commute in order to take their child to a nursery.

FLAT 13, THE ATRIUM, LOWER QUEENS ROAD, BUCKHURST HILL – Supports because it is a great location and there is a need for a nursery in the area with easy access.

38 GLADSTONE ROAD, BUCKHURST HILL - Supports the opening of another nursery because it will benefit the area.

60 ARDMORE LANE, BUCKHURST HILL - Supports the opening of another nursery because there have been recent closures of nurseries and pre-schools in the local area. It replaces the Montessori that has since closed.

4 PRINCES WAY, BUCKHURST HILL – Supports because the Montessori was closed. Nursery places are very sought after in Loughton.

20 LITTLE PLUCKETTS WAY, BUCKHURST HILL – Supports because there is a high demand for nursery places. The Montessori has been closed down for two years. There are long waiting lists in the local area. The location is perfect especially for parents travelling by public transport. It is within walking distance to the high street.

37 VICTORIA ROAD, CHINGFORD – Supports a new nursery at this location because there is a need for it in the area and it is a good location.

120a STATION ROAD, CHINGFORD – Supports because there are presently long waiting lists for nursery places in the area. A new addition will be sensible and welcomed.

27 LAMBOURNE GARDENS, CHINGFORD – Supports because this is a great location easy to walk to. There is a need for nursery places in the area because presently there are long waiting lists for places.

7 GARFIELD ROAD, CHINGFORD – Supports because there is presently long waiting list. It will be great for the community.

44 WALTHAM WAY, CHINGFORD – Supports because it is needed. Other nurseries in the area are oversubscribed. The site is near the train station, which is convenient.

6 WORMLEY COURT, WALTHAM ABBEY – Supports because local people can benefit from the nursery, especially after the other one closed down. There are presently long waiting lists for other nurseries. This site is in a great location and it will have parking.

8 HAWTHORNS, WOODFORD GREEN - Supports the opening of this replacement nursery for the Montessori that was closed. The site is in a convenient location

25 BROOMHILL COURT, BROOMHILL ROAD, WOODFORD GREEN - Supports a new nursery at this location because there are long waiting lists for nurseries and there are few in the area.

11 FLITCH LANE, GREAT DUNMOW – Supports because there is a need for pre-schools in the area and this is a great location in a safe environment.

52 CHURCH ROAD, BENFLEET – Supports because originally lived in the area and is considering moving back. Desperate need for nursery places with very long waiting list.

### **Issues and Considerations:**

The key planning issues for consideration relevant to this application are the impact upon amenity and living conditions of nearby residential properties, adequacy of parking and highway safety.

#### *Principle of change of use*

The proposal would result in the loss of a 4-bedroom property in an area well served by similar properties and the premises will be converted and used as a pre-school nursery for children aged 3 months up to 5 years. The applicant estimates that up to 44 children could be accommodated and 6 full time and 3 part time members of staff would be required. The nursery would operate Monday to Friday from 7.30am to 6.30 pm with staggered times for dropping-off and picking up.

To demonstrate the need for a nursery, the applicant provides information in support of this application from the Essex County Council Childcare Sufficiency Action Plan 2011. It identifies a need for additional full and sessional childcare places within the wider Loughton area i.e. day nursery and preschool. There has also been a large number of letters supporting this scheme, although only one appears to be from a local resident.

The Local Plan does not have an in-principle policy resisting residential change of use, but given this is a detached house, located on a corner of two roads, on the edge of a commercial area and in a sustainable location for walking and proximity to regular public transport, the principle of the change of use is therefore acceptable. The main issues in this case are therefore whether it provides sufficient parking and would it cause unreasonable levels of traffic congestion as well as be unduly harmful to the amenity of local residents through increased noise and disturbance.



### Highway safety and parking

The current garage on the site is proposed to be converted into teaching space. There would therefore be two open parking spaces retained on the drive in front of the garage off The Uplands to serve the use. The Adopted Parking Standards recommended for a D1 use (children's day nursery), is a maximum of 1 space per full time equivalent staff + drop off/pick up facilities required on site. This is, though, a maximum requirement and needs to be balanced against its sustainable location such that the development would not generally be expected to have to provide the maximum parking spaces for the proposed Class Use.

Church Hill already has appropriate parking restrictions in place to prevent on-street parking in the vicinity at any time of the day or night, so consequently there will be no impact to the through traffic as part of this development.

The vehicular access to the site is existing and close to the road junction, but neighbouring properties in this stretch of The Uplands also have driveways so parking movements already take place here. There are no parking restrictions in The Uplands. If access was restricted in some way so that staff parking only was allowed on the site, then the fear of frequent vehicle manoeuvring in and out of the site, at peak times when parents are driving and dropping off their children, would be safeguarded against as would traffic congestion at this point and any potential highway safety hazard. The information within the application states that pick up and drop off times will be staggered so not all parents and children will turn up at exactly the same time, but restricting on-site parking would prevent against the frequency of highway safety conflict thus further avoiding potential congestion of The Uplands.

Two staff parking spaces therefore can be catered for on site. The applicant has carried out a parking survey in The Uplands at peak times, which concludes that over the two week period surveyed, there was always parking available within 1 minute and 3 minute walk of the premises. Most children will arrive by car, but this is short term parking. Other staff may drive, but their number is not considered to add noticeably to parking congestion in the local area. Even so, the applicant has come to an arrangement with the adjacent cricket club who have confirmed in writing as part of the application submission, that staff and parents can use their car park which is accessed at the end on a bend of this short stretch of The Uplands, from 7.30am to 6.30pm, Monday to Friday. The car park can cater for 20 vehicles and is very conveniently located close to the site.

Whilst there is obvious concern from some local residents that parking is insufficient for this use and proposed number of children, the 'no objection' view of the Highway Officers is supported and undue harm to highway and pedestrian safety is not expected in this case. On balance, it therefore complies with policies ST1, ST4 and ST6.

### Neighbour Amenity

The Council's policies require new development should not result in loss of amenity to neighbouring occupiers in relation to smell, noise or other disturbance.

The statement provides that precedence has been set because No. 1 Church Hill, when it operated as a nursery, also operated up to a similar number of children. However, this was a larger plot, with some off-street parking and no immediately adjoining residential properties.

For this site, the immediate residential properties which lie to the east, No. 5 Church Hill and No. 2a The Uplands will be the properties directly affected. Other neighbours, 4 The Uplands and occupiers that reside at Fielding Court (the new apartments) and the Town Council, have written in opposing the proposal on grounds of highway safety impact and the potential increase in parking.

The parking issue has been dealt with above, but traffic movement associated with the use will not increase to the detriment of residential amenity of those living within the vicinity of the site.

The site is a restricted plot and because of this, the proposed play areas will be towards the front and side of the plot, potentially therefore harming the amenities of neighbouring residents through noise and disturbance, particularly the occupiers of the adjacent house to the north at no.5 Church Hill. It is reasonable to expect children will use the play areas throughout the day whilst the premises are open and that there will be an increase in noise levels from their playtime activities over and above that currently experienced. It is accepted that the number of children using the outdoor play areas will vary at any given time throughout the day and the applicant is willing to have a planning condition imposed that restricts children's numbers playing outdoors at any one time. Planning permission should not be refused if planning conditions can overcome objections and on balance, in this case, officers consider that conditions can be put in place to control outdoor children numbers at any one time as well as requiring details of hard and soft landscaping, which will help to safeguard against the play area being immediately adjacent to no.5 and retain some of the existing landscaping to lessen the impact of the development.

Together with conditions restricting the limited hours of operation, plus the background traffic noise of traffic along A121 Church Hill, any potential disturbance from increased noise and potential increase in vehicles around the area would not be significant. On this basis, this finely balanced argument is accepted and the proposal will not unduly harm neighbouring occupier's amenity.

#### Impact on Conservation Area

The Town Council, in their grounds of objection, point out the site is opposite a conservation area, however it does not fall within its boundary. The external appearance of the building will not be altered and the only minor changes will be internal. External areas will be landscaped and will involve the removal of a garden shed in order to provide for the outdoor children's play area. The proposal therefore will not harm the character or appearance of the conservation area.

#### **Conclusion**

This is a finely balanced case. In principle, there is no objection to the change of use from a residential use to a children's day nursery because it is detached, located on a corner on the edge of the town centre. It lacks sufficient off-street parking and has the potential for excessive noise and disturbance that could detract from the amenities of immediate neighbours. However, the applicant has demonstrated that short-term parking for parents dropping off children is available in the local road and the local Cricket Club have confirmed that they can provide 20 parking spaces for the use. There is also strong support and evidence that shows there is a demand for nursery/preschool places. With conditions imposed that restrict the hours of use, location and use of the playground and prevention to any other changes of use within Class D1, the proposal is acceptable and is recommended for approval on this basis.

***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: Ms Paula Onyia  
Direct Line Telephone Number: (01992) 564103***

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/2102/11
Site Name:	3 Church Hill, Loughton IG10 1QP
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2225/11
<b>SITE ADDRESS:</b>	Wentworth Court Albert Road Buckhurst Hill Essex IG9 6EH
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill East
<b>APPLICANT:</b>	Mr Melvin Wright
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for provision of bin store area at front of site, with timber doors, existing close boarded fence to rear, and roofed over with cement fibre artificial grey slates.(Revised application now including sealing of all air gaps in the bin store served by the first two sets of double doors closest to the block, and provision of mechanical air extraction.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=532435](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=532435)

**CONDITIONS**

- 1 The doors to the bin enclosure hereby approved shall be closed at all times except when being used for the deposit of refuse, and the bolts/mechanisms for ensuring the doors are closed shall be serviced and maintained on a permanent basis.
- 2 The section of the bin enclosure closest to the block of flats at Wentworth Court, and accessed by way of two sets of double doors as indicated on drawing no. EDEN/BS/01A, shall only be used for the deposit of recyclable items in five bins.
- 3 The sealing of air gaps in that part of the enclosure to be used for storage of recyclable items, and the provision of mechanical ventilation to that part of the enclosure to be used for storage of general waste, shall be carried out within three months of the date of this decision. Once implemented these measures shall be retained, and repaired as necessary, on a permanent basis.
- 4 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: EDEN/BS/01A and EDEN/BS/02A, together with the proposals detailed in the agents letter from Mr. S Ellis dated 24/10/11.

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

### **Description of Proposal:**

Retrospective application for provision of bin store area at front of site with timber doors, existing close boarded fence to the rear, and roofed over with fibre artificial grey slates. (This is a revised application to EPF/1498/11 with the amendments including sealing of all air gaps in the bin store served by the first two sets of double doors closest to the block of flats, and provision of mechanical air extraction).

### **Description of Site:**

Wentworth Court is a new development of flats with six flats in the larger front block towards the front of the site and 3 flats in the smaller block at the rear of the site. It lies on the west side of Albert Road adjoining a footpath that goes over the central line footbridge which provides access to the Buckhurst Hill tube station car park and to Forest Edge.

### **Relevant History:**

EPF/1757/05 gave approval to the erection of two blocks of flats and EPF/820/08 allowed a variation proposing an increase in height of the forward block.

EPF/1498/11 was a refusal to a retrospective application for provision of a bin store at the front of the site – because of demonstrable harm to the amenities of the occupier of 3, Wentworth Court contrary to policies DBE2, DBE9, and RP5 of the Local Plan.

### **Policies Applied:**

DBE1 – Design of new buildings.  
DBE2 - Effect on neighbouring properties.  
DBE9 – Loss of amenity.  
ST4 – Road safety.  
ST6 –Vehicle parking.  
RP5A – Adverse environmental impacts.

### **Summary of Representations:**

BUCKHURST HILL PARISH COUNCIL – object – potential highway safety issues and impact on already busy road. Such issues have been brought to the Parish Council's attention by local residents.

NEIGHBOURS – 26 properties consulted, including nine flats at 1 to 9 Wentworth Court, and two replies received.

5 ELM CLOSE – the bin and associated fencing restricts drivers view when exiting from the flats onto Albert Road, including the view of pedestrians on the pavement.  
The pavement can be busy with children attending a local school. I suggest the bin enclosure is lowered and moved back.

1A, ELM CLOSE – confirmation is required that there is no electricity supply to operate the mechanical vents due to noise and safety factors. Details required of type of mechanical operation of the vents. Confirmation required from the Council that if fumes and/or odour are a future problem to mine and other houses that the Council will remedy the problem.

PUBLIC HEALTH MANAGER, EFDC ENVIRONMENT AND STREET SCENE – The manager of the section confirms that there have been no complaints since the previous application was considered at the 7/11/11 sub committee. The comments made then remain the same now and

are – ‘I have no doubt that the situation of the bin store could cause the type of nuisance detailed in the letter from the occupiers of 3, Wentworth Court, if the bins were not used correctly or the doors left open. It should be noted, however, that we have no record of complaint from anyone at these flats to the Public Health section or Neighbourhood Teams about such issues, nor can I find any complaints on the Waste Management system related to uncollected bins. The obvious problem with such an application for a bin enclosure, and any comments about it, is that the siting of bins is bound to affect one or more of the residents to some degree, either in terms of nuisance or visual amenity. As this was a retrospective application, and no complaints have been received by us, no comments from the team were considered necessary. Had there been a history of complaints about the storage area those issues would have been commented on.’”

EFDC WASTE MANAGEMENT SECTION – I concur with Stephen Ellis’s, the agents letter of 24/10/11, in that on site we looked at alternative positions for the bin enclosure without success, and that further measures were proposed to the existing enclosure to minimise any potential odour nuisance e.g. to seal all air gaps and install mechanical extraction. I have also since visited Wentworth Court with the Council’s waste management contractors (SITA) refuse collection supervisor Declan Hogan with a view to ascertain an alternative location for both the recycling and refuse containers. Unfortunately no viable alternative location could be found. However, it was suggested that the dry recycling wheeled bins be sited in the first 5 bays closest to the residential accommodation.

ESSEX CC HIGHWAYS DEPARTMENT – The bin store does not interfere with the visibility splay of drivers exiting the site, nor, owing to the width of the access and footway, does it pose a hazard to pedestrians on the footway. The Highways Authority has no objections to this proposal as it is not contrary to the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 and ST6 of the Local Plan.

### **Issues and Considerations:**

#### **Background and alternative options for the location of the bin enclosure**

This bin enclosure serves the 9 flats on the site and it is located in the front forecourt of the site adjoining the north boundary. It is an enclosed timber structure which has a roof over it, and it measures 6.9 m in length, 1m in width, and 2.1m in height. One end of the enclosure adjoins the block and lies underneath the balcony of the flat at number 3, Wentworth Court.

At its meeting on the 7/9/11 this Committee decided to refuse planning permission for the retention of the existing bin enclosure. The reason for refusal was ‘the retention of this bin store area in this inappropriate location results in serious demonstrable harm to the amenities of the occupier of No.3 Wentworth Court, contrary to policies DBE2, DBE9, and RP5 of the Adopted Local Plan and Alterations’.

Since that date the applicants agent has met both the case planning officer and the Council’s recycling officer on site to consider again any possible new options for siting of this bin enclosure, and also the recycling officer has met separately with the supervisor of SITA, the Council’s waste contractor, to look at all options. In brief, these discussions concluded that a location to the rear of the front block is not possible because the hard surface ground rises sharply, and in icy or snowy conditions refuse operators would be likely to injure themselves in trying to control the large wheeled bins. An alternative position on the other side of the front forecourt is constrained by the angled shape of the frontage, the loss of landscaping, but moreover 3 Wentworth Court is a single aspect flat that runs along the entire width of the block and hence windows to this flat would be no further away from the bin enclosure if it was repositioned to the other site of the forecourt.

### Proposals to modify the existing bin enclosure and residential amenity.

At present there are some nine bins in the enclosure which is enclosed by a roof and doors. In order to reduce the potential for odour nuisance to be caused it is now proposed to place the 5 dry recycling bins in the section of the enclosure closest to the residential block, and hence place the residual waste, which has more potential to produce noxious odours, further away from flats. In addition all air gaps in the nearest and recycling part of the enclosure are to be sealed, and mechanical ventilation will be provided to the residual waste section of the enclosure.

These further measures will help to reduce potential environmental nuisance, in particular to 3, Wentworth Court. In addition it should be noted that an objection from the occupants of this flat has not been received on this current application. The comments of a neighbour at the nearby 1a Elm Close in respect of possible odour are noted, but bearing in mind the comments of relevant Council departments, and the further measures proposed, and imposition of conditions, it is now considered that the proposal will not cause a significant loss of amenity to no. 3, Wentworth court, or indeed to other nearby residents.

### Visual amenity

Because the bin enclosure is orientated at right angles to the road only end or angled views of it are seen from the street and the structure is also clad in timber. While ideally a location at the rear of the site would have been more discreet the bin enclosure is felt to have a satisfactory appearance that does not greatly impact on visual amenity in the street scene.

### Highway safety

The parish council and a neighbour are concerned that the enclosure impedes the sight line of drivers leaving the site. However, the access is quite wide, and as set out above the County Council Highways Authority is of the view that driver visibility is not impaired.

### **Conclusion:**

On the original plans for this new block of flats the refuse enclosure was to have been sited underneath the front block. However, the area allocated to this was inadequate for the range of residual waste and recycling bins now required. The building of the block before a satisfactory alternative provision was made cannot be condoned. Nevertheless, the current position of the bin enclosure is the best that can now be achieved, and the further measures now proposed will reduce the potential for odour nuisance to be caused. The occupiers of 3, Wentworth Court have not objected to the current application, and the recent September 2011 refusal was based on harm to their amenity. The managing agents for the block are well aware of their need to provide good housekeeping of this bin enclosure, and conditions are to be imposed ensuring further remedial measures are in fact carried out. Having regard to all of these factors conditional planning permission is now recommended.

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

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

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/2225/11
Site Name:	Wentworth Court, Albert Road Buckhurst Hill, IG9 6EH
Scale of Plot:	1/1250



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2320/11
<b>SITE ADDRESS:</b>	182 Roding Road Loughton Essex IG10 3BS
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Roding
<b>APPLICANT:</b>	Mr Vijay Patel
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of the existing house and garage. Construction of a block of four one-bedroom flats; new vehicle access cross-over and external landscaping.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=532788](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=532788)

**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 development hereby permitted will be completed strictly in accordance with the approved drawings nos: 14420/P/50, 51, 52, 53, 54, 55, 56, 57A, 57A, 58A, Location Plan A, SP-100 D.
- 3 No construction works above ground level shall have taken place until documentary and photographic 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.
- 4 The proposed window opening in the north east flank elevation 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.
- 5 Prior to the commencement of the development elevation details of the refuse storage facility, shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented prior to the first occupation of the development and thereafter be permanently retained.

- 6 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been 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,
- 7 The cycle parking facilities as indicated on the submitted plans shall be provided prior to the first occupation of the development and permanently retained thereafter.
- 8 Notwithstanding the requirements of condition 2 of this permission, the development shall not be commenced until details of the main entrance and associated porch of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 9 All material demolished from the existing building shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 10 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.
- 11 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 12 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model

Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 13 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 14 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 15 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 16 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.

- 17 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.
- 18 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.

*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 Site**

The proposal site contains a detached dwelling with an attached garage to the side. The site is irregular in character and the rear garden is triangular in shape. The existing dwelling occupies the end plot in a row of residential dwellings and Roding Road follows around the flank of the site finishing in a cul-de-sac. The immediate area is residential in nature with two storey dwelling houses being the dominant style. The boundary of the Metropolitan Green Belt extends to the flank elevation of the site.

### **Description of Proposal**

The proposal is a revised application following the refusal of consent at committee level on 05/10/11 for a block of five flats. This proposal is to demolish the existing dwelling and garage on the site and replace it with a two storey block of four one bedroom flats. This would include two flats at ground and first floor level. The building would have a frontage of 15.2m and an overall depth of 11.2m. The rear 4m of the building would be 3m narrower than the front. Four parking spaces would be provided to the front. Private amenity space would be provided to the rear. A new vehicle access would also be provided to the front.

### **Relevant History:**

EPF/1289/05 Demolition of No.182 and garages and alterations to No.180, erection of new two storey building with rooms in roofspace to form 8 no. 1 & 2 bedroom flats, with associated car parking and amenity space. Refuse Permission - 04/10/2005.

- EPF/1349/06 Demolition of existing house and erection of a detached house and a pair of semi-detached houses. Withdrawn Decision - 01/12/2006.
- EPF/2365/07 Two storey side and rear extensions and a loft conversion. Refuse Permission - 14/12/2007.
- EPF/0370/08 Two storey side and rear extensions and a loft extension. (Resubmission). Withdrawn Decision - 18/04/2008.
- EPF/1013/08 Two storey side and rear extensions. Grant Permission (With Conditions) - 11/07/2008.
- EPF/0994/11 Demolition of the existing house and garage. Construction of a block of five one bedroom flats, new vehicle access crossover and external landscaping. Withdrawn Decision - 22/07/2011.
- EPF/1633/11 Demolition of the existing house and garage. Construction of a block of five one bedroom flats, new vehicle access crossover and external landscaping. Refuse Permission – 06/10/11.

**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
- DBE6 – Car Parking in New Development
- 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
- GB7A – Conspicuous Development
- LL11 – Landscaping Schemes
- RP4 – Contaminated Land

**Summary of Representations:**

27 neighbours consulted and site notice displayed – 2 objections received at the time of this report.

186 RODING ROAD: Objection. The extension will claustrophobically enclose the dwellings at 184 – 196 Roding Road removing the current vista of trees. Smells from the sewage station would impact on the amenity of future occupants. Vandalism to the property is an irrelevant point. Reference is made to flats in Avondale Court but these are not part of streetscene of Roding Road. Parking is a concern and the proposal will lead to road safety concerns. The applicant states that the trees are not worthy of retention and as a local resident I would refute that point.

190 RODING ROAD: Objection. All houses in the road are residential dwellings and this proposal will be out of keeping. The flats in Avondale Drive are of no relevance and do not justify the

proposal. I asked in each of my previous objection letters why - if this is a "normal" proposed development - is there a need for a specialist remote monitoring system for each flat? Why would ordinary residents need remote supervision and carer assistance? If, as seems probable, this development is to be sheltered accommodation/social housing/halfway house type accommodation, then I most definitely do not think it is appropriate to this area. The existing building is not an anomaly in the streetscene, as stated. The proposed new building would extend considerably closer to the section of Roding Road around the corner, and would be an eyesore from my house and that of my immediate neighbours.

LOUGHTON TOWN COUNCIL: Objection. Over-intensification of the site and concern about the loss of trees. This is a corner plot, visible from the Green Belt and therefore a sensitive site. Concern about highway safety. The committee requested that if the Local Planning Authority was minded to approve the scheme that an 'hours of construction' condition was attached.

### **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.
5. Private amenity space provision
6. Trees and landscaping issues
7. Lifetime Homes Criteria
8. The planning history of the site

### **Principle of Development**

Recent Government amendments to PPS3 have excluded residential gardens from the definition of previously developed land in Annex B and the minimum density of 30 dwellings per hectare has been deleted from paragraph 47, it still 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 for the redevelopment of a detached house rather than land that is wholly garden. It therefore relates to previously developed land and would amount to a more efficient use of previously developed land. The principle of a modest development of flats on this site is not considered significantly out of character with the wider locality, which includes similar flats at No's 1 – 4 Avondale Court opposite the site. The proposed block has also been designed to appear similar to the other pairs of semi detached dwellings along the street.

The adopted Local Plan and Alterations states that future trends point to an increase in single occupancy and smaller households and increased provision should be made for this demand. In this context the proposal would help meet current and future demands for smaller dwellings whilst complying with a specific point of Council policy as contained in Policy H4A. Policy H2A also promotes the reuse of previously developed land in the provision of housing. This proposal complies with this objective. The principle of the development is deemed acceptable.

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

The previous application was refused for the following reason...*"By reason of the extent of hard surfacing for a car parking area in front of the proposed building, which does not allow for meaningful landscaping, the proposed development would have an excessively hard appearance and would consequently form poor contrast with adjacent residential properties to the detriment of the character and appearance of the locality. Accordingly, the proposal is contrary to policies CP2 (iv), CP7 and LL11 of the adopted Local Plan and Alterations"*.

The applicant has addressed this concern by removing one of the parking spaces in line with the reduction in the number of flats from five to four. This does allow for the retention of part of the front lawn and a general softening of the front of the property. The proposed privet hedge would further soften the character of the site when viewed from along Roding Road, and from the adjacent dwelling. A condition agreeing such appropriate hard and soft landscaping would ensure a suitable finish that would be more in keeping with the road.

The site enjoys the benefit of being on a corner plot where a desire to achieve complete conformity with an existing streetscene is not as keenly felt. The proposed frontage of the flats is similar in width to neighbouring semi detached dwellings. The height from ground to eaves level is also very similar to adjacent dwellings. The roof does appear slightly bulkier but this is not a serious flaw in the proposal. The proposed development does not appear excessively bulky when compared to surrounding development and would not be out of place. A reasonable gap is retained to the boundaries. The rear element of the building is akin to a reasonable two storey rear extension. The detailed design is relatively plain and given the location on a quiet residential street such conformity is appropriate.

The boundary of the Metropolitan Green Belt extends to the flank elevation of the site. This proposal does not encroach on the Green Belt and the site has already been developed for residential use. Although the use of the site would intensify there would be no serious transgression of Green Belt policy with an approval of this scheme.

#### Amenity

The narrower rear element of the building would be located in close proximity to the side boundary with No180 Roding Road. However it would not appear excessively overbearing. There may be some loss of mid morning light to a rear facing window but this would not seriously impinge on amenity.

Gardens abutting the rear of the site would be generally unaffected. These gardens are set at an angle to the development and at a distance of 30 plus metres, overlooking would not be a concern. Loss of outlook would not be an issue and the concern expressed about the loss of view is not a material planning consideration.

A side facing window on the north east flank can be reasonably conditioned as obscure glazed.

#### Vehicular Access

The Highways Authority at Essex County Council has expressed no concern with regards to the proposed vehicle access to the site. Good visibility exists in both directions.

#### Vehicle Parking

The proposed development provides one space per dwelling. In an area generally well provided for by public transport this is deemed acceptable. The need for visitor parking would be infrequent and could be accommodated on the roadway which has no parking restrictions. Essex County Council Highways Section suggests a number of conditions which are deemed reasonable and necessary and these will be attached to any approved scheme.

#### Private Amenity Space Provision

Private amenity space is provided by way of a communal garden area to the rear. At approximately 170 sq m of useable amenity space, the provision complies with the recommendation of the Local Plan which advises 25 sq m per unit.

### Trees and Landscaping

The Trees Officer of the Council has stated that the two small trees to the front of the property and the tree in the rear garden are not worthy of retention. Therefore their removal would not be contested and there are no trees or landscaping concerns with this development. The reduction in the parking provision is welcomed as it allows more space for planting to the front.

### Land Contamination

The Council's Contaminated land Officer advises that a phased contaminated land investigation should be carried out prior to the commencement of works owing to the presence of a part infilled pond and the land raising which has occurred at the treatment works. This could give rise to the presence of contaminants at the site. The application can be conditioned accordingly.

### Land Drainage

Detailed information has been provided with regards to land drainage considerations at the site in the form of a Flood Risk Assessment. The Land Drainage section of the Council has analysed the submission and report no concerns with regards to land drainage.

### Refuse Storage

The proposed refuse storage facility is acceptable. Its details can be agreed by condition.

### Lifetime Homes Criteria

An objector has raised concern about terminology in the Design and Access Statement which outlines how the development would be built to meet Lifetime Homes criteria. This proposal would include Remote Monitoring Systems. There is concern about the future habitation of the site. The Lifetime Homes criteria is a set of principles which ensures that all new housing remains open to all sections of the community, including those with disabilities. This proposal ensures that the development is open to a greater number of potential future occupants who might otherwise be debarred from new development owing to the design.

### **Conclusion:**

The principle of this development is deemed acceptable in regards to local plan policies and national policy guidance relating to the more efficient use of previously developed land, and the revisions to PPS3. The revised layout allows for more planting and a general softening of the front of the property. The design and appearance would not stray excessively from the character of the area and the development would not appear out of place. This proposal would not appear excessively conspicuous from the adjacent Green Belt. There would be no serious loss of amenity with this scheme. The parking and road safety requirements are deemed to have been adequately dealt with. All the material planning considerations that have arisen in the course of this application have been given due weight and having regard to these matters it is considered that the development is appropriate at this location. Accordingly it is recommended that the scheme is approved with conditions.

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

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

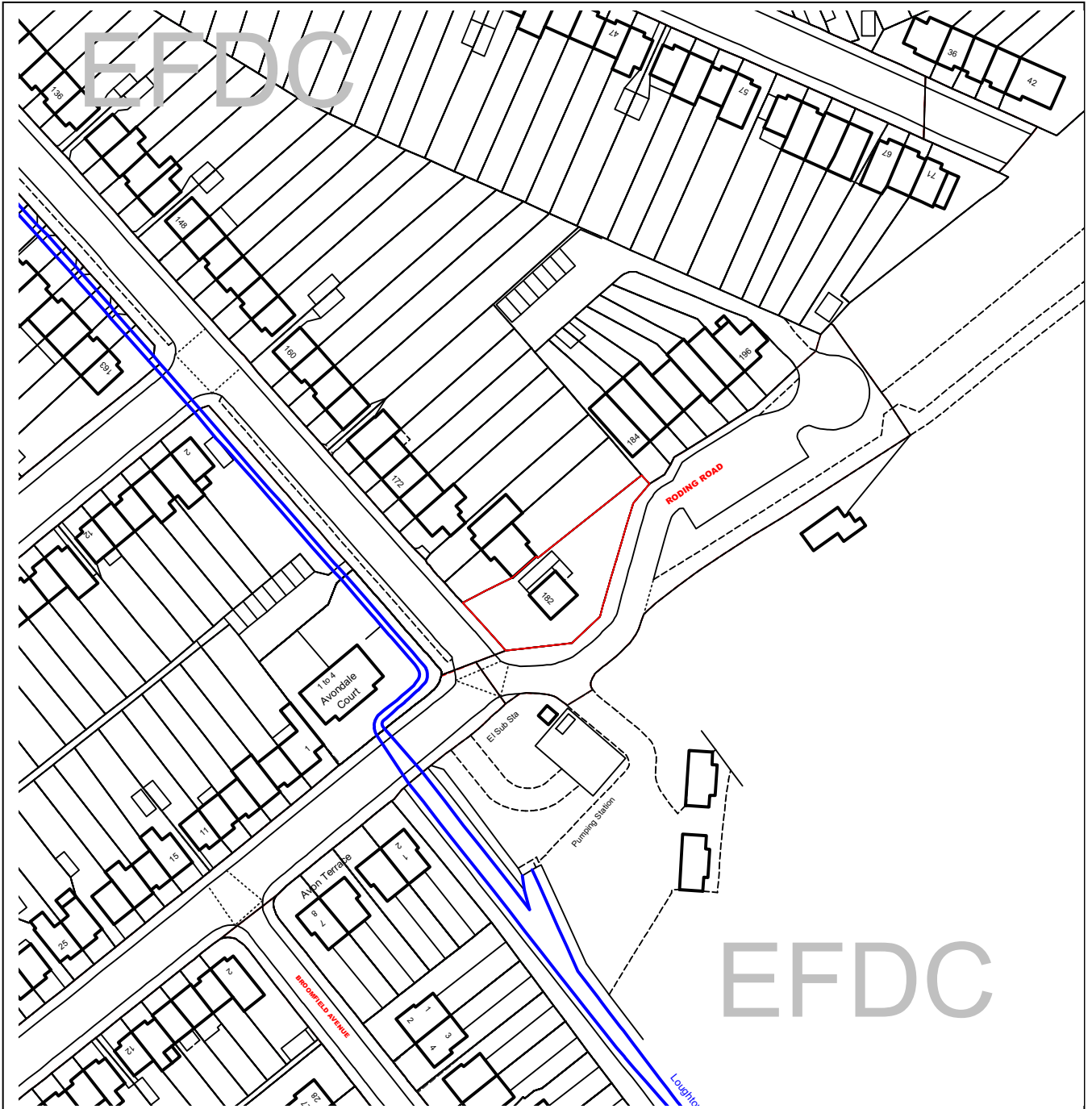
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***





# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/2320/11
Site Name:	182 Roding Road, Loughton IG10 3BS
Scale of Plot:	1/1250