

Report Item No: 1

APPLICATION No:	EPF/1947/12
SITE ADDRESS:	99 Lower Park Road Loughton IG10 4NE
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Mr Stuart Blyde
DESCRIPTION OF PROPOSAL:	TPO/EPF/07/03 T5 - Birch - Fell
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=542300

CONDITIONS

- 1 A replacement tree of a 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 this Committee because any application to fell preserved trees falls outside the scope of delegated powers

Description of Site:

The tree is a small specimen, standing around 5 metres tall in the narrow lawned rear garden of the applicant's terraced property. The development is located at the end of a quiet residential street, which leads to a local tennis club. The tree is not publicly visible and can only be seen from the private club or from neighbouring rear gardens. It stands close to a larger oak tree and another Birch, which has no planning protection on it.

Description of Proposal:

T5. Birch - Fell to ground level

Relevant History:

There are no records of previous pruning work to this tree but the oak nearby has undergone minor crown reduction recently.

Relevant Policies:

LL9 Felling of preserved trees.

SUMMARY OF REPRESENTATIONS

3 neighbours were consulted but no responses have been received at the time of writing this report.

LOUGHTON TOWN COUNCIL were willing to waive their objection should the tree officer deem the application acceptable.

LOUGHTON RESIDENTS ASSOCIATION were willing to withdraw their objection should the case officer recommend approval of the felling, providing a suitable replacement tree is conditioned.

Issues and Considerations:

Issues

The reason given for this application is that the tree has been badly topped previously and is in poor condition

Considerations

i) Amenity value

The tree is not publicly visible but may be glimpsed from the tennis club.

ii) Tree health and structural condition.

The tree has a stunted but vigorous crown, where the main leader has been cut off at around 4 metres in height. Plentiful new shoots give the tree a bushy appearance.

iii) Suitability of location

Birches are generally suitable for modest gardens, but the central location of the tree inhibits the full use of the small and narrow garden. This is made more obvious by the dominant presence of the good maturing oak specimen just over the boundary at number 101

iii) Replacement options

In the event of the tree being allowed to be removed, a suitable replacement could be accommodated closer to the rear boundary. A number of species choices have been discussed and a good replacement will provide good long term screening benefits to the rear gardens of the dwellings beyond.

Conclusion

T1 is a small tree of poor form and no public amenity value. A replacement will provide screening and allow better use of the modest rear garden. Therefore, it is recommended to grant permission

to this application on the grounds that the poor condition and lack of public value justifies the need for its removal. The proposal accords with Local Plan Landscape Policy LL9.

It is recommended that, in the event of members approving the felling, a condition is attached to the decision notice requiring the replanting of a suitable replacement tree as agreed in advance with the tree officer.

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

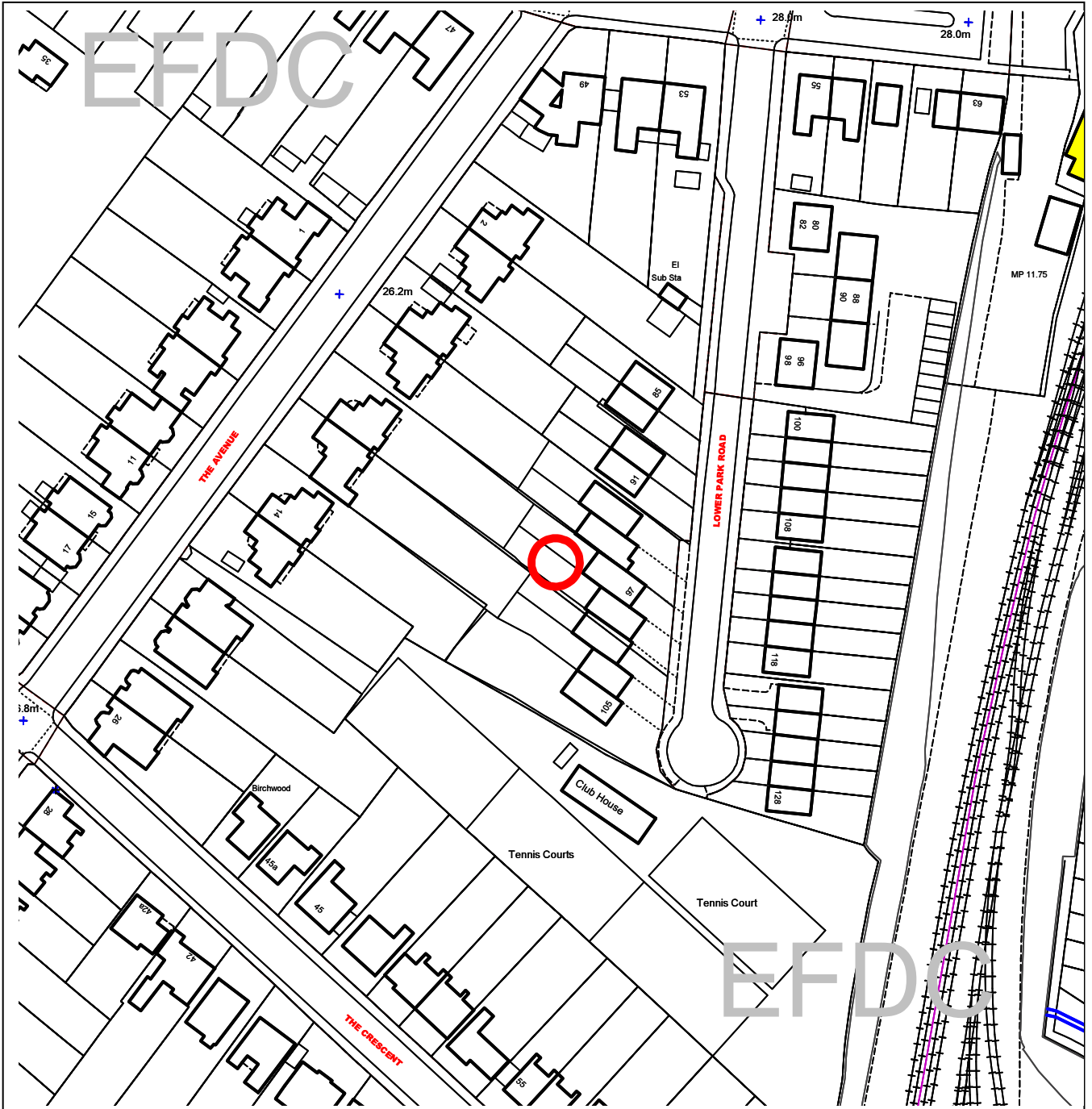
***Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	1
Application Number:	EPF/1947/12
Site Name:	99 Lower Park Road, Loughton IG10 4NE
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1717/12
SITE ADDRESS:	8 The Summit Loughton Essex IG10 1SW
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Mr Ivan Browne
DESCRIPTION OF PROPOSAL:	TPO/EPF/05/93 T1-6 - Scots Pines - Fell
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=541072

REASON FOR REFUSAL

- 1 The application trees form the central element of a group of conifers of particular landscape value. While it is accepted that they are a cause of concern to the owners and neighbours in respect of their safety and that that they cause significant issues that can diminish enjoyment of these homes and gardens nevertheless this does not outweigh their wider amenity. Their removal would therefore be contrary to policy LL9 of the Combined Policies of the Epping Forest Local Plan (1998) and Alterations (2006).

This application is before this committee as any application to fell a preserved tree falls outside the scope of delegated powers.

Description of Site

The trees, part of a wider group of conifers, dominate the rear garden of a detached property; they are one of the significant elements left of the original garden of The Summit, which as the name implies is high to the north east of the town centre in a visually prominent location.

Description of Proposal

Group of 6 black pines: staged felling and replacement over a period of up to 10 years.

Relevant History

TRE/EPF/09/90; Fell 3 x pine, 79 Baldwins Hill: no objection. Agreed ECC 1990
TRE/0042/92; Fell Wellingtonia, 22 The Summit: no objection. Agreed ECC 1993

The following applications relate to the application property:
TRE/EPF/2153/04: Crown lift 2 pines. App/con

TRE/EPF/0270/96: Fell 2 pines. App.
TRE/EPF/0853/11: Fell 1 pine. App (but not implemented)
TRE/EPF/1218/12: Fell 1 pine. Withdrawn

Relevant Policies

LL9 – Felling of preserved trees

'the council will not give consent to fell a tree...protected by a TPO unless it is satisfied that this is necessary and justified.....any such consent will be conditional upon the appropriate replacement of the tree'

Note: Members should also be aware that preparation of the Community Tree Strategy for Loughton for publication is nearly complete and that it will include specific reference to the importance of the legacy of trees from earlier gardens, including those in The Summit.

Key objective 5, Trees in Gardens, as approved by members, is:

"to protect those trees that give character to the town and to ensure that any trees that have a special or outstanding value are not felled except where there is no alternative"

Summary of Representations

73 BALDWINS HILL: Support application as a family. The group blocks light and are in total shade for most of the afternoon. Have got ridiculously too high, must be in excess of 120 foot. If they fell would cause total destruction - live in fear when there are high winds. Could undermine house and neighbours. Continually having to clear needles is a constant pain; there are bare patches in the lawn. Cannot get good satellite reception, no signal at all when it's windy. Would not be missed because of nearby Forest, more suited for a forest than a garden.

71 BALDWINS HILL. Support felling. They are an alien species that have grossly outgrown their situation. Long been regarded as a threat by previous owners and neighbours. 12 houses are within falling distance. 2 trees from the group fell through his own roof. Children have grown up in fear of more trees falling; as a result they cannot use back bedrooms. 8 The Summit is almost the last on the estate with monster conifers remaining. Not required as public amenity. That is provided by Epping Forest just nearby. Are unsuitable for this location, being much too close to buildings. In his professional opinion (as an architect) they are likely to cause structural problems - this has already adversely affected mortgage and insurance cover. The trees restrict sunlight, preventing reasonable enjoyment of homes and gardens. His garden is 50% overhung: even grass fails to grow. Dropped branches, needles and cones cause great nuisance and inconvenience, spoil gardens and require repeated gutter clearance. They will cause increasing problems for neighbours as well as the applicant; so would wholeheartedly support removal. Believes TPO EPF/05/93 is long overdue for removal.

HILLS AMENITY SOCIETY: strongly object: this estate originally grew all species of English trees and are part of historic, documented landscape. Part of the agreement of the Summit development was that the trees would be protected. The owners on purchasing were aware of the trees' status.

LRA PLANS GROUP: Object- while sympathise with owners the reasons do not justify the felling of TPO trees, which form an attractive group, and were present when houses built and bought. Would withdraw objection if felling were deemed acceptable by the arboricultural officers.

LOUGHTON TOWN COUNCIL: object to any applications to fell a protected tree and therefore objected. Would waive objection if felling were deemed acceptable by arboricultural officers.

Issues and Considerations

Members should note that this application is additional to EPF/0853/11, approved in 2011 but not implemented. It would result in due course to removal all of the pines in this garden, and set a precedent for outlying trees in adjacent gardens. This opens the possibility of long term replacement with trees that could give colour and interest locally, with ultimately an equivalent landscape benefit to the present trees. The application results from a discussion with the case officer in connection with the withdrawn application EPF/1218/12.

EPF/1218/12 was an application to fell 1 pine immediately to the north of the property and close to EPF/0853/11, approved in 2011 for the previous owners. In investigating the reasons given it became clear that these all applied equally to the whole complement of pines still present and that little benefit would be gained from the removal of a single tree. The basis of the application is to know whether the principle of replacing the pines as a whole is acceptable. Of course this could also be tested at appeal. As a result EPF/1218/12 was withdrawn and the current application submitted.

Reasons given:

The reasons given for the application are as follows:

- 1) The trees drop extensive debris (cones and needles). It is impossible to clear this from the garden using a single green bin. The applicant states that he has applied for a 2nd bin but the applications were denied. This therefore requires a gardener to come in to remove the debris on a regular basis, causing unnecessary and excessive expense.
- 2) The debris fills the gutters and requires constant cleaning.
- 3) The needles block drains.
- 4) The trees are too close to their home.
- 5) The needles and tree sap destroy the lawn.
- 6) Neighbours have complained about the light blockage and interference to TV reception.

In discussion on site a difficulty in getting insurance was also mentioned, and in particular that the applicant had had to use an insurance specialist which had increased the cost. He and his wife were also particularly concerned about the safety of their children in the garden; the cones of the trees are heavy and when they fall, which they do unpredictably and throughout the year, they consider this is a significant risk because they fall from height. This, together with the needles significantly reduces the family's enjoyment of the garden and causes considerable anxiety.

Discussion:

In relation to EPF/0853/11 members should note that it was stated (by the then owners) that this did not form a precedent for felling further trees; in particular it would allow use and enjoyment of a patio. This has not been implemented but it is still available to the new owners.

In relation to the issues raised the main ones are considered to be how serious is the infringement of the enjoyment of their homes and gardens for the tree owners and their neighbours and then how this is to be weighed against the wider landscape and amenity value of this group of trees. Finally the precedent of this decision in relation to the wider group is considered.

Dealing with the reasons given in order:

- 1) It is agreed that the trees do drop extensive debris, of cones and needles and at least in the early stages that will have required more bins than had been made available. However, once the initial backlog had been removed the volume of needles etc requiring removal should have dropped appreciably. However it is accepted that cones can drop unexpectedly, and could give a small child a fright.

- 2) It is also accepted that the debris will tend to fill gutters (although it is possible to take steps to reduce the rate of this) and require removal at regular intervals.
- 3) Similarly they may also, on occasion, block drains.
- 4) The distance from the property varies. One of the trees is around 3 metres from it; the others are all further away, albeit in a relatively modest garden. There is no suggestion that the foundations are unsatisfactory.
- 5) It is accepted that it is difficult to have a conventional garden with the density of the trees.
- 6) There will be substantial blockage of light to properties to the north and likely to be interference with TV reception, as stated in the representations received from neighbours.

As against that, the trees are important in the wider street scene. They can be seen to have special value, because of their prominent location, as part of a set of trees prominent above the central town and as a link to the earlier garden. They are an established feature of the character of the locality and their loss would have a significantly adverse impact on local character. Clearly recent owners have found them difficult to live with, however for a long period the trees were owned by a couple who enjoyed them and wished to keep them. It is therefore not accepted that it is completely unreasonable for the trees to be retained. The group could perhaps be thinned, say by half, which would lessen but by no means resolve the problems. Pruning to attempt to reduce the problems would have little or no benefit.

The applicants have stated that they would wish to fell the trees over a 10 year period, which would allow felling of further trees to be conditional on successful replacement of those felled. However, even with the most careful planting, the umbrella of trees that currently spreads over the top of The Summit would be damaged and a precedent would have been clearly set for adjacent trees, leading to the loss of the last main arboricultural feature of the original garden, other than the screen along Goldings Hill.

Conclusion

On balance therefore, the application is recommended for refusal, because of the particular and special contribution made by the trees to local and wider visual amenity, townscape and landscape character. The application is accordingly recommended for refusal as unjustified, in accordance with policy LL9.

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:

TPO Application Case Officer: Christopher Neilan

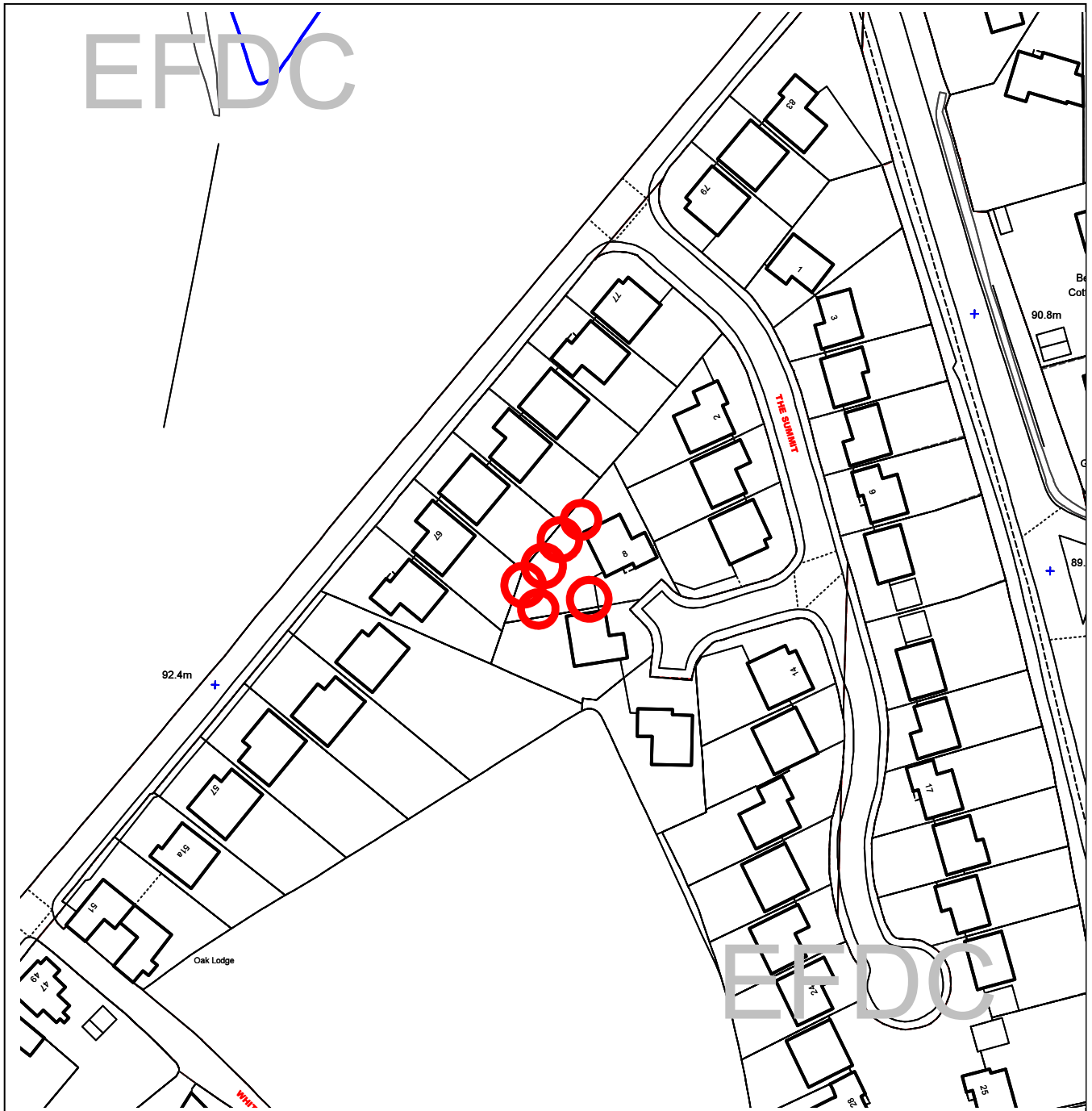
Direct Line Telephone Number: 01992 564117

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Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	2
Application Number:	EPF/1717/12
Site Name:	8 The Summit, Loughton IG10 1SW
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/1769/12
SITE ADDRESS:	Briar Patch Park Hill Loughton Essex IG10 4ES
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Mr Mark Horn
DESCRIPTION OF PROPOSAL:	TPO/EPF/07/79 T11 - Chestnut - Fell
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=541449

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 this Committee as any application to fell a preserved tree falls outside the scope of delegated powers.

Description of Site:

The tree is a mature specimen, standing around 15 metres tall on the roadside boundary of the applicant's front garden. The property is located within a steeply sloping residential cul-de-sac and forms part of the original period development of this pleasantly verdant suburb. The tree is prominently visible when viewed from Upper Park. It stands behind a pollarded Horse Chestnut, which stands in a neighbouring downhill property rear garden. Together, they form a substantial group of landscape significance and character.

Description of Proposal:

T1. Horse Chestnut - Fell to ground level

Relevant History:

TRE/EPF/1822/00 approved a selective crown lift to the tree, which has resulted in a large stem wound and an unusual lower crown shape.

Relevant Policies:

LL9 Felling of preserved trees.

SUMMARY OF REPRESENTATIONS

4 neighbours were consulted but no responses have been received at the time of writing this report.

LOUGHTON TOWN COUNCIL were willing to waive their objection should the tree officer deem the application acceptable.

LOUGHTON RESIDENTS ASSOCIATION were willing to withdraw their objection should the case officer recommend approval of the felling, providing a suitable replacement tree is conditioned.

Issues and Considerations:

Issues

The reasons given for this application are, as follows:

- i) The tree has decay in the trunk at 2.5 metres above ground level.
- ii) Fungal brackets are present on and inside the tree trunk.

Considerations

i) Amenity value

The tree is distinctive in the street scene and its symmetrical, widely spreading canopy is a striking landscape feature. Its loss will be very noticeable from the nearby roads. As a Horse Chestnut there are the common disfiguring problems associated with leaf miner activity, which diminishes the tree's overall appeal.

ii) Tree health and structural condition.

The tree has an unusual crown form, with a fan of large boughs emerging from a high crown break at approximately 7 metres. This appears to have been an old pollard stool, where a cluster of new branches has developed into a full new crown. This gives the tree an elegant but top heavy form, especially since lower growth has been pruned off in 2000. The lever arm effect of this high and spreading crown will centre on the stem at a point where a large bough has been previously removed and where decay has entered the trunk and extensively rotted the heartwood of the tree.

From a ground level visual inspection, the crown appears to be less than vigorous, with a sparse covering of small foliage and shoots. This indicates a root or stem problem.

The stem's structural condition is poor, with 'slime flux' staining the trunk, indicating active internal disease. The stem itself has several folds running up it and bulges towards the base, further indicating the presence of internal decay. Close inspection of the cavity, 2.5 metres up the trunk, around the large roadside stem wound, revealed a large cavity with two heart rotting fungal brackets well established within.

A stress point exists in this section of the trunk where, in high winds, the crown sail forces will act on the stem and transfer load to the roots. With sound anchor roots the greatest stress occurs at a point on the stem that roughly corresponds with the location of this large cavity and active decay process.

This combination of advanced stem decay and a top heavy crown presents a potential risk to users of Park Hill and property on both sides of the road.

iii) Pruning options and life expectancy

A heavy crown reduction could significantly reduce loading to the stem but such brutal work would largely remove the tree's amenity value and may even kill it. Even should the tree recover, the necessary regular works to keep the crown weight to a minimum cannot be enforced or guaranteed.

It is reasonable to estimate that the tree's safe life expectancy, even with major remedial works, would be less than ten years

viii) Replacement options

In the event of the tree being allowed to be removed, the duty to plant a suitable replacement can be met with prior approval from the council. A number of species choices have been discussed and a good replacement will provide strong long term amenity benefits.

Conclusion

T1 does pose a safety risk. A replacement will provide safe future amenity. Therefore, it is recommended to grant permission to this application on the grounds that the visual evidence justifies the need for its removal. The proposal accords with Local Plan Landscape Policy LL9.

It is recommended that, in the event of members approving the felling, a condition is attached to the decision notice requiring the replanting of a suitable replacement tree as agreed in advance with the tree officer.

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:

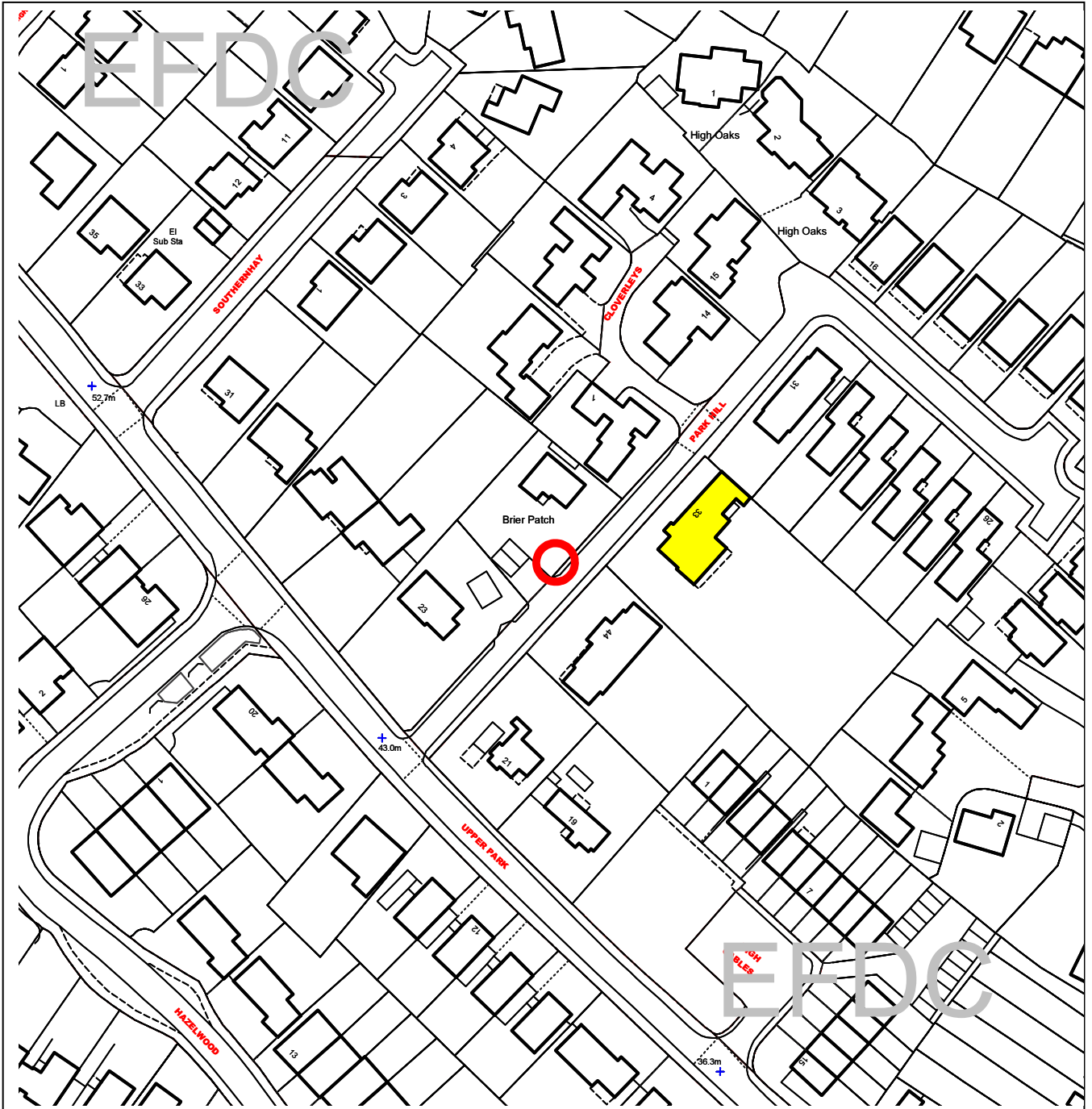
***Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546***

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Agenda Item Number:	3
Application Number:	EPF/1769/12
Site Name:	Briar Patch, Park Hill Loughton, IG10 4ES
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/1657/12
SITE ADDRESS:	Albion Park House 7 Albion Hill Loughton Essex IG10 4RA
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Mr Mark Bowman
DESCRIPTION OF PROPOSAL:	Change of use of an existing care home (consisting of 22 rooms) to 7 private residential flats, consisting of 2 x 1-Bed, 4 x 2-Bed and 1 x 3-Bed Flats, with associated amenity space, on-site car parking, cycle and refuse storage.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=540725

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 4832 IN 100; 4832 IN 01-12; 4832 DE 01-05 rev's.B; 4832 DE 06 rev.A; 4832 DE 07-12
- 4 Prior to the first occupation of the dwellings hereby approved, privacy screens of 1.7m in height shall be erected along the western side of the balcony serving flat no. 6 (the side facing 9 Albion Hill) and also along the northern side of the balcony serving flat no 7 (the side facing 5 Albion Hill).
- 5 Prior to the commencement of the development hereby approved, detail of boundary treatments shall be submitted to the local planning authority for approval in writing. The development shall proceed in accordance with those agreed details. The agreed boundary treatments shall be permanently maintained thereafter.
- 6 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.

- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. Hours and procedures for receiving deliveries at the site (in order that traffic congestion may be minimised during peak times)
 5. Measures to control the emission of dust and dirt during construction, including wheel washing
- 8 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d)) and since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).) and also 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 Site:

A two storey (with additional lower ground floor accommodation) building, presently in use as a 22 bed residential care home. The site includes small garden and courtyard areas to the rear of the building and a small car park area (containing 5 spaces) to the front of the site. An adjacent piece of land containing the hardstanding of a former garage is also incorporated into the application site.

Description of Proposal:

This application seeks planning permission for the conversion of the existing building into 7 flats (Comprising a mix of 2 x 1 bed; 4 x 2 bed; and 1 x 3 bed).

Following a minor revision to the initially submitted scheme, the development now proposes the provision of 9 car parking spaces (rather than the 8 originally proposed). Access to these car parking spaces would be via the existing entrance points onto Albion Hill.

Minor physical changes are proposed to the building including alterations to fenestration; the addition of an access staircase on the front elevation; the addition of a dormer window and doors

with Juliet balcony and second floor level on the South-East (side facing 5½ Albion Hill) elevation; a new spiral staircase and the addition of a full height first floor window with Juliet balcony on the North-East (rear facing 5 Albion Hill) elevation; and the removal of a staircase, creation of a balcony at first floor level and addition of a large flat roofed dormer in the North-West elevation (facing 9 Albion Hill).

Relevant History:

EPF/0457/86. Change of use to residential old persons house, formation of vehicular access and 5 car parking spaces. Approved 02/06/1986.

Included 'Condition 8' - *the existing vehicular access to Albion Hill shall be closed off before the use hereby permitted is commenced.*

Subsequent planning applications for extensions between 1987 and 2006.

EPF/2290/03. Demolition of existing garage and reconstruction as new single storey office building with pitched roof. Approved 07/01/2005

NB – this planning permission is likely to have been commenced by the demolition of the garage.

Policies Applied:

DBE1 - Design
DBE 2, 9 – Amenity
DBE6 – Car Parking
LL10 – Retention of Landscaping
LL11 – Landscaping Schemes
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP7 – Urban Form and Quality
H2A – Previously Developed Land
H4A – Dwelling Mix
ST4 – Highway Safety
ST6 – Vehicle Parking

Summary of Representations:

Notification of this application was sent to Loughton Town Council and to 9 neighbouring residents.

The following representations have been received:

LOUGHTON TOWN COUNCIL. Objection. The Committee OBJECTED to the scheme on the basis of too many dwelling units and an overdevelopment of the site. However, Members would have no objection to fewer units and approved of the proposed design, which was in keeping with the street scene. If Epping Forest District Council was minded to grant this application then the Committee requested the approval of a sizeable S106 contribution to Essex County Council towards additional school spaces; and so as not to worsen traffic congestion in Albion Hill Members asked the Local Planning Authority to impose conditions that specified its recommended working hours and to ensure wheel washing facilities were installed.

2 ALBION HILL. Comment. It is likely that there will be more than 7 cars owned by the occupants of the flats and they will also have visitors. It is more likely that there will be twice as many cars and these will be parked in front of our house and around our exits, which already makes it difficult (sometimes impossible) to get out during school time. We have also heard that you are

considering making Albion Hill one way – this is also unacceptable and totally unfair that we won't have freedom to drive up as well as down our road. *(NB. This application does not propose making Albion Hill a one way street. Furthermore, neither planning officers of this Council nor highway officers at Essex County Council are aware of any such proposal).*

4 ALBION HILL. Objection. Concerned about the additional vehicles that this number of flats with their likely numbers of occupants will bring to the Hill. I am of course aware that the school during term time causes additional traffic but where this is the case the school office can easily be contacted and the car owner identified if blocking our driveway. The staff at the school are considerate of the neighbouring properties so do not cause difficulty and parents are generally rushing to and from the school to deliver/collect children and not in the area for long but I am concerned that while the overwhelming majority of properties on Albion Hill have driveway parking for several cars and can therefore accommodate visitors, the proposed flats have extremely limited parking. I struggle at times to get my own vehicle on and off the driveway at present and do not think the Hill can accommodate further on-street residential parking. Unlike any traffic relating to the school, the flats will have no point of contact if there are any problems and if permission is granted there will be no going back. My other concern is that the proposed flats will create a disproportionate amount of refuse and recycling in comparison to the other properties on the Hill and, unlike in the case of the former care home and the school, this will not be collected by a private company every few days but will sit around attracting local cats, foxes and vermin.

MURDOCH ASSOCIATES (On behalf of 5 and 5½ Albion Hill). Objection. The current use of Albion Hill is relatively low key. My clients are concerned that the proposed conversion of building into flats will alter this, adding additional traffic and parking as well as increasing levels of activity within the site. The Applicant's claim that the care home is no longer a viable proposition is not supported by a financial appraisal and it is believed that the applicant should demonstrate that the existing use is no longer viable before the principle of a change of use would be considered acceptable. The building is large, within a tight site. At present, the impact on adjoining residents has been minimised because the nature of the use of the site is such that there is very little use of external areas, little demand for parking and because the building is screened from adjoining properties by several mature trees – my clients are concerned that this will change if this development is permitted because it includes the removal of trees and planting. Parking is inadequate and fails to address the needs of visitors to the site. In order to squeeze the parking proposed onto the site it is necessary to remove landscaping. 4 parking spaces (nos. 4-7) would be closer to 5½ Albion Hill, with fumes, headlights and engine noise disrupting the use of ground floor bedroom windows – the impact would be worsened if these spaces were to be lit. Use of terraces/amenity space at rear will give rise to greater overlooking of 5 Albion Hill, due to the higher ground level and the removal of an existing, substantial, Ash tree. Additional overlooking will also be caused by the introduction of Juliet balconies and dormer windows.

11 ALBION HILL. Objection. Only 8 car parking spaces are proposed – we estimate that there may be 12 cars associated with these flats, not including visitor parking, causing more congestion than at present. Part of the parking will be on a disused garage site. When planning permission was given for a new entry from the street it was stated that vehicular access to the garage site was not to continue.

12 ALBION PARK. Comment. The original part of 7 Albion Hill is old and a character house. It is important to preserve it and not to change it externally. Alterations of additions to the later additions to the house should be in keeping with the original house. We feel that parking should be provided at one space per 1 & 2 bed flat and 2 spaces per 3 bed flat. Building work in Albion Hill regularly causes obstruction and inconvenience to residents. Builders should be compelled to ensure that homes are always kept accessible from at least one end of Albion Hill – where it is not possible to keep the road passable. *(N.B – this car parking allocation equates to that proposed on site).*

15 ALBION HILL. Existing on-street parking in Albion Hill is severely curtailed by term-time traffic movements connected to Oakland's School – this has previously been recognised by a Planning Inspector. The absence of any provision for off-street parking for visitors and only one space per dwelling for residents will cause further difficulties for residents and pedestrians. If planning permission is to be granted, then a Section 106 should require the transfer of part of the property frontage to highway land for the widening of the roadway/footpath to improve on-street parking. Conversion to 7 dwellings is an overdevelopment of this site. Given the size of the site and its prominence on the roadway, consultation is inadequate - it should be extended and widened. If planning permission is granted, the road surface should be satisfactorily restored following completion of any necessary building works.

LOUGHTON RESIDENTS ASSOCIATION (PLANS GROUP). Objection. Concerned about the effect on trees on the site, in particular the felling of any TPO unless this is considered necessary by the Council's arboriculturalist. Parking provision is wholly inadequate the minimum spaces, as per the Essex Standard is 14 spaces rather than the 8 proposed. Albion Hill is narrow and heavily parked with significant traffic flows to Oakland's School. We accept that within urban areas with good transport a reduction in parking spaces may be permitted – however the provision of just over half of the required number is unacceptable here.

Issues and Considerations:

The main issues in this case are the impacts of the proposed development on neighbouring amenity and on the character and appearance of the area. On-street parking within Albion Hill is an existing problem, particularly around school drop off and pick up times – accordingly this matter is also key. Regard will also be given to the impact of the development on existing trees and site landscaping within the site.

Neighbouring Amenity

The alterations to the building would result in additional potential for overlooking of neighbouring residential properties than that which exists presently. The additional dormer window facing 9 Albion Hill is shown on plan to be fitted with obscure glazed windows. Subject to a planning condition to secure this, this addition would not cause a material reduction in privacy. Such a condition would be acceptable on the basis that these would be secondary windows within the room which they serve.

Balconies would also be created at first floor level, visible from this elevation and providing further opportunity for overlooking. In relation to the balcony to serve flat no. 6, this would face towards the rear of the site, with only views from the side of the balcony affecting the occupiers of 9 Albion Hill. This overlooking may be mitigated by a requirement for a 1.7m high privacy screen to be erected along the side of this balcony.

The rear of the building faces towards the private garden area of 5 Albion Hill. No rear facing windows are proposed at first floor level in the rearmost part of the building. The side of a balcony to flat no.7 would face towards this property, but as before, any overlooking may be mitigated by a condition requiring a privacy screen. Rear facing windows serving flat no. 5 would be set far enough from the boundary such that any overlooking would not be material. At second floor level, an existing window in the rear elevation (presently serving the roof space) would serve a bedroom within the upper floor of flat no.7. This window is approximately 8 metres from the rear boundary of the site with 5 Albion Hill. Notwithstanding that views into this property would be limited by the protected Ash tree at the rear, the area within 5 Albion Hill immediately adjacent to the rear boundary is the access drive and building frontage. It is considered that this relationship would be satisfactory.

To the east of the dwelling is 5½ Albion Hill, which also has an access driveway running adjacent to the site boundary. The parking for the proposed flats would be situated close to the site's boundary with 5½ Albion Hill and it is in respect of noise and pollution (light and fumes) from this arrangement that the occupiers of this property have raised concerns. The parking would be provided in three areas; on an existing hard standing, within an existing undercroft of the building; and within an open area to the front of the site. The hard standing is already in existence, although its use at present is prohibited by a planning condition imposed in 1986 and accordingly, this development would bring this parking area back into use, if approved. However, this part of the site is situated far enough from 5½ Albion Hill that it is not considered that there would be any material harm to amenity. The two car parking spaces that would be provided in the undercroft of the building are also existing and their use would not materially increase any harm to residential amenity. Presently, there are three parking spaces in between the undercroft parking and the hardstanding - as a result of the proposed development, this would be increased to 5 spaces. It is not considered that any increase in noise and engine fumes arising from these additional spaces would be so significant as to justify withholding planning permission. Indeed, it may be the case that the nature of the residential use is such that comings and goings from these spaces are less frequent throughout the day than when previously used as visitor bays for the residential care home. The two additional bays would be situated closer to the site boundaries and in the case of bay no. 3, it would be oriented such that there would be potential for vehicle headlights to shine through the boundary, directly towards the neighbouring dwelling. However, any material harm arising from this arrangement may be mitigated by a suitable planning condition requiring the erection and maintenance of appropriate boundary screening. On this basis, it is not considered that there would be any material harm caused.

Character and Appearance

The changes to the exterior of the building would be limited and would not have a significant impact on the character and appearance of the site and the wider locality.

Parking and Highways

Impacts of the proposed parking on the amenities of the occupiers of neighbouring dwellings have been considered previously in this report. This section will focus on the suitability of the number of parking spaces and their layout and accessibility.

Following the amendment to the originally submitted plans, the proposal would provide 9 parking spaces for use by the occupants of the 7 flats. This provision is in accordance with the Essex Parking Standards, which indicate that 12 parking spaces would be required for a development of this scale, but also that reductions of the vehicle standard may be considered if there is development within an urban area that has good links to sustainable transport. The site is in very close proximity to Loughton High Road which contains many shops and services and is also a short walk (approx. 675m) from Loughton Underground Station, situated next to the Sainsbury's supermarket. Having regard to its location, the provision of 9 parking spaces is considered sufficient.

The use of the existing vehicle crossovers to access the parking spaces (including the reintroduction of the access onto the hard standing) is acceptable.

Trees and Landscape

The Council's Tree and Landscape Officer has been consulted on this planning application and has commented as follows:

There are a couple of TPO'd trees which remain on this site, a lime on the road frontage (although it does not appear to be in the best of health) and an ash on the rear boundary (a large tree but this requires further investigation due to fungi at its base). Neither are implicated in this proposal.

On the basis of the comments of the Council's Tree and Landscape Officer, it is considered that the proposed development would not cause any material harm to trees and existing landscaping. However, it is considered that it is necessary to retain adequate landscaping to the front of the site. Bearing in mind the intention by the Applicant to rebuild the front boundary wall, it is considered that a condition requiring landscaping can ensure that suitable provision is made.

In relation to the amount of amenity space, bearing in mind that the proposal is for flats, the provision of approximately 160m², contained within two distinct areas, is considered acceptable.

It is considered worthy of note that the redevelopment of this site for an alternate use is likely. The building itself would be very large if it now reverted to use as a single family dwelling house and the amenity space inappropriate to such a dwelling. The original part of the building, visible from Albion Hill is both historic and attractive. However, it is neither listed or locally listed and not, therefore protected by planning polices. This proposed development presents an opportunity to convert and retain the building, rather than redevelop the site – which would present an opportunity to increase the area of private amenity space proportionate to the building, but at the expense of its demolition. On balance, therefore, it is considered that the proposal is acceptable. It should also be noted that the flats proposed are not small and certainly not an overdevelopment within the existing building. Accordingly the number of units is considered acceptable.

Other matters

The loss of the care home facility – The Applicant advises that the occupancy of the care home has declined over the last 18 months and identifies two factors as causes of this – firstly a decision by Essex County Council not to renew block contracts with the home for 20 beds and secondly the arrival onto the market in the Epping Forest area of 160 beds. The Applicant advises that he is not able to compete with larger care homes. Local residents have stated that this assertion should be supported by an appraisal of financial viability. However, bearing in mind the recently rebuilt and reopened Sheryl House in Chigwell, Loughton Hall in Rectory Lane and the consented development on the former Loughton Sports Centre it is considered reasonable that the Applicant's claim be accepted without the requirement for an appraisal. The care home closed earlier this year and the Applicant has advised that residents have been relocated locally, to The Mellows, Station Road.

Education contributions – Loughton Town Council have requested that if planning permission is granted, there is an obligation on the Development to make a contribution towards local education services. However, it is the policy of Essex County Council to only seek contributions for education on developments which exceed 10 units.

Minimising disruption caused by construction – Loughton Town Council has also sought the imposition of conditions specifying working hours and requiring wheel washing facilities to be installed. This is considered reasonable and necessary as is the expansion of the requirements of such a condition to include limitations of deliveries to and from the site (in order to avoid peak school traffic times).

Conclusion:

In light of the above appraisal, it is considered that the proposed development is acceptable, in that it accords with local plan policies and would not give rise to unacceptable harm to neighbouring amenity, the character and appearance of the area, existing trees and landscaping

or highway safety and efficiency. It is, therefore, recommended that planning permission be granted, subject to the imposition of the planning conditions discussed in this report.

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

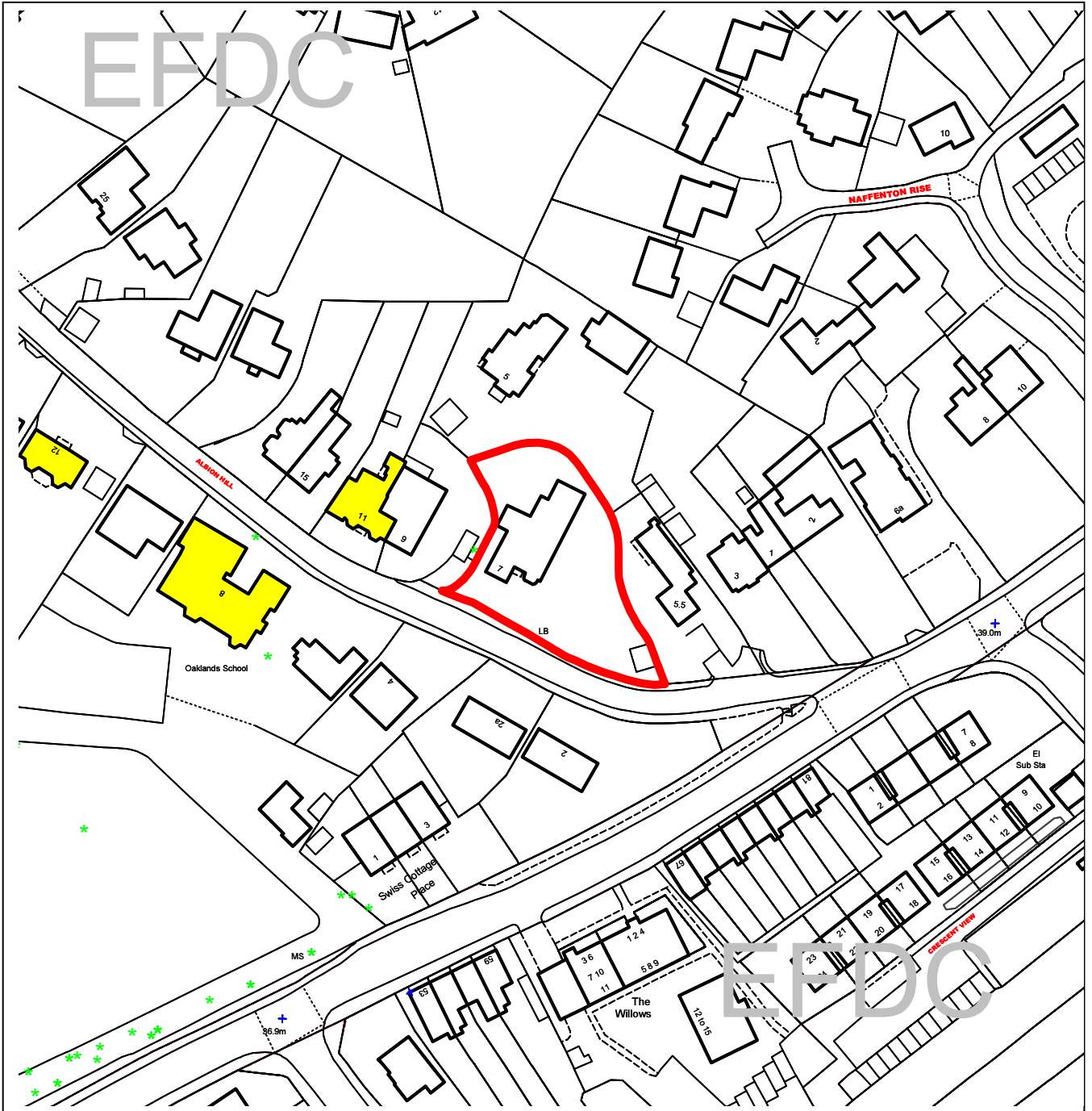
***Planning Application Case Officer: Mrs Katie Smith
Direct Line Telephone Number: 01992 564019***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	4
Application Number:	EPF/1657/12
Site Name:	Albion Park House, 7 Albion Hill Loughton, IG10 4RA
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/0444/12
SITE ADDRESS:	84 & 86 England's Lane Loughton Essex IG10 2QQ
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Mr Paul Cockram
DESCRIPTION OF PROPOSAL:	Loft extension to adjoining properties.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=535655

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 works hereby approved to 84 and 86 Englands Lane shall be carried simultaneously. Should works to one house be commenced more than 14 days prior to works starting at the neighbouring attached house, those works shall cease and not recommence until works to the attached house have also been commenced. No work to form the dormer windows hereby approved shall be commenced until the ridge of both houses has been raised and roof slopes formed to the height and pitch shown on the approved plans.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawing numbers 1 -7 as numbered by the Local Planning Authority.
- 4 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.

This application is before this Committee since the recommendation conflicts with a previous resolution of a Committee (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(i))

Subject to the completion, within 3 months of a resolution to grant planning permission, an agreement under section 106 of the Town and Country Planning Act 1990 requiring the owners of 84 and 86 Englands Lane to carry out the approved works to both houses simultaneously.

DBE9 Loss of Amenity
DBE10 Residential Extensions

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 8
Site notice posted. No, not required
Responses received: No response received from neighbours.

LOUGHTON TOWN COUNCIL: "The Committee OBJECTED to this application and considered the proposed scheme over-large and detrimental to the streetscene. Members expressed concern for the visual impact and overlooking the loft extension would cause to neighbouring properties at the front (as Englands Lane was very narrow) and to dwellings at the side in Goldings Road (from the two rear Juliet balconies). The proposal was deemed contrary to policies DBE9 (i) and (ii), and DBE10 (i) of Epping Forest District Council's adopted Local Plan and Alterations."

Main Issues and Considerations:

Design and Appearance

Having regard to the variety of size and design of house type in the locality, the degree of separation from adjacent houses and since the resulting pitch of the enlarged roof would not be uncommon, the proposal to raise the height of the roof by 1.3m is acceptable in principle.

At the front elevation, the proposed dormer windows would be modest (1.7m wide) and set in substantially from the edges of the roof. They would be set 2m from the edge of the eaves and 1m from the ridge. They would be set 0.75m from the flank elevations and there would be a distance of 1.2m between those at each house, although only 0.5m would separate the centre two dormers. Having regard to their size and spacing the proposed front dormer windows would on balance meet the policy test to complement the appearance of the enlarged roof and, as a whole, the proposal would not cause harm to the street scene.

The rear elevation of the enlarged roof would be dominated by a substantial linked box dormer window set 0.75m from the flank elevations and the edge of the eaves. Each dormer would have a large centrally positioned window enclosed by a Juliette balcony. Although a very dominant feature, its scale and design would be consistent with the style of the original house. The dormer would not generally be visible from the street but it would be clearly visible from the rear of 2a, 2b and Hillside, Goldings Road. Since it would complement the design of this particular pair of houses the proposed rear dormers are acceptable in their context. They would not necessarily be acceptable in the rear elevation of houses of a different design.

The main risk posed by the proposal is if the development was only implemented at one of the pair of semi detached houses. That would give the pair an extremely unbalanced appearance that would be harmful to the character and appearance of the locality. Since the potential harm would be so serious it is only possible to effectively resolve this matter by requiring the owners of both 84 and 86 Englands Lane to enter into a S106 agreement requiring the development to be carried out at the same time. Given the written undertaking already given by them there should be no difficulty in securing that. As an additional safeguard, it is also recommended that a planning condition duplicating the effect of the S106 agreement is included on any consent given, although that is not strictly necessary in these circumstances.

Impact on living conditions

Due to its size and the relationship to neighbouring properties (set out in the site description section of this report) the proposal would not appear overbearing or cause any loss of light. Its visual impact would be acceptable.

Loughton Town Council is particularly concerned about the potential for the proposal to give rise to excessive overlooking of neighbouring properties. Overlooking of properties across public areas such as a street is not normally expected to give rise to any loss of privacy but this is one of the concerns raised. The potential for such overlooking arises from the proposed front dormer windows. Since they are set rear of the front elevation they are further away from properties on the opposite side of Englands Lane than the existing front elevation windows. Furthermore, they are modest in size and a minimum distance of 21m would separate the dormers from the front elevation of houses opposite the site. In the circumstances there is no potential for the front dormer windows to give rise to any excessive overlooking.

Notwithstanding the size of windows in the proposed rear dormers, it would not be possible to overlook any part of the rear elevations of 2a Goldings Road from them and any views of the rear of 2b would be within a highly restricted angle. There would be somewhat less oblique views of Hillside from the dormer proposed at 86 Englands Lane that would primarily take in the rear garden area of that house. However, the rear elevation of the house is at least 21m from the position of the window in the proposed dormer and most of the potentially visible part of the rear garden is at least 16m away and set off to the east. Views would be somewhat more than from existing first floor windows in the rear elevation of that house but would be obscured by trees in the rear garden of Hillside. As a consequence, the proposed rear dormers would not give rise to an excessive degree of overlooking.

Overall, the proposal would safeguard the living conditions of neighbouring properties and while the matters raised by the Town Council warrant careful consideration, the above analysis of the proposal demonstrates no excessive harm would be caused.

Conclusion:

The proposal would complement the appearance of this particular pair of houses and consequently would appear appropriate in the street scene. Moreover, given the relationship with neighbouring properties their living conditions would not be harmed by the proposal. In the circumstances the proposal complies with relevant policies listed above and it is recommended that planning permission be granted following the completion of an appropriate planning obligation.

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

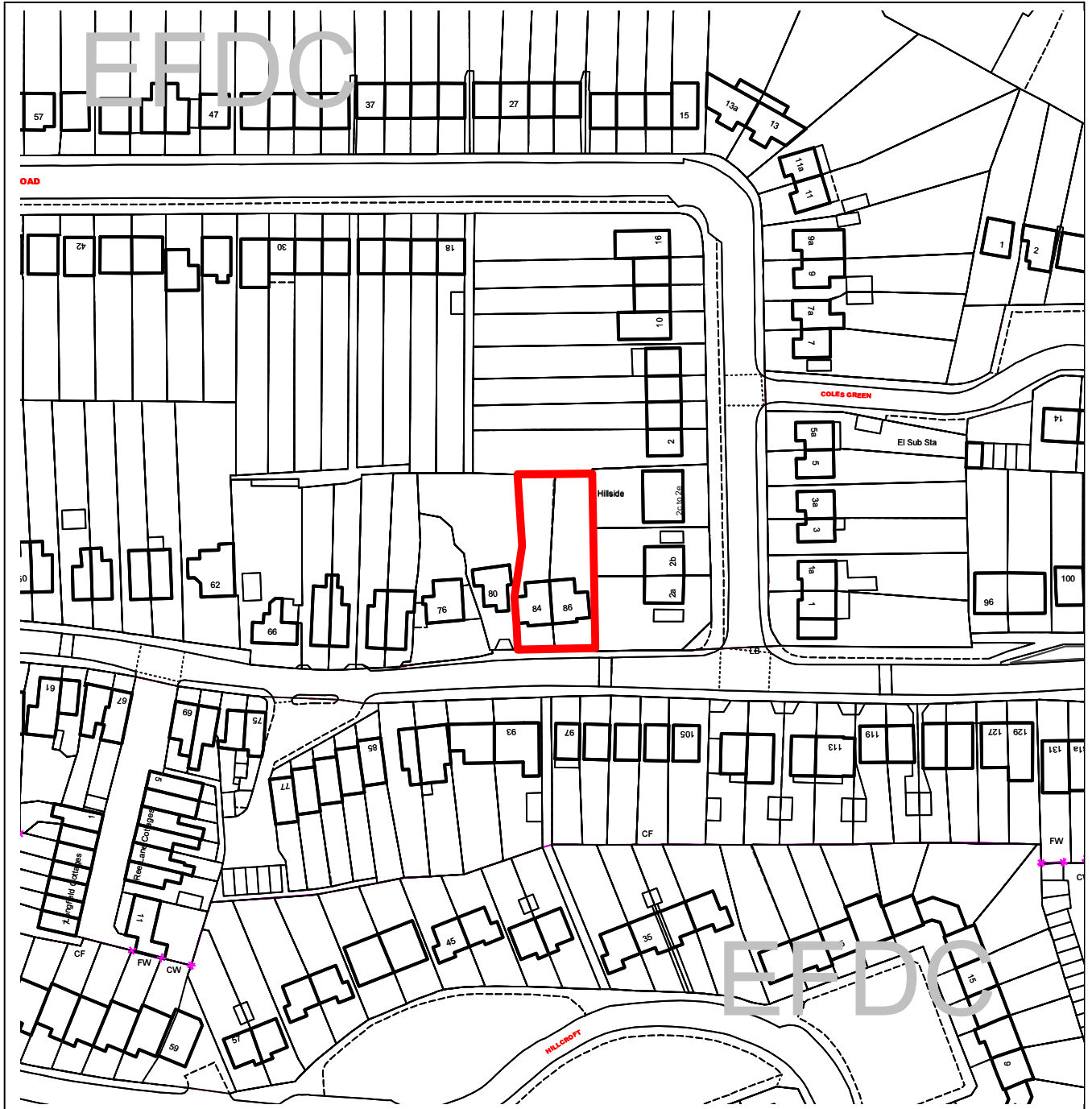
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	5
Application Number:	EPF/0444/12
Site Name:	84 & 86 England's Lane, Loughton IG10 2QQ
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/0842/12
SITE ADDRESS:	31 Trap's Hill Loughton Essex IG10 1SZ
PARISH:	Loughton
WARD:	Loughton St Marys
APPLICANT:	Mr John G Pike
DESCRIPTION OF PROPOSAL:	Demolition and removal of existing dwelling house and erection of replacement.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537202

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development shall take place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 3 Prior to first occupation of the development hereby approved, the proposed window opening(s) on the first floor of both flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 6 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 7 No development shall take place 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.
- 8 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

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 Site:

The subject site is located on the southern side of Traps Hill approximately 40 metres east of 18 Eleven Acre Rise within the Town of Loughton. The size of the site is approximately 1800 square metres and is rectangular in shape. The site has a significant slope that falls across the site from east to west and rises steeply from the highway to the front façade of the existing dwelling house. Mature vegetation is located along the front boundary of the site.

Located towards the front of the site is a double storey detached dwelling house of an 'Arts and Crafts' style. The dwelling is finished from facing brickwork, render, some tile hanging under the pitch roofs and red clay tiles. The irregular elevations are characterised by gable bays, tall chimneys, a varied roofscape, and timber casements with leaded lights.

Off street parking is located within the integral garage or on the hard paved area towards the front of the dwelling house. A large private garden area is located to the rear of the site.

The site is located within a well established residential area that comprises of large dwelling houses varying in style and size. Front setbacks from the highway are consistent within the street

scene and space/gaps between building blocks are an important component to the character of the surrounding area.

Description of Proposal:

The applicant seeks planning permission for the demolition of an existing dwelling house and the construction of a 5 bedroom two storey detached dwelling that would also include living accommodation within the roof space.

The proposed dwelling would be located in approximately the same position as the existing dwelling although set slightly closer to the highway. It would be setback 16 metres from the highway at its closest point, 2 metres from the western side boundary and a minimum of 1 metre from the eastern side boundary.

The dwelling itself would have maximum dimension of 20 metres by 16.5 metres and would have a maximum height to the ridgeline of 10 metres. The building footprint of the new dwelling would be approximately 255sqm compared to 175sqm for the existing dwelling.

The design of the dwelling is based upon a Georgian/Classic style of architecture that includes features such as classical orders, double hung sash windows with stone pediments, and a portico over the front entrance.

Relevant History:

EPF/0927/87 - Two storey side extension (granted permission).

Policies Applied:

Local Plan policies relevant to this application are:

CP1 Achieving Sustainable development objectives
CP2 Protecting the quality of the rural and built environment
CP7 Urban Form and quality
DBE1 Design of new buildings
DBE2 Detrimental effect on existing surrounding properties
DBE6 Car Parking in new development
DBE8 Private amenity space
DBE9 Loss of Amenity
LL10 Protecting existing landscaping features
ST4 Highway safety
ST6 Vehicle parking
HC13A Local list of buildings

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Summary of Representations

LOUGHTON TOWN COUNCIL:

The Committee OBJECTED to this application on the grounds that the existing dwelling was an undeclared heritage asset as it has been designed by Sir Frank Baines. Members asked the

Planning Committee Clerk to nominate nos 29 and 31 Traps Hill for spot-listing on the English Heritage website.

NEIGHBOURS:

Nine neighbours notified. No representations received at the time of writing this report.

Issues and Considerations:

The main issues to be address in this case are as follows:

- Design and appearance
- Heritage/conservation
- Neighbouring amenities

Design and appearance:

A new development should be satisfactorily located and of a high standard in terms of its design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area.

In terms of siting, the new dwelling house has been set forward of the existing dwelling by approximately 2 metres. Although closer to the highway, the new dwelling would still maintain a consistent front building line with the other dwellings within the street scene. The development would be set back off the side boundaries ensuring that a visual break is maintained between building blocks and therefore reflecting the character of the surrounding area. The overall siting of the development is appropriate in this case.

In relation to the size of the new dwelling house, the overall height of it would be similar to the height of the existing building. The new dwelling would also provide a smooth transition between the heights of adjoining dwellings ensuring that the development would be well balanced and in harmony with the patterns found within the street scene.

Although the new dwelling house would consist of a larger building footprint and be greater in terms of its volume compared to that of the existing dwelling, it is Officer's opinion that the size, scale and form of the development are appropriate. Currently the existing dwelling, although it has been extended, is one of the smallest dwelling houses within the surrounding locality. As such the new dwelling house would not be at odds with the character of the surrounding area as it would be similar in size and scale to other large dwelling houses in the locality.

In relation to the appearance of the building and in particular the front façade, the new house would be well articulated and would respect the character of the existing street scene. Features such as a front projecting gable end and the use of appropriate building materials along with decorative detailing all maintain and enhance the architectural rhythm of the dwelling ensuring that it would be visually interesting when viewed from public vantage points. The proposed new dwelling house would appear well balanced and symmetric.

The development would complement the character and appearance of the surrounding locality and the street scene.

Heritage/conservation:

The existing house designed by Sir Frank Baines, is neither a listed building nor a locally listed building and it is not located within a conservation area. It therefore does not benefit from any statutory protection from demolition.

Following the Town Council's concern that the existing house is an undeclared heritage asset, time was allowed for application to English Heritage to consider whether the dwelling was worthy of being spot-listed.

English Heritage considered the application but declined to add 31 Traps Hill to the Statutory List of Buildings of Special Architectural or Historic Interest as it falls short of meeting the criteria for listing in a national context. In particular it was concluded that the house lacks architectural interest and imaginative design, the external alterations have significantly changed the appearance of the building to the detriment of the original elevations and although there are some good design features internally, the majority of the house is comparatively plain in appearance.

Given the above the Town Council has now requested that 31 Traps Hill be placed onto the Council's Local List of Buildings.

Local Listing does not give the statutory protection afforded to Listed Buildings. However, it is a planning consideration. Policy HC13A of the Local Plan Alterations says that maintenance of (locally listed buildings) will be encouraged and they will receive special consideration in the exercise of the development control process.

However the building is not currently locally listed and this policy cannot therefore be applied. The Conservation Officer is of the view that the existing dwelling house is of some local importance due to it being designed by Sir Frank Baines and could therefore be regarded as an undeclared heritage asset. It would meet the set criteria for the building to be adopted on the Local List. For this reason she has objected to the demolition of the existing building. Her comments are set out below:

"I object to the proposed demolition of this building on the grounds that it is a non-designated heritage asset. The NPPF defines a heritage asset as, "a building...identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest".

"The building has been considered for listing by English Heritage but, after the initial assessment, the application was rejected as it did not meet the criteria for statutory listing. However, EH's assessment report does recognise that the building is of some significance being one of the last houses designed by Sir Frank Baines (1877-1933), principal architect of Her Majesty's Office of Works, and one of the few examples of his private domestic work (the house is one of a pair designed for himself and his brother, Hubert). The report also acknowledges that the building is "clearly of local architectural and historic interest".

The building is not currently on the District's local list but it meets the criteria for local listing and has been recommended for addition to the local list in the Heritage Asset Review of the District completed in June 2012. Although it is not, at present, locally listed it is still a non-designated heritage asset because of its intrinsic architectural and historic value.

Para.135 of the NPPF states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect...non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". The proposed demolition will clearly result in the destruction of a heritage asset and the total loss of its significance. Significance derives from the heritage and cultural values attached to a place. EH

guidance (Conservation Principles, Policies and Guidance) categorises these values under four headings: evidential value, historical value, aesthetic value and communal value. 31 Trap's Hill clearly embodies historical value as it was designed by a well known architect, and aesthetic value as it is of architectural merit, enhances the street scene and is a good example (with many surviving original fixtures and fittings) of 1920s Arts and Crafts architecture. The scale of loss clearly outweighs the significance of the building making this application contrary to national guidance.

I, therefore, recommend refusal of this application as it is contrary to para.135 of the NPPF".

Whilst the case officer would wish to place weight on this view and understands the wish to retain the building, from experience the reality is that even if the building were currently on the Local List the policy HC13A does not enable the District Council to prevent demolition. The owners do not require planning permission for demolition, they only require agreement to the means of demolition in order to ensure that it can be carried out safely. The policy only seeks to "encourage" owners to maintain the building, if the owners are unwilling to do so there is no sanction that would prevent the loss of the building.

Officers are of the opinion, therefore, that neither the adopted policies of the Local Plan nor the National Planning Policy Framework (which refers to "a balanced judgement" being required with regard to the scale of any harm or loss and the significance of the heritage Asset) are strong enough to justify refusal.

This view has been reached taking into consideration the appeal decision for a development at 2 Lower Park Road, Loughton. In that case the Planning Inspector concluded that while he agreed that the Locally Listed Building was highly valued locally, very little weight should be given to Policy HC13A as this policy does not prohibit the demolition of a Local Listed Building.

As yet there are no similar appeal decisions since the NPPF was adopted but given the ambiguous wording of para 135 and since there is still no requirement for express planning permission to be granted prior to demolition, refusal on these grounds sadly cannot be justified

Neighbouring amenities:

The new dwellinghouse proposes a number of window openings above first floor level on all of its elevations. In terms of the first floor windows and the dormer windows on the rear elevation of the proposed dwelling, it is considered that there would not be a greater material detriment in terms of overlooking adjoining properties rear garden areas compared to those of existing conditions. The windows on the flank elevations of the dwelling house would be conditioned to be obscured glazing to prevent any direct overlooking into habitable room windows. It is of Officer's opinion that there would not be an excessive loss of privacy to adjoining occupiers.

Due to the orientation of the site and the position of the proposed dwelling in relation to boundaries and adjoining dwellings, there would not be a significant amount of overshadowing of adjoining properties' habitable room windows and private open space areas. Adjoining dwellings would still achieve adequate sunlight and daylight throughout the majority of the day.

The proposed dwelling house would not result in a visually intrusive or an overbearing development when viewed from adjoining properties. The development has been designed so that it would not infringe upon the imaginary 45 degree line from the rear corner of the adjoining properties.

The proposed development would not result in a detrimental impact upon the amenities of adjoining property occupiers.

Other issues:

There would be more than enough room for off street car parking either on the hard surface towards the front of the dwelling or within the integral garage. Access to the site would remain as existing. The development would not result in a detrimental impact upon highway safety.

Although there are no preserved trees on the site, planning conditions would be required on the granted permission to protect the existing trees on the site during and after construction as they are significant in the character and appearance of the surrounding area.

Conclusion:

In conclusion it is considered that the proposed development is appropriate in terms of its design and appearance and that it would not result in a harmful impact upon the amenities of adjoining property occupiers. The development is in accordance with the policies contained within the Adopted Local Plan and Alterations which are consistent with the National Planning Policy Framework. It is therefore recommended that the application be approved subject to conditions.

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

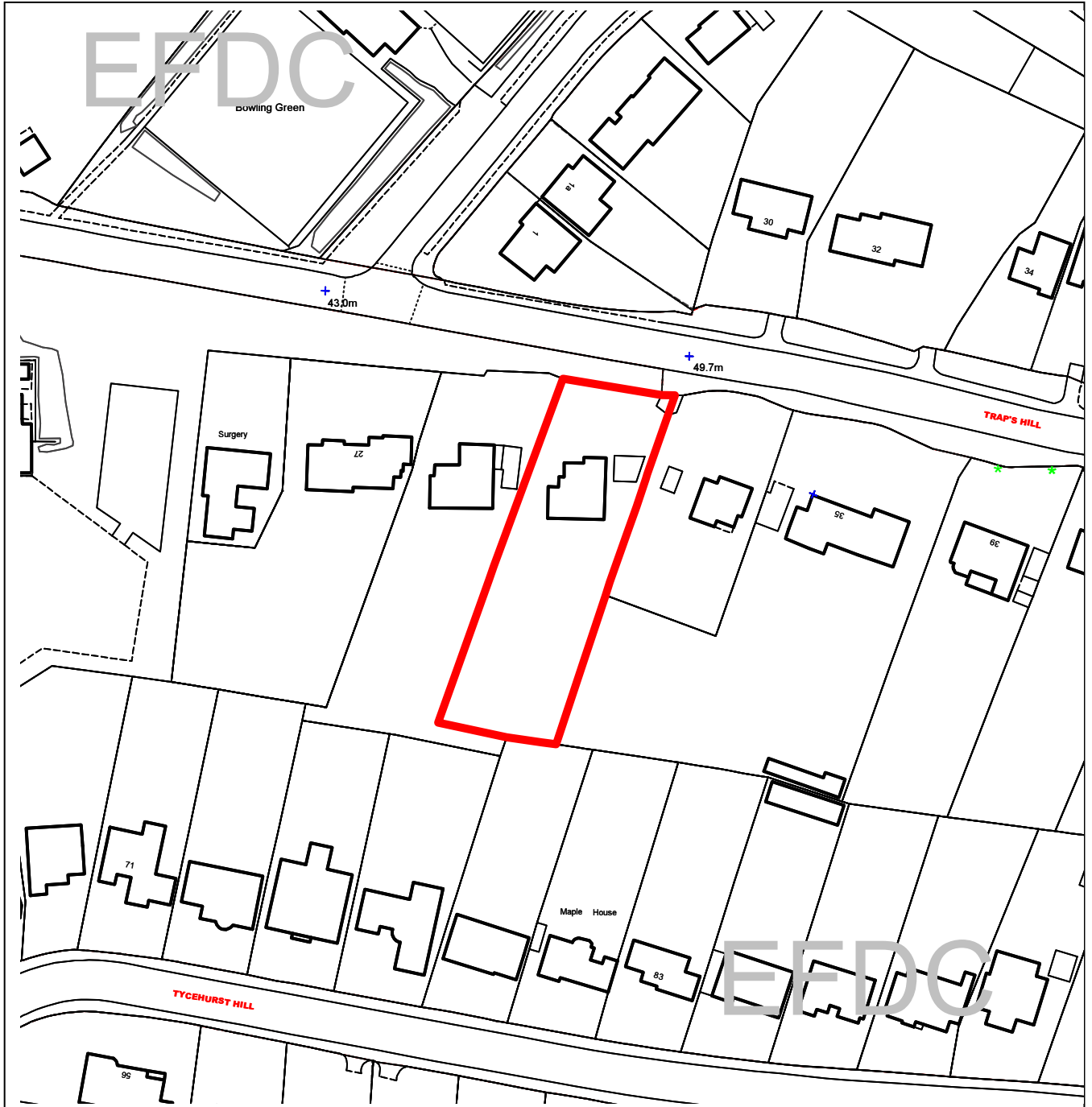
***Planning Application Case Officer: Lindsay Trevillian
Direct Line Telephone Number: 01992 564 337***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	6
Application Number:	EPF/0842/12
Site Name:	31 Trap's Hill, Loughton IG10 1SZ
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/1093/12
SITE ADDRESS:	23 Paley Gardens Loughton Essex IG10 2AN
PARISH:	Loughton
WARD:	Loughton Broadway
APPLICANT:	Mr Mohamediqbal Yacoobali
DESCRIPTION OF PROPOSAL:	Convert existing house to 2x flats.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=538124

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: Site Location Plan, Proposed Block Plan, Drawing No.2 and Drawing No. 3 (received 6th November 2012)
- 3 Notwithstanding the approved plans, details of sound/acoustic insulation to be installed between the ground and first floor flats and between the flats and the shared internal boundary wall with No. 21 Paley Gardens shall be submitted to and agreed in writing by the Local Planning Authority and installed on site prior to occupation of the development hereby approved.

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 Site:

The application site is a two storey, semi-detached property which has a two storey extension to the side. The site is located at a corner of Paley Gardens and therefore has a larger garden than similar properties. The properties to the west are a block of flats with a row of semi-detached properties running to the east. The property is located behind a large grassed area which forms a block in the road making Paley Gardens two cul-de-sacs for vehicular traffic. The property is not within the Metropolitan Green Belt or a Conservation Area.

Description of Proposal:

Conversion of existing house to two, two bedroom flats. There are no external additions other than a second front door to the front elevation to serve the proposed first floor flat.

Relevant History:

EPF/0735/97 – Two storey side extension – App/Con

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE8 - Private amenity space

DBE9 – Loss of Amenity

DBE11 – Subdivision of Properties

ST6 – Vehicle Parking

Summary of Representations:

LOUGHTON TOWN COUNCIL – The Committee was unaware if the adjacent property at No. 21 was a dwellinghouse or flat. If used as a dwellinghouse, the Committee would object on the grounds of noise nuisance to the bedrooms of the adjoining house, from the proposed flats. From the Officer Site Visit it appears that the adjoining property, No. 21, is a single dwellinghouse.

NEIGHBOURS

11 neighbours were consulted and no responses received

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Design Issues
- Impact on Neighbouring Amenity
- Parking

Design Issues

The only external change is the addition of an additional front door. This is considered an acceptable design and one that is a common feature of flats and maisonettes. Although it will alter the appearance of the existing dwellinghouse it is not considered out of keeping with the existing house or streetscene. The addition of flats within the area may lead to a change in the character, however in this area as there are flats adjacent to the application site it is not considered that the addition of flats within the area is detrimental.

Amenity

The Town Council has raised concerns with regards to the neighbouring property and this concern is considered significant as the proposal will alter the way in which the property is used. The proposal is for bedrooms at both ground and first floor along the shared boundary which is likely to minimise any noise transfer from the proposal (i.e. the services and living areas are away from the shared boundary). It is considered that there could nonetheless be a two-way loss of amenity to the existing occupiers of No. 21 and any future occupiers of the flats since the bedrooms of the ground floor flat would be adjacent to the ground floor living rooms on No. 21. It is also considered there is potential for noise transmission between the upstairs flat and ground floor flat. The potential for harm to amenity arising from noise being transmitted between dwellings can however

be adequately limited by the provision of a sufficient level of sound insulation. This is recognised by the applicant who has submitted revised plans to show acoustic boarding along the boundary with No. 21 but it is still considered necessary to require this (or similar) to be installed between the ground and first floor flats.

The garden is to be split into two and provides a more than adequate level of private amenity space for any future occupiers.

Parking

No parking has been proposed as part of this proposal and currently no parking is available to the property. It would be very difficult to provide off-street parking for this property due to the grassed area to the front of the site. Essex County Council Highways have not objected to the proposal as there is no change to current parking provision.

Although ideally, as a new dwelling is being created, an additional two parking spaces should be provided however from the site visit there did appear to be ample parking nearby and neither the Town Council nor any neighbouring properties have raised the lack of parking as an issue. The location is relatively sustainable with a good access to shops, services and public transport without a reliance on a private car. It is approximately 550m to the shops on Debden Broadway and approximately 830m to Debden Underground Station.

Conclusion:

The proposal is considered an acceptable design and although there may be some loss of amenity to the neighbouring property this can be mitigated by condition, given the above the proposal is considered acceptable and therefore approval is recommended.

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

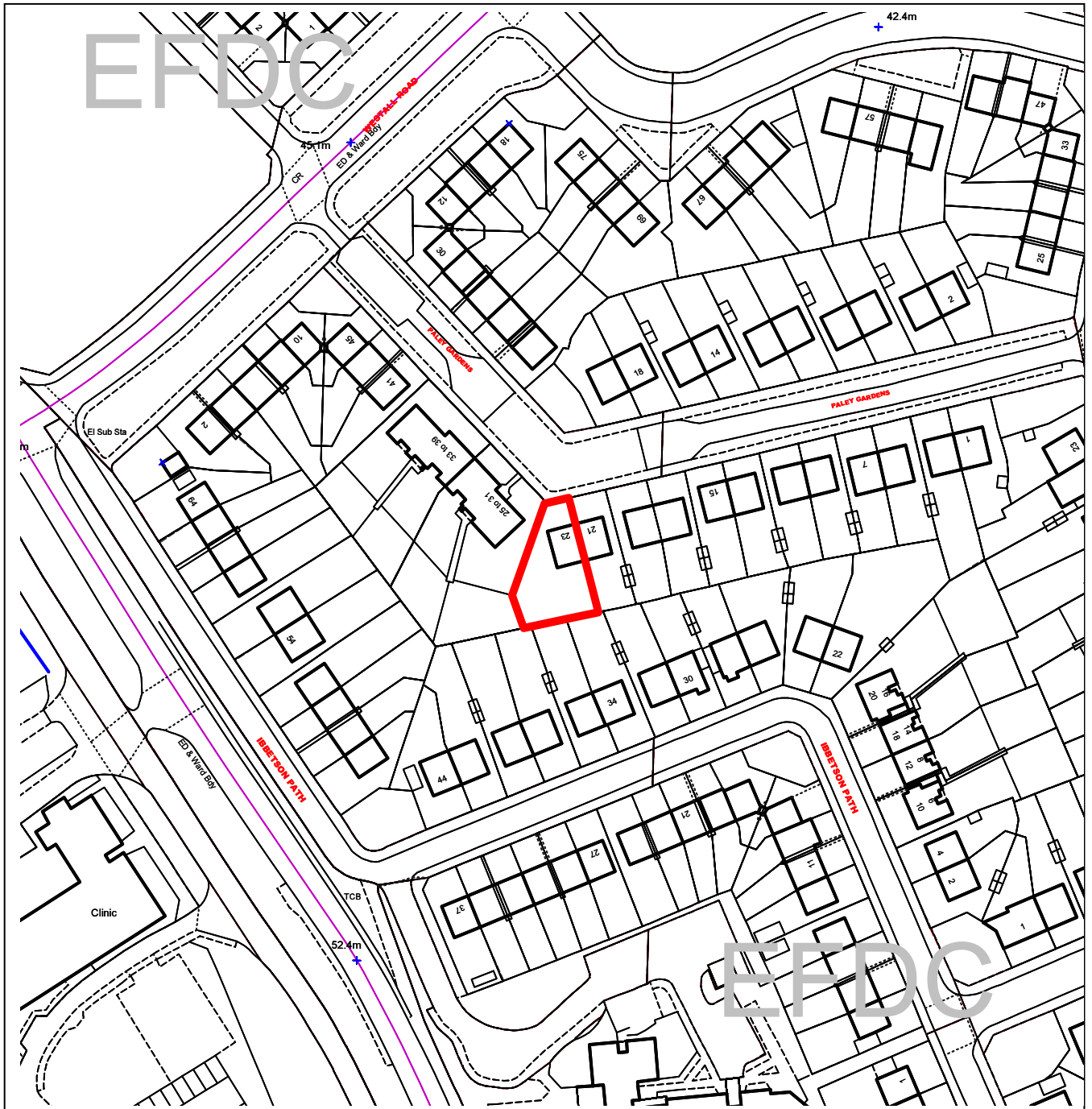
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	7
Application Number:	EPF/1093/12
Site Name:	23 Paley Gardens, Loughton IG10 2AN
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/1198/12
SITE ADDRESS:	2 New Forest Lane Chigwell Essex IG7 5QN
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mr Shahzad Haroon Kahn
DESCRIPTION OF PROPOSAL:	Conversion of existing detached dwelling into 3 individual dwellinghouses, laying out of parking area to rear, alterations to 2 existing dormer windows and erection of 2 single storey rear extensions.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=538555

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: EWB_001, EWB_100 rev L, EWB_101 rev G and EWB_102 rev D
- 3 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority. For the purpose of this condition, no change to the external finished materials of the building and no change to the design and materials of windows shall take place without the prior written permission of the Local Planning Authority, such works otherwise being permitted by Class A.
- 5 If any tree, shrub or hedge not shown to be removed on 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.

- 6 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 7 Prior to the first occupation of any of the proposed dwellings, the proposed private drive off Manor Road shall be constructed to a minimum width of 4.8 metres for at least the first 5 metres from the back of the carriageway and provided with an appropriate dropped kerb crossing of the highway verge.
- 8 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking space 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 for residential purposes unless otherwise agreed in writing with the Local Planning Authority.
- 9 Any gates provided at the vehicular access to the site shall only open inwards and shall be set back a minimum of 6 metres from the nearside edge of the carriageway.
- 10 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.
- 11 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 12 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 13 Access to the flat roofed areas of the dwellinghouses hereby approved shall be for maintenance or emergency purposes only and the flat roof areas 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.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

This application is also 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))

Background:

This application was considered by this Sub-Committee on 19 September 2012 when it was resolved to refuse to grant planning permission contrary to Officer recommendation. Members agreed planning permission should be refused on the basis the proposal would be harmful to the character and appearance of the locality but were also concerned about the consequences of the proposal for highway safety. New information was raised at the meeting concerning the matter of highway safety but it was not possible to give detailed consideration to it within the meeting. Consequently the Sub-Committee deferred making a final decision on the application in order that full consideration could be given to it by Officers and their findings reported back for consideration by the Sub-Committee.

The application was reported back to this Sub-Committee on 17 October 2012 as a matter separate from Development Control items in order to deal with the matter of highway safety. It was also necessary to report changes the applicant had made to their proposal in the meantime. The changes comprised the deletion of a proposed first floor side extension and internal alterations to achieve access to all three proposed houses from the existing front entrance door via common internal lobby.

The Sub-Committee was advised that following detailed discussion with the Highway Authority there is no sound basis for withholding planning permission on the grounds that the proposal could be harmful to the interests of highway safety. The Sub-Committee then gave consideration to the merits of the proposal as amended by the applicant and found they were sufficient to overcome its previous objections to the proposal. In respect of the main remaining planning issue, the consequences for the proposal for the character of the locality, the proposal was found to be acceptable. The Sub-Committee therefore voted to grant planning permission subject to the conditions originally recommended by Officers on 19 September.

Prior to issuing a planning permission in accordance with the Sub-Committee's decision Officers found that local residents who had previously commented on the application had not been given prior notification that the application was included on the agenda for the 17 October meeting. In the circumstances Officers decided that any planning permission given in those circumstances would potentially be unsafe and open to challenge. Officers therefore did not issue the planning permission and immediately notified the applicant and Members of the Sub-Committee by email.

As a consequence this application, as amended, is now reported back to the Sub-Committee for it to make its final decision. Local residents will be notified the application is on this agenda for consideration by this Sub-Committee.

Description of Site:

The site is located on the corner of Manor Road and New Forest Lane within a well established residential area that is characterised by large two-storey detached houses set close to side boundaries. The site itself is relatively level and is considerably larger than surrounding properties. There are a number of mature trees on site, particularly along the side and rear boundaries. Two

of these trees located along the northern site boundary are protected by Tree Preservation orders. Boundary treatments include a low rendered finished wall along the front boundary with iron railings whilst a mixture of timber paling fencing and iron railings are located along the side and rear boundaries.

Fronting New Forest Lane is a large two storey dwelling house including a basement and living accommodation within its roof space. It is substantially larger than neighbouring houses. The dwelling is finished in white painted render with a clay tiled pitched roof. The main vehicle access to the site is via an in-out driveway accessed from New Forest Lane. There is also a secondary vehicular access point to the rear of the site off Manor Road. Off street parking is located either within an integral garage or on a hard paving area in front of the dwelling house. A large private garden area is located to the rear of the dwelling house.

Description of Proposal:

The applicant seeks planning permission for the conversion of the existing detached dwelling house into 3 individual houses within the main fabric of the building. The conversion works would involve some external alterations and extensions that include the construction of two very limited single storey extensions to the rear of the building and the minor repositioning of an existing front dormer window together with the reduction in size of a rear dormer and internal modifications associated with the proposed subdivision.

The proposal would result in a total of two 3 bedroom dwellings and one 4 bedroom dwelling with each dwelling having their own private garden areas and off street parking. Vehicular access to the parking spaces for dwellings 1 and 3 would be via the existing access to the rear of the site off Manor Road while vehicular access to the parking area for dwelling 2 would be via the existing access off New Forest Lane. All 3 houses would have pedestrian access via the existing front door. No new entrances would be formed in the front elevation and, as indicated above, a previously proposed extension over the existing integral garage has been deleted from the proposal.

Relevant History:

EPF/0344/04 Demolition of existing house and construction of new house with basement (approved with conditions 07/04/04).

EPF/1069/05 First floor rear extension and loft conversion with side and rear dormer windows (approved 12/08/05).

EPF/0021/09 Retention of front gates (approved 13/03/09)

EPF/2189/11 Conversion of existing large detached dwelling into 3 terrace houses, including 2 x two storey front extensions, first floor side extension, single storey rear extension, amendments to existing openings, new brick and timber cladding to external facades (withdrawn 18/01/12).

EPF/0479/12 Conversion of existing large detached dwelling into 3 individual homes, including new 1/2 storey addition to existing garage and two small rear single storey extensions (Revised application). (withdrawn 3/5/12).

Policies Applied:

Local Plan Policies:

CP2 Protecting the Quality of the Rural and Built Environment

CP3	New Development
CP7	Urban Form and Quality
DBE6	Car Parking
DBE8	Private Amenity Space
DBE9	Loss of amenity
DBE10	Residential Extensions
DBE11	Sub-Division of Properties
ST4	Road Safety
ST6	Vehicle Parking
LL10	Adequacy of Provision for Retention
LL11	Landscaping Schemes

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Summary of Representations

CHIGWELL PARISH COUNCIL – Objects

The Council OBJECTS to this application on the grounds that there are highway safety and traffic management issues as this is an accident prone area. In addition there will be a terracing effect with the proposed development, and are not satisfied that the access onto Manor Road is acceptable.

NEIGHBOURS

The application was advertised to adjoining property occupiers and a site notice was placed on site. The following responses have been received:

1 NEW FOREST LANE – Object (2 letters)

The proposed development does not reflect the character of the surrounding area and it would cause excessive harm to highway safety. Terrace houses are not in character in this area. They will not add to the appearance of the road or area.

3 NEW FOREST LANE – Object

The application is completely out of character to the rest of the road which consists of only detached houses in a nice rural setting. The development would be detrimental to the character of the surrounding locality.

4 NEW FOREST LANE – Strongly Object (3 letters)

This corner of Chigwell is very busy with lots of school children and traffic already. Development would not do anything to enhance the area or the safety of the residents and travellers.

6 NEW FOREST LANE – Strongly Object

We strongly object to the proposed development.

7 NEW FOREST LANE - Object

New Forest Lane consists of detached houses only. The subdividing of houses is out of character for the road. It is also a dangerous junction anyway without 3 houses on the corner. Parking will also be a problem.

9 NEW FOREST LANE – Strongly Object (2 letters)

Already a dangerous junction and 3 new houses will cause further excessive harm to highway safety. Out of keeping with character of area.

11 NEW FOREST LANE – Strongly Object

This is a development totally out of sympathy with other properties in the road and surrounding area.

12 NEW FOREST LANE – Object

The property would be out of keeping with all other detached properties in the area. It would lead to highway safety due to increase in the number of vehicles.

20 NEW FOREST LANE – Strongly Object (2 letters)

Out of keeping with surrounding neighbourhood and would put pressure on local amenities. Already a dangerous corner site.

43 FOREST LANE – Object (2 letters)

The development would be completely out of character with the surrounding area and other houses and if allowed would set a precedent for similar developments, which has the ability to destroy the whole character of Chigwell. Additional traffic would increase the impact upon highway safety.

2b MANOR ROAD – Strongly Object (2 letters)

This would bring too many cars and people on a busy corner and it is not in keeping with the neighbouring houses.

WINDERMERE, CHIGWELL – Object (2 letters)

This proposal is at a dangerous crossroad and increased traffic, parking and congestion should be avoided. Dividing homes on this road is not appropriate and harmful to the character of the locality.

Issues and Considerations:

The main issues to address in this case are:

- Character and Appearance
- Amenity
- Highway Safety and Parking
- Trees and Landscaping

Character and Appearance:

A new development should be satisfactorily located and be of a high standard in terms of its design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area.

It is noted that there is a very distinct character within the surrounding locality that consists of large detached dwelling houses with open aspects to their frontages and large rear gardens. Any development of this site, including subdivision as proposed, should respect that character. However, due to its very large size, the existing house is somewhat out of step with the established pattern of development in the locality. That inconsistency is not inappropriate due to the position of the site at a junction with a main road where it appears prominent.

As a result of careful design the building would continue to appear as a single detached house. The proposed extensions to the rear elevation of the existing building would be modest additions sympathetic to the building in terms of their scale and detailed design. In response to Members objections a previously proposed first floor side extension was deleted from the proposal and internal alterations have achieved access to all three houses from the existing front door. As a consequence, the resulting front elevation would retain the appearance of a single dwellinghouse. That appearance can adequately be safeguarded by a suitable planning condition restricting permitted development rights for alterations to the external appearance of the house. On that basis it is concluded the appearance of the revised proposal would respect the character of the locality. That position was agreed at the meeting held on 17 October.

In terms of activity generated, while the proposal would be a more intensive use of the site, the degree of intensification would not be of an order that would be harmful to the character of the locality. Additional vehicle movements would be generated by the development as a whole but they would be split between the rear and front parking areas. The additional movements would primarily be associated with the rear parking area but they would not generally be apparent. The use of the front parking area would be no greater than the present potential use of that area. Other normal residential activity such as use of garden areas would not be inconsistent with the character of the locality.

Amenity:

Each dwelling would have more than a sufficient amount of private garden space to meet the recreational needs for future occupiers ranging from 158m² to 318m². The manner in which the garden areas would be provided would be usable and well related to each proposed dwelling.

The proposed additions to the existing building required to facilitate the proposal are modest and would be sited well away from neighbours. As a consequence they would not cause harm to the living conditions of neighbours.

No new windows would be inserted above ground level on the only elevation adjacent to a neighbouring house, the south facing elevation adjacent to 4 New Forest Lane. As such the proposal would not result in any excessive overlooking of any neighbour.

The intensification of the residential use of the site would not be of an order that would generate activity which would give rise to excessive noise and disturbance. The rear parking area would primarily align with the front garden of 25 Manor Road and in any event is not of a size that would result in numbers of vehicle movements that could be harmful to amenity of neighbours.

Highway Safety and Parking:

The proposal would make use of the existing vehicular access points on the site. Dwellings 1 and 3 would use the existing access to the rear of the property off Manor Road whilst dwelling 2 would use the in-out driveway off New Forest Lane. The proposed parking provision for the development accords with the Council's adopted Vehicle Parking Standards.

The application was referred to Essex County Council as Highway Authority. Sight lines at both vehicular accesses to the site were found to be acceptable for their proposed use. The Highway Authority found there would not be a material increase in the intensity of the use of the driveways presently serving the site and consequently the proposal would not cause harm to the safe and free flow of traffic on either Manor Road or New Forest Lane. The proposed development was also found to cause no harm to the functioning of the junction of Manor Road with New Forest Lane. Accordingly, no objection was raised to the proposed development subject to the imposition of conditions on any permission granted to ensure the proposed parking areas are provided and ensure any gates at vehicular accesses are set back from the carriageway.

Those findings were explored fully in response to the concerns expressed by Members regarding the matter of highway safety at the meeting held on 19 September. As indicated by Members in their discussion of the application at that meeting, Essex County Council as Highway Authority had commissioned a speed survey as part of a design brief for the possible implementation of a zebra crossing in the vicinity of the Turpin's Lane/Tomswood Rd junction off Manor Road. The survey found speeds at this location, which is located on a very straight downhill section of road, were so high that it would be unsafe to provide a zebra crossing at that point. The Highway Authority was consulted on the relevance of the findings of the speed survey to the development proposed at 2 New Forest Lane and provides the following advice.

The approach to the site access on Manor Road and to the New Forest Lane junction with Manor Road is not comparable to that part of Manor Road within the vicinity of its junctions with Turpin's Lane/Tomswood Rd. The speed survey carried out to inform the possible zebra crossing within the vicinity of those junctions is therefore not helpful in assessing the highway safety consequences of the proposed development at 2 New Forest Lane. To assist the Sub-Committees' assessment of the proposal the Highway Authority draws particular attention to a speed camera opposite the Manor Road site access. It finds that a consequence of the presence of the speed camera is traffic approaching from the south-west will be very likely to be travelling close to the 30mph speed limit within the vicinity of that access. Moreover, the Highway Authority notes traffic approaching from the north-east passes a large number of vehicular accesses to houses. It finds the consequence of the use of the existing access to Manor Road in connection with the proposed development for the interests of highway safety is not materially different to that of the use of adjacent vehicular accesses to neighbouring houses.

The Highway Authority also found the existing visibility splay at the Manor Road access is far in excess of that required for the speed of the road. In giving that advice the Highway Authority drew attention to the fact the existing gates at the vehicular access are proposed to be removed, new gates relocated a minimum of 8m from the carriageway and the access widened to a minimum of 4.8m. Such works would improve an arrangement that is already acceptable in highway safety terms.

Having given consideration to the matters raised by the Sub-Committee in relation to the proposal and having regard to the conditions along that part of Manor Road within the vicinity of the access to the site off Manor Road and its junction with New Forest Lane, the advice of the Highway Authority is that the proposal would not cause harm to the interests of highway safety. It is therefore concluded that the proposal would comply with the requirements of adopted Local Plan policy ST4. Officers' advice to Members is there is no basis for withholding planning permission

on the grounds that the proposal is harmful to the interests of highway safety. That position was agreed at the meeting held on 17 October.

Trees and Landscaping:

There is a significant amount of mature vegetation located on the site including two trees on the northern side boundary that are protected by Tree Preservation Orders. The application was referred to Council's landscape officer who stated that they had no objection to the proposed development subject to conditions placed on the granted permission ensuring the protection of these trees during construction works. The subsequent revision to the proposal has resulted in it not involving enlargement of the existing building within the vicinity of trees.

Conclusion:

In conclusion, the proposed development would have an acceptable design and appearance and would respect the character and appearance of the locality in terms of both design and intensity of use. The proposal would cause no harm to the living conditions of neighbouring dwellings or to the safe and free flow of traffic on adjacent roads. No harm would be caused to trees on the site. It is therefore recommended that the proposal be granted permission subject to conditions in accordance with the decision it made by this Sub-Committee on 17 October.

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

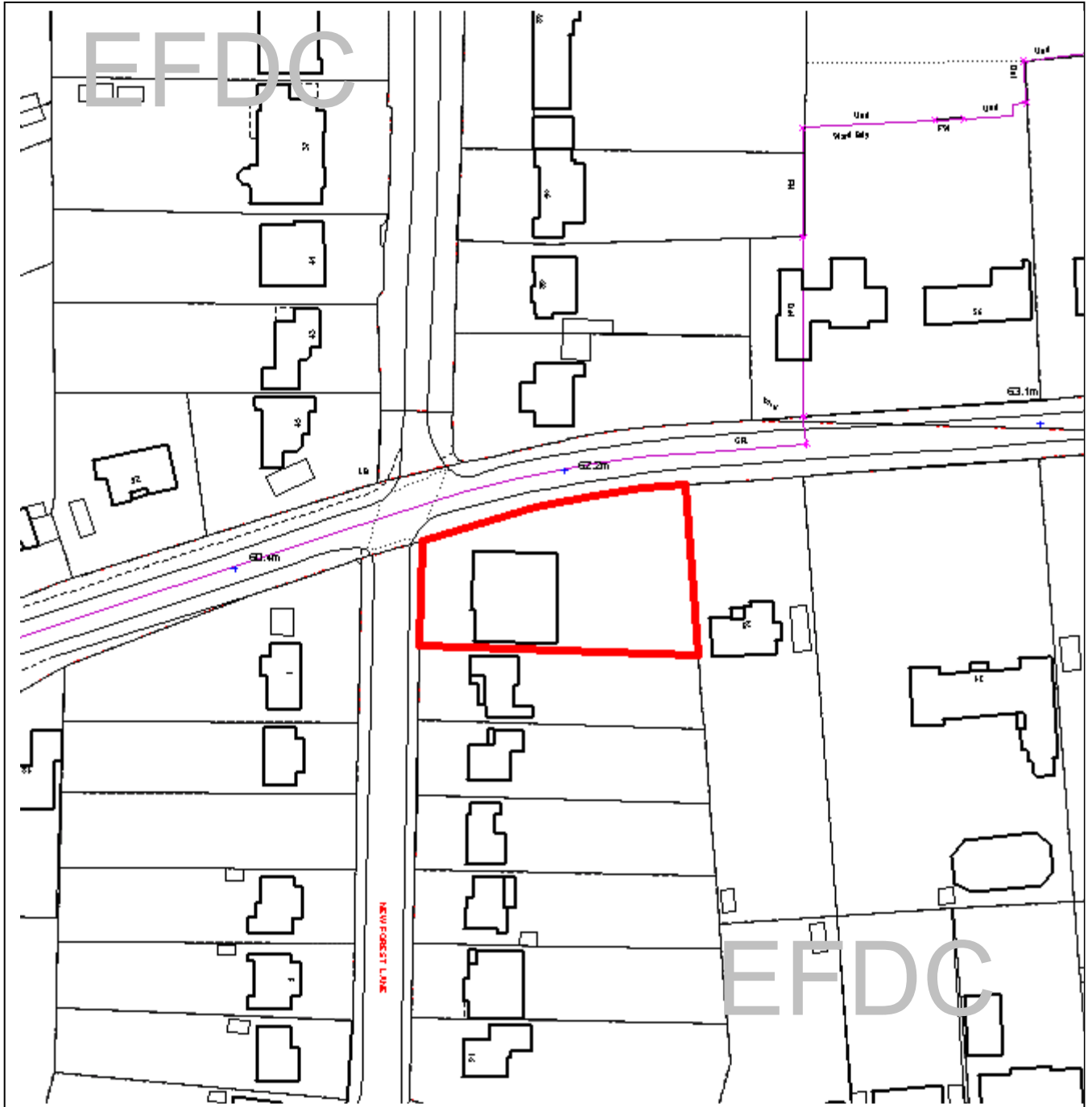
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	8
Application Number:	EPF/1198/12
Site Name:	2 New Forest Lane, Chigwell IG7 5QN
Scale of Plot:	1/1250

Report Item No: 9

APPLICATION No:	EPF/1331/12
SITE ADDRESS:	38 Forest Lane Chigwell Essex IG7 5AE
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr Gary Porter
DESCRIPTION OF PROPOSAL:	Erection of replacement dwelling, with rear patio and two ancillary outbuildings including the felling of a preserved tree and planting of a replacement.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=539289

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:

JSP drawings 1126.15B, 1126.16A, 1126.17, 1126.18, 1126.19, 1126.20, 1126.21A, 1126.22A, 1126.23 and 1126.24

Turning Leaf Garden Design Limited Drawings: OS 377-12.2 Rev C, OS 377-12.3 Rev C, TL 030.07 Rvs B, TL 030.08 and TL 030-10 Rvs B
- 3 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 4 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.
- 5 A replacement tree as detailed in Open Spaces report dated May 2012 (Ref OS 377-11) shall be planted in the location shown on Open Spaces drawing number OS377-12.2 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 if the 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.

- 6 Prior to the planting of the replacement Oak tree a 12 month maintenance programme shall be provided to the Local Planning Authority. At the end of the maintenance period a report shall be provided to the Local Planning Authority detailing visits and work undertaken.
- 7 The landscaping scheme shall be carried out in accordance with Turning Lead Garden Designs Ltd Drawing numbers TL030.07 and TL030.08 and Open Spaces drawing number OS377-12.2 and to the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 8 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 9 The development hereby approved shall not be commenced until additional drawings that show details of the proposed front dormer windows by section and elevation at a scale of 1:20 have been submitted to and approved in writing by the Local Planning Authority. The front dormer windows shall be constructed in accordance with the approved details.
- 10 Prior to first occupation of the development hereby approved, the proposed upper level window openings in the flank walls of the house, and the first floor bathroom windows in the rear elevation indicated on JSP drawing number 1126.19, shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 11 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 12 Wheel washing facilities for vehicles leaving the site during construction works shall be provided on site throughout all ground and below ground works. The wheel washing facilities shall be used to clean vehicles immediately before leaving the site.
- 13 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 08.00 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.
- 14 The approved outbuildings shall only be used as ancillary accommodation for the approved dwellinghouse and shall not be occupied as units separate from the approved house.

- 15 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions and no additions to the roof of the house hereby approved generally permitted by virtue of Classes A and B of Part 1, Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 16 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.

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 Site:

A part single, part two-storey detached house situated on the east side of Forest Lane in a street characterised by large detached houses of varying scale set a similar distance from their property boundary with the highway and close to side boundaries. Land rises to the north to south. The single-storey element of the existing house is set on the boundary with 36 Forest Lane with the two-storey bulk set approximately 2.7m from the boundary. An uncharacteristically large distance of 4.5m separates the existing house from the boundary with No 40. No 36 is set some 500mm lower than the level of the application site and no 40 is set some 500mm higher. A preserved tree is in the front garden of the site which is not within a conservation area. Land beyond a substantial rear garden is within the Green Belt.

The immediate neighbours, 36 and 40 Forest Lane have plots of similar width at their frontage with the highway. To the rear the application site is some 3m narrower since the rear garden of 36 extends beyond the rear of 38 that distance. No 36 has a ridge height that is some 400mm lower than that of the existing house at the application site reflecting the difference in land levels. The ridge of no. 40 is some 2m higher, far more than would arise from the difference in land levels. No 40 is a relatively modern house given planning permission in 1993 and includes classical elements in its design. Its front elevation is highly symmetrical and dominated by a large projecting gable feature over a portico defined by flanking pairs of Ionic columns. No 36 is a much older house and has a significantly different character. Its front elevation is dominated by three prominent gable features clad in soft red hanging tiles at first floor with no eaves detail and a part width front projection at ground floor that has a false pitch roof.

Description of Proposal:

It is proposed to erect a replacement two-storey detached house that would include a basement and accommodation in the roof. The house would have an approximate L shaped footprint reflecting the position of the site boundary with 36 Forest Lane. Upper floor levels would have a T shaped footprint. The front elevation would be sited in approximate alignment with the front elevation of nos. 36 and 40 Forest Lane. The house would project 4.5m rear of the adjacent rear elevations of 36 and 40 Forest Lane, although no 40 continues well beyond the rear of the proposed house some distance from the site boundary. A distance of some 1.5m would separate the nearest flanks of the proposed house from the boundaries with both immediate neighbours.

The house would have a highly symmetrical front elevation with a strong central gable feature over a portico flanked by columns. The front roof slope would include a pair of flat roofed dormer windows either side of the gable in alignment with lower floor windows. The main roof would be a crown roof that is hipped at its edges and would have a pronounced eaves detail. The ridge height would be 9m, 1.5m above that of 36 Forest Lane and 800mm below that of 40 Forest Lane.

An integral double garage would be adjacent to the boundary with 40 Forest Lane. A tall chimney would add interest to the north elevation adjacent to 36. Small high level roof lights would be included in the side facing roof slopes. A single first floor window in each flank elevation would serve a bathroom and be obscure glazed. The rear facing first floor windows adjacent to the boundaries with each neighbour would also serve bathrooms and be obscure glazed.

The rear elevation would be dominated by floor to ceiling height windows in the central part of the building. At first floor Juliette balconies would enclose the windows while at roof level the windows would be recessed into the building 1.2m allowing for a narrow balcony between them and the rear elevation. At ground level lightwells either side of a central patio would provide natural light to the basement level. 1.5m high enclosures projecting 4m from the rear elevation would surround them.

It is also proposed to erect a 3.5m high outbuilding on the boundary with 40 Forest Lane alongside existing outbuildings in the rear garden of no. 40. The building would be 10m in length and 3.5m wide. It would be used for purposes ancillary to the use of the house. An octagonal summerhouse would be sited opposite the outbuilding on the boundary with 36 Forest Lane, some 18m beyond the rear elevation of 36. It would have a diameter of 2.6m, have a wall height of 2m and the top of its scalloped roof would be some 7m.

The rear garden would be levelled by raising it some 500mm on the boundary with 36 Forest Lane and reducing it some 500mm on the boundary with 40. Low retaining walls would support the works along approximately half the length of the rear garden. A 1.7m high boundary fence would be erected on the rear garden side boundaries for a similar distance.

The front garden would be paved around landscaped areas that would include a replacement for the existing preserved tree on the site. The applicant has submitted evidence demonstrating it is in poor condition.

The position of front boundary treatment is indicated but no details have been submitted.

Relevant History:

None

Policies Applied:

CP2	Quality of Rural and Built Environment
CP3	New Development
CP7	Urban Form and Quality
H2A	Previously Developed Land
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL9	Felling of Preserved Trees
LL10	Adequacy of Provision For Landscape Retention
ST6	Vehicle Parking

NPPF

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 6
Site notice posted. No, not required
Responses received: One neighbour,

40 FOREST LANE have commented and raised objections to the proposal which are summarised as follows:

1. Due to its height and proximity to the site the proposed house would cause a reduction in natural light to our property.
2. The extent to which the proposed house would project rear of the rear elevation of neighbouring houses would be inconsistent with the character of the locality, would prejudice our natural light and our privacy
3. Any windows on the side elevation facing our property should be obscure glazed.

CHIGWELL PARISH COUNCIL: Objection. The existing tree contributes to the street scene. There are concerns that the proposed outbuildings will have facilities that go beyond this description, the scale is inappropriate, of poor design, and the rear patio is over-dominant. The proposed roof line is a fraction too high to sit well with the existing topography. The proposed development is over large for the existing plot, and the front elevation is of poor design.

Main Issues and Considerations:

The main issues raised by the proposal are design, consequences of replacing the preserved tree and impact on the living conditions of neighbours.

Design:

The Parish Council expressed concern about the scale, height and detailed design of the originally submitted proposal. In response the applicants gave consideration to how they can address the concerns raised and made a number of alterations. Those affecting the appearance of the proposal as seen from the street are a reduction on the ridge height of the proposal by 300mm, lowering the eaves of the front gable feature to tie into those of the main roof, lowering the ridge of the gable feature by 800mm and deleting a round window in the gable feature.

As a consequence of the alterations to the proposal the scale and detailed design of the proposed house would respect that of its neighbours therefore the proposal would complement the street scene. The visual relationship with the immediate neighbouring houses would be complementary since their front building line would be respected and because the overall height of the building, which would be between the heights of its neighbours, would result in a pleasing gradual transition in roof heights stepping down from that of 40 Forest Lane to that of 36 Forest Lane. The transition would reflect the drop in land levels to the north and the smoothness of the transition would be assisted by the hipped design of the proposal which complements the design of the neighbours as well as ensuring there is the maximum possible space between the ridge of each house. In terms of detailed design the proposal would be well proportioned with the revised central gable not appearing over dominant and the reduced roof depth relating well to the wall height.

Finished materials have not been specified but would normally be a matter that is the subject of a planning condition. It is necessary to exercise control over the external materials in that way. It is also necessary and appropriate to deal with the detailed design of the proposed front dormer windows in this way in order to ensure they complement the overall design of the house.

The rear elevation of the proposal, which would primarily be seen from the rear garden of the application site and from the rear gardens of 36 and 40 Forest Lane would have a more modern appearance than the front elevation and would be dominated by the rear projection in the centre of that elevation. Although somewhat bulky, it would appear appropriate within its context and therefore would not cause harm to the visual amenities of neighbours.

The siting of the proposal and the degree of separation from the site boundaries at a minimum of 1.4m is unchanged from the initial submission. The degree of separation exceeds the minimum policy requirement and is consistent with the pattern of other development in the locality. The consequences of the siting and extent of the proposal for the amenities of neighbours is discussed below.

There is no difficulty with the proposed outbuildings in design terms since they would be appropriate in terms of their scale and siting as well as detailed design.

On the matter of design therefore, subject to compliance with conditions to deal with matters of detail, the proposed house would respect the character and appearance of the locality and is therefore found to be acceptable.

Replacement of Preserved Tree:

The loss of a preserved tree is not normally acceptable. The concerns of the Parish Council are recognised by Officers and the applicant has been required to fully justify the replacement of the preserved tree in the front garden. Detailed consideration to the merits of this element of the proposal has been given by the Council's Tree and Landscape Officer who has given the following advice:

"There is an Oak tree protected by a Tree Preservation Order within the front garden of this property. However, the tree is in poor condition, and there is an extensive area of the buttress root structure which is decayed and / or damaged. This damage and the general decline of the tree has been ongoing for a number of years. Had an application to fell this tree been submitted we would have recommended approval.

It is therefore considered appropriate to allow the removal of this tree, subject to a suitable replacement. Details of the proposed replacement have been provided and an amended location for planting. The replacement tree, an oak, will have an 80-90cm girth and 9-12m at the time of planting – this is a mature tree, and will require some element of aftercare. Should it fail within 5 years a further replacement would be necessary under the TPO legislation. The location suggested is further forward in the plot which will enable the tree to be more visible within the street scene. The above conditions should ensure that the tree is planted, protected during the demolition and construction processes, and given sufficient space to develop to maturity."

Having regard to the above advice it is found that the proposed replacement of the preserved tree in the front garden would be in the interests of the visual amenities of the locality in the medium to long term. The replacement tree would also be an important component of the overall proposal, assisting in securing a development that complements the street scene. Should planning permission be granted it is necessary to secure the proposed replacement tree by appropriate conditions.

Consideration has also been given to submitted landscape proposals for the entire site. The advice of the Council's Tree and Landscape Officer is that the scheme is acceptable and should be secured by appropriate planning conditions in the event of planning permission being granted.

Living Conditions:

The proposal minimises flank windows with none at all proposed in the central rear projection. Those windows that are proposed at first floor would be obscure glazed and those in the side facing roof slopes would be small, high-level windows. As a consequence there would be no overlooking of neighbours from any flank windows. The proposal has also been designed to prevent any excessive overlooking from the rear elevation across garden boundaries by siting first floor bathrooms at either end of the house such that windows nearest the boundaries with both neighbours would be obscure glazed. Views to neighbouring properties from windows to habitable rooms in the rear elevation at ground level would be obstructed by proposed garden boundary fencing. At upper level, windows to habitable rooms would be confined to the central rear projection where they would be far from the site boundaries. Such windows would be full height and although would not give rise to any excessive loss of privacy, the rear balustrades enclosing those windows have been amended to be of obscure glass in response to the concerns of neighbours. Such balustrades would also achieve an incidental design benefit by reducing the dominance of those windows in the rear elevation.

The bulk of the building would be set away from the site boundaries and in line with the flank elevations of neighbouring houses. The proposed central rear projection to the rear would project 4m from the rear of the neighbouring houses. No. 36 Forest Lane is slightly more sensitive to any overbearing impact since it is on ground some 500mm lower than the application site. However, a distance of some 5.5m would separate the flank of 36 from the flank of the rear projection therefore it would be set well outside of an imaginary 45 degree line taken from the nearest corner of no 36. On that basis, and having regard to the width of the rear garden of no. 36 at approximately 22m, it is clear the proposed house would not appear excessively overbearing when seen from 36 Forest Lane. For the same reasons, the proposal would not cause any excessive loss of light to that property.

No 40 Forest Lane has a more favourable relationship to the application site being set at higher level and to the south of it. The rear projection and main bulk of the proposed house would be set well within an imaginary 45 degree line taken from the nearest corner of no 40. Having regard to that relationship it is also clear the proposal would not appear excessively overbearing when seen from no 40 and that it would not cause any excessive loss of light to that property.

Concern has been raised by the Parish Council regarding the impact of the proposed patio rear of the house. The proposed patio would be 500mm above ground level but would be confined to a limited area immediately rear of centrally positioned rear elevation patio doors. Its sides would be contained by 1.5m high enclosures around lightwells for the basement. Consequently the patio would be 5.5m from both side garden boundaries, which themselves would be enclosed by 1.7m high fencing. Due to the degree of separation from the neighbours and the provision of fencing on the garden boundaries and the partial screening effect of the lightwell enclosures the proposed patio would not facilitate any excessive overlooking of neighbouring properties.

In terms of consequences for the amenities of neighbours therefore, the proposal would have an acceptable relationship which would safeguard their living conditions. It is, however, necessary to remove permitted development rights for extensions to the house in the event of permission being granted in the interests of maintaining that positive relationship.

Other matters:

The applicant has provided additional information on site levels in relation to neighbouring land on the rear elevation drawing which show an acceptable relationship. The proposed construction of a basement would have to achieve the levels proposed. It would be necessary to ensure all excavated material is removed from the site and require wheel washing equipment to be provided and used in connection with the construction of the house. This can be secured by condition.

Since the site is adjacent to noise sensitive premises it is also necessary to limit the times when noisy construction activity takes place by way of an appropriate condition.

The Parish Council has raised concerns about the intended use of the larger proposed outbuilding. The applicant has amended their proposal to delete any indication of washing facilities in the outbuilding, only retaining a toilet. Regardless of what the drawing shows, if planning permission were granted for the development as a whole it would be on the basis that the outbuildings could only be used for purposes ancillary to the use of the main house as a dwelling house. Any material change of use would require planning permission. It is possible to reinforce that with a planning condition.

Conclusion:

The proposed development is acceptable and, subject to the conditions discussed above, it is recommended that planning permission be granted.

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

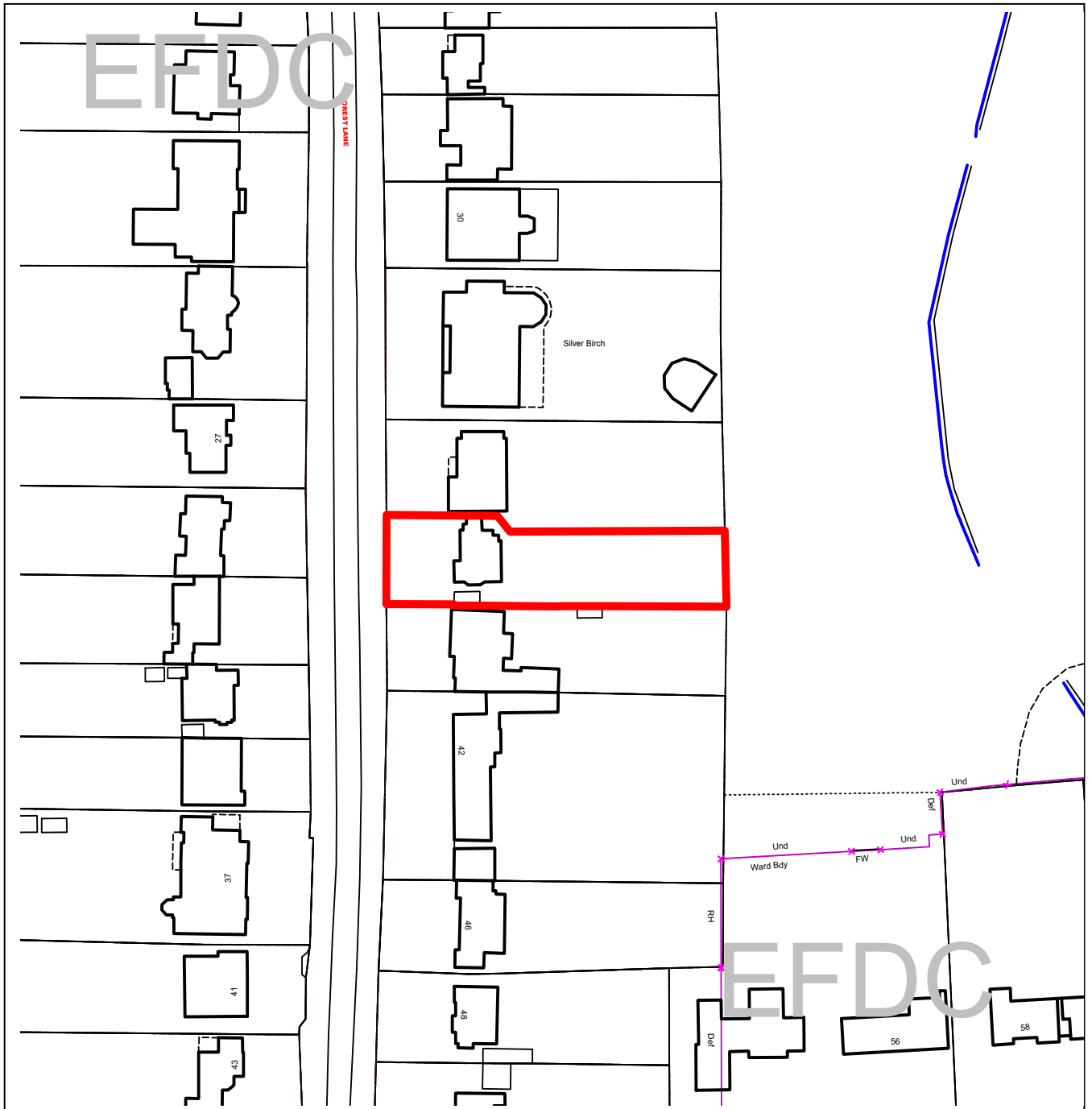
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	9
Application Number:	EPF/1331/12
Site Name:	38 Forest Lane, Chigwell IG7 5AE
Scale of Plot:	1/1250

Report Item No: 10

APPLICATION No:	EPF/1583/12
SITE ADDRESS:	22 Rous Road Buckhurst Hill Essex IG9 6BN
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill East
APPLICANT:	Mr Martin Studel
DESCRIPTION OF PROPOSAL:	Single storey front extension, single storey rear extension (In connection with loft extension proposed under permitted development.)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=540263

CONDITIONS

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

This application is before this Committee because the recommendation is for approval contrary to an objection from the Parish 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:

Single storey front extension, single storey rear extension (in connection with loft extension proposed under permitted development).

Description of Site:

Two storey semi detached house in a road of similar properties. The property is not listed nor does it lie in a conservation area.

Relevant History:

None.

Policies Applied:

DBE9 – Loss of amenity.
DBE10 – Residential extensions.
ST6 – Vehicle parking.

Summary of Representations:

BUCKHURST HILL PARISH COUNCIL – Object – not in keeping with the street scene, and impact on neighbours.

NEIGHBOURS – 6 properties consulted and one reply received:-

22A ROUS ROAD – I have some concerns about the overall amount of development proposed, and I am also concerned that the proposed rear extension spoils the symmetrical design of these two semis, and will overshadow my rear patio.

Issues and Considerations:

Many houses in this road have been extended, particularly with 2 storey side extensions and front extensions including enlarged new porches. In this application a two storey side extension is not proposed but the existing side garage will be converted to a playroom and study and it will be extended at the front and at the rear. It is also proposed to erect a front porch extension, a rear addition, and a rear dormer window under permitted development.

The proposed front extension to the former garage and the front porch extension, as shown on the originally submitted drawings, did project outwards to an unacceptable degree, and this concern was shared by the Parish Council. As a result revised plans have been received which show the front extension to the former garage to be reduced in depth by 0.3m to 1.2m, and the porch reduced by 0.2m to 1.75m. These reduced measurements are the same as for similar extensions already built to the front of the neighbouring 20A Rous Road - following the approval of application EPF/468/08. There are also other front extensions to houses in the road, and as revised the additions to the front of the house are acceptable in size and are appropriate in townscape terms. It has not been possible to re-consult the Parish Council on the amended plans but the revisions do go some way to overcoming their concern about these front extensions not being in keeping with the street scene.

The proposed 3m rear extension of the former side garage will adjoin the boundary with 20A. However the two storey side extension of 20A adjoins this common boundary at this point and the proposed extension will have a very limited impact on the amenity, outlook, and light of number 20A.

A 3m depth rear extension to the main house will adjoin the common boundary with the other neighbour at no.22A. This 3m depth extension would normally be permitted development – but since it adjoins a proposed rear extension of the side garage planning permission is required in this instance. The extension will lie to the south of the rear of number 22A, hence it will have some effect on the sunlight and outlook to this neighbour, but this impact will not be to a significant level to warrant refusal of permission.

The extensions in this application all have sloping roofs, external finishes will match existing, and their design is acceptable.

In terms of off street parking the conversion of the side garage to habitable accommodation is satisfactory in that the front drive area can accommodate two car spaces.

Comments on representations received.

The objection raised by the Parish Council has been referred to above and the reduced front extensions shown on the revised plans do limit their impact in the street scene. Regarding the objection from the neighbour the mass of extension proposed is less than that built to other houses, particularly since a two storey side extension is not involved, and the proposed extensions would not result in overdevelopment of the site.

Conclusions:

The proposed extensions comply with local plan policies, and it is recommended that conditional planning permission be granted.

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

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

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	10
Application Number:	EPF/1583/12
Site Name:	22 Rous Road, Buckhurst Hill IG9 6BN
Scale of Plot:	1/1250

Report Item No: 11

APPLICATION No:	EPF/1669/12
SITE ADDRESS:	109 Smarts Lane Loughton Essex IG10 4BP
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Mr Peter Sjoberg
DESCRIPTION OF PROPOSAL:	Reduction in workshop size to provide parking to front forming new front gable
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=540803

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: Site Location Plan, PS/SL/P/12/001 and PS/SL/P/12/002
- 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 building shall not be open for business outside the hours of 8.30am to 5.30pm on Monday to Friday and at no time on Saturday, Sunday or Bank/Public Holidays.
- 5 The forecourt area shown on drawing no. PS/SL/P/12/002 shall only be used for the parking of vehicles ancillary to the use of the premises. It shall not be used for any storage purposes. No vehicles shall be worked on or fixed on the forecourt.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

Description of Site:

The application site is a single storey pitched roof building currently used as a mechanics garage (Use Class B2) located between residential dwellings on the north-east side of Smarts Lane. Smarts Lane is a one way street, mainly residential within the built up area of Loughton. The current building extends some 4.5m forward of the neighbouring properties' front building line, with a small forecourt area to the front. The proposal is not within the Metropolitan Green Belt or a Conservation Area.

Description of Proposal:

The application seeks consent for the reduction in the size of the garage creating a larger forecourt to the front of the site. The depth of the building will be reduced by 3.5m, with a new 700mm brick planter to the west boundary and a 700mm brick wall to the east boundary. The pitch of the roof is to remain the same. No change of use is proposed.

Relevant History:

CHI/0039/50 Use of existing building as garage and motor repair workshop. Approved subject to a condition prohibiting use as a petrol filling station. No other conditions limit the use.

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE3 – Design on urban areas

Summary of Representations:

LOUGHTON TOWN COUNCIL – NO OBJECTION

NEIGHBOURS

8 neighbours were consulted and 5 responses received

107 SMARTS LANE – Objection – 4-5 cars parked to the front of property, out of keeping with residential area

105 SMARTS LANE – Objection – Increase in number of vehicles on the street, more coming and goings, more recovery vehicles

70 SMARTS LANE – Area is residential, not commercial, vehicles are going to be stored on the frontage - unsightly, access and noise issues, no number of employees or hours of operation stated on the application form

72 SMARTS LANE – Another commercial property only adds to the noise, traffic and parking problems that already exist, additional noise, problems with parking

109 SMARTS LANE – (Current owner) – Support the application will improve the existing site to the residents' advantage.

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Design Issues
- Impact on Neighbouring Amenity

Design Issues

The alterations to the building are considered acceptable and are considered to improve the appearance of the building. In terms of the streetscene, the reduction in the frontage is far more in keeping with the residential building lines and creates a far more open appearance to the streetscene which is welcome.

Amenity

The proposal is considered to improve the front outlook from No. 115 and No. 107 to the front as the building will be reduced in depth by 3.5m and although replaced by a brick wall this will only be 700mm in height.

Although the comments received have outlined noise and traffic implications as issues, this is an established use as a working garage and no change of use is proposed and therefore these issues (although acknowledged) hold little weight within this assessment process. With regards to vehicles being stored on the frontage, this could be covered by condition to ensure that the front is only to be used for parking of vehicles and not as an area for the fixing of any vehicles.

The neighbours are concerned by the garage being used as vehicle repairs, with recovery vehicles using the road. The proposed tenant of the site has written to the neighbours who have objected and to the Council and has stated that his business does not repair damaged cars or have recovery vehicles. The tenant has also confirmed that 2-3 members of staff will be employed at the garage and the opening times will be 8.30am to 5.30pm Monday to Friday with no weekend or Bank Holiday work. This is considered acceptable to avoid any significant impact on neighbours.

Notwithstanding the assurances of the proposed tenant, it is a fact that the lawful use of the premises is for purposes within Use Class B2, the only limitation on the original permission given in 1950 relating to use as a petrol filling station. As a consequence, if the premises is subsequently used for the repair of motor vehicles that would be lawful. In the circumstances, planning conditions to limit the use to those times proposed by the applicant and restrict the use of the private forecourt to use for ancillary parking only are necessary to safeguard the living conditions of neighbours. Members are advised the operation of a vehicle recovery business from the premises would be a material change of use requiring planning permission therefore the Council has full control over whether such a material change of use can take place at the premises.

Comments on Representations Received

The neighbours are concerned that there will be an intensification of the use of the site, this does not appear to be the case given that the floor area of the building is to be reduced. As discussed above, conditions can be added to any approval to ensure that no vehicles are stored or worked on, on the enlarged forecourt and a control on the opening hours imposed.

It is acknowledged that Smarts Lane can be congested, but effectively this application creates additional off-street parking which may lessen the surrounding parking issues.

Conclusion:

The proposal is considered an acceptable design and is not considered to result in a significantly detrimental impact on amenity above that which may exist already.

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:

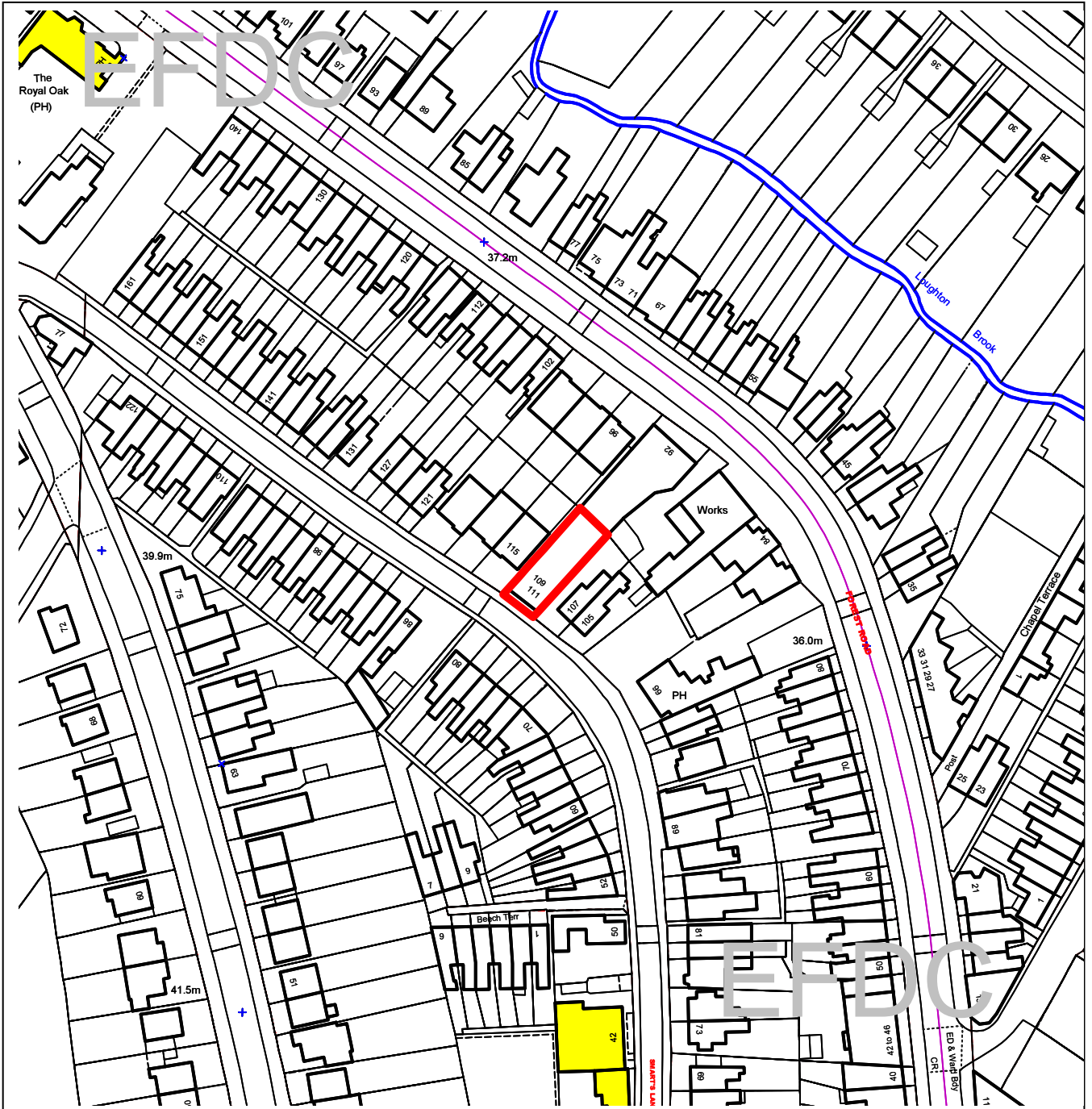
**Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371**

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	11
Application Number:	EPF/1669/12
Site Name:	109 Smarts Lane, Loughton IG10 4BP
Scale of Plot:	1/1250

Report Item No: 12

APPLICATION No:	EPF/1722/12
SITE ADDRESS:	48 Queens Road Buckhurst Hill Essex IG9 5BY
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr Antony Tagliamonti
DESCRIPTION OF PROPOSAL:	Retrospective planning application for the change of use of rear garden area to mixed use comprising of a cafe ancillary to the use of the ground floor of the building and as a children's play area with the erection of play equipment.
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=541109

REASON FOR REFUSAL

- 1 The change of use results in a significant detrimental impact on neighbouring amenity due to the high level of the equipment, often continuous amount of noise produced from the activity of the play area and the use of the play area for organised activities. The proposal is therefore considered contrary to policies DBE9 and RP5A of the Adopted Local Plan and Alterations (which is consistent with policies contained within the National Planning Policy Framework).

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k))

Description of Site:

The application site is the rear garden area of a single shop unit located on the south side of Queens Road within the built up area of Buckhurst Hill. The unit is currently trading as a Costa Coffee Café with the outside area to the rear being used for additional seating and at the end of the garden area, a children's play area consisting of swings, play/tree house and slides. The application site is within the key frontage of the Queens Road town centre boundary. The site is not within the Metropolitan Green Belt or a Conservation Area.

Description of Proposal:

The application seeks retrospective planning permission for the change of use of the rear garden area to a use ancillary to the use of the café within the building comprising a mixed use as a café (Use Class A3) and a children's play area (sui generis) with the erection of play equipment.

Relevant History:

EPF/0411/09 – Change of use from beauty treatment use (sui generis) to A3 on ground floor – App/Con

Policies Applied:

Epping Forest District Local Plan and Alterations

TC1 - Town Centre Hierarchy

TC3 - Town Centre Function

TC4 - Non retail frontage

RP5A - Adverse environmental impacts

DBE9 – Loss of Amenity

Summary of Representations:

BUCKHURST HILL PARISH COUNCIL – OBJECTION: Impact on local residents due to noise and loss of privacy. Should any additional use be granted conditions must be attached to prevent nuisance to neighbours and limit the type and size of play equipment installed.

NEIGHBOURS

10 neighbours and 7 letters of objection were received and 1 letter of support and these responses have been summarised below. A petition of some 1000 names was also submitted with the application in support of the children's play area.

79A PALMERSTON ROAD – Objection noise and disruption, un-neighbourly. Alternative play area is available a short distance away.

BUCKHURST HILL RESIDENT'S SOCIETY – Strong Objection – Unacceptable to local residents, the noise is 7am to 7pm every day, height of equipment allows for overlooking of gardens, A3 use should be restricted to first 10m closest to rear of café

21 PRINCES ROAD – Strong Objection – Level of noise is beyond intolerable, operated between 7am and 7pm and therefore constant noise audible both in the garden and in our home, used for organised activities with amplified music, reduction in privacy, structure is overbearing

19 PRINCES ROAD – Strong Objection – Loss of amenity through noise from children using the play equipment, from organised activities and amplified music, loss of privacy due to height of structure, play structure out of keeping with area

25 PRINCES ROAD – Objection – Loss of privacy, loss of amenity due to high levels of noise from the children using the play equipment and from the use of amplified music

23 PRINCES ROAD – Objection – Level of noise exacerbated by the play equipment being higher than the fence, organised parties with amplified music increase noise problem

27 PRINCES ROAD – Objection – Loss of amenity due to level of noise and overlooking due to height of structure

BUCKHURST HILL SPORTS AND SOCIAL CLUB – Support – welcome addition to local community

Issues and Considerations:

Procedural Matters:

This application was submitted following an enforcement investigation as it was considered that the use of the rear garden had changed to such a degree that it can no longer be classed as an ancillary use and therefore is a material change of use. The play structure does not in itself require planning permission as it is not fixed to the ground and therefore is classed as a temporary structure as it could be moved around. The lawful use of the garden area prior to the change of use of the building to a café was for purposes ancillary to the lawful use of the building since the land is clearly part of the curtilage of the building. The use of the rear garden area for tables and chairs ancillary to the café use is lawful; it is the mixed use that requires planning permission.

Planning Merits:

The main issue that arises with this application is the impact on neighbours' amenities.

The change of use of the rear garden area to A3 is considered acceptable, as people drinking coffee at tables and chairs is considered an acceptable and reasonable use of the land to the rear of this café and one that is compatible with the residential use to the rear of the site.

The change of use to a children's play area is not considered acceptable in this location due to the residential nature of the rear of this site. The change of use to a play area with play equipment is such that it has resulted in a material change of use of the site and therefore is one that cannot be classed as ancillary to the main use as a café. It is Officer opinion that the play equipment and play area has become a greater draw for (some) customers than the A3 café use and clearly this cannot be classed as ancillary. The play area has also been used by an independent company for organised activities (not run by staff of Costa Coffee) and these organised activities again are not considered an ancillary use and result in a further intensification of the use beyond that which can be classed as ancillary.

It is not considered that there is any evidence that demonstrates a need for an additional play area in the locality particularly as there is a public play area some 250m away at Kings Place.

The site has been the subject of both an Enforcement and Environmental Health investigation and a Noise Abatement Notice has been served on the property. Notwithstanding this the Environment and Neighbourhoods Officer has also recommended refusal for the proposal on the grounds that the noise from the play area is causing a significant loss of amenity to the neighbouring properties. Monitoring has taken place by Environment and Neighbourhood Officers on four occasions and for one full week and it was found that noise was clearly audible and causing a significant loss of amenity. The height of the play equipment clearly exacerbates the noise issue (although the noise is present even when children are not up high) and the height is also considered to result in a loss of privacy to the neighbouring gardens, however as stated above the play structure itself does not require planning permission.

The Environment and Neighbourhoods Officer has investigated possible solutions to (particularly) the noise issue, however these have been found to be either difficult/impossible to enforce or would lead to further amenity issues i.e. limit number of children using play equipment but this does not prevent one noisy child using the equipment or a 4m high sound barrier was a suggestion but this may result in further amenity issues to neighbours.

Although the play equipment and size of area is of a domestic nature, and similar to that found in a residential garden, it is the intensification of the use that differs from a domestic play set/area. This is a commercial site and therefore the numbers of children are constantly replenished, rather than in a domestic garden setting where children may play for a period of time then tire and leave

the play equipment. The applicant has suggested that the noise is similar to that produced by a neighbouring community hall, but it is not considered that the hall is continuously used in the same way as the play equipment (albeit in fine weather) and in any event it is not considered acceptable to permit a detrimental use on the basis that another use may have a similar impact on amenity. Furthermore, the organised events further add to the noise levels from within the play area.

The National Planning Policy Framework states that planning policies and decisions should aim to 'avoid noise from giving rise to significant adverse impact on health and quality of life as a result of new development' and relies on the Explanatory Note published by DEFRA called 'Noise Policy Statement for England' which lists its first aim as 'Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development'. The application is therefore also considered contrary to national policy.

Comments on Representations Received

The petition has been signed by customers using the Coffee Shop and the addresses range from local to further afield, none appear to immediately adjoin the site. The petition is labelled 'Save our gardens children play equipment/area' and therefore signatories may not have been aware that the petition was to support a retrospective planning application.

Conclusion:

Although the use as an ancillary seating area for the café is acceptable and one that in itself does not require planning permission, the change to a mixed use with a play area is considered to result in a significantly detrimental impact on the amenity of surrounding properties as highlighted above and refusal is therefore recommended.

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

***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	12
Application Number:	EPF/1722/12
Site Name:	48 Queens Road, Buckhurst Hill IG9 5BY
Scale of Plot:	1/1250

Report Item No: 13

APPLICATION No:	EPF/1736/12
SITE ADDRESS:	Land adjacent to 16 Grasmere Close Loughton Essex IG10 1SL
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Mr Stuart Brazill
DESCRIPTION OF PROPOSAL:	New dwelling. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=541250

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No 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.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1; 2
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to 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; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 5 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 6 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 7 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed. The installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 8 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no extensions to the house hereby approved and no enlargement or addition to its roof generally permitted by virtue of Classes A and B of Part 1, Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

This application is before this Committee since it for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

Description of Site:

The application site is a fenced off area of land which previously formed part of the rear gardens of 10 and 12 St Johns Road. Prior to the submission of the planning application, significant works to trees have been undertaken, including the removal of some established trees. The site has timber gates which secure a vehicular access onto Grasmere Close.

Description of Proposal:

This application seeks planning permission for the erection of a two storey detached dwelling.

The dwelling would be the same height (approx. 7.7m) as that which was approved earlier this year. It would be slightly wider than the approved dwelling (12.4 metres, whereas that approved was 10.3 metres wide across two storeys and 12.2 metres wide including the ground floor). The proposed dwelling would be the same depth (8.4m) as that previously approved, but in addition would also have a ground floor front projection (of 1.1m) and a two storey rear projection (of 1.9m depth).

Other changes to the design of the dwelling include the proposed use of a hipped roof and also the use of sash windows (although the application does include an alternative front elevation indicating casement windows, which the applicant would accept if this was the Council's preference).

Relevant History:

EPF/0045/91 Detached bungalow and garage. Refused 09/05/91 for the following reason:

The proposal represents undesirable backland development detrimental to the visual amenities of adjoining and nearby residential properties.

Subsequently allowed at appeal.

EPF/0538/11: New dwelling. Refused 09/05/2011 (under authority delegated to officers) for the following reasons:

- 1. The proposed dwelling, by reason of its height, roof pitch and detailed design including the use of dormer windows would be an overly prominent addition to the cul-de-sac which would appear out of keeping with the adjacent dwelling. This would have an adverse impact on the character and visual amenity of the locality, contrary to policies CP2(iv), CP3(v) and DBE1 of the Adopted Local Plan and Alterations.*
- 2. The position of the proposed garage close to the front boundary of the site would result in it having a dominant appearance that would be out of keeping with the character and appearance of the existing cul-de-sac, contrary to policies CP2(iv), CP3(v) and DBE1 of the Adopted Local Plan and Alterations.*

N.B. an appeal against the above refusal of planning permission has been dismissed.

EPF/1207/11: New dwelling. (Revised application). Refused 09/09/2011 for the following reason:

- 1. The proposed dwelling, by reason of its scale, inappropriate design and use of materials, would fail to harmonise with existing dwellings within the cul-de-sac, resulting in an adverse impact upon the street scene, contrary to policies CP2, DBE1 and DBE3 of the Adopted Local Plan and Alterations.*

EPF/2509/11. New dwelling. (Revised application). Refused for the following reason:

- 1. The proposed dwelling, by reason of its scale, inappropriate design and use of materials, would fail to harmonise with existing dwellings within the cul-de-sac, resulting in an adverse impact upon the street scene, contrary to policies CP2, DBE1 and DBE3 of the Adopted Local Plan and Alterations.*

Appeal subsequently dismissed.

EPF/0580/12. New dwelling. (Revised application). Approved 26/07/2012.

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private Amenity Space
DBE9 – Loss of amenity
LL11 – Landscaping Schemes
ST4 – Road Safety
ST6 - Vehicle Parking
H2A – Previously Developed Land

Summary of Representations:

Notification of this application was sent to Loughton Town Council and to 25 neighbouring residents.

The following representations have been received:

LOUGHTON TOWN COUNCIL. No objection. The Committee had no objection to the proposed design and reiterated its previous comments made for EPF/0580/12, which were:
The Committee had no objection to this application. As members considered this was a maximum sized dwelling that could properly be accommodated on this site, a condition withdrawing all further permitted development rights was requested.

8 GRASMERE CLOSE. Objection. Planning permission has already been granted for this plot, which I have no objection to as it is similar in style to the existing houses in the close. I do, however, object to this new proposal, on the grounds that, once again, it is not in keeping with the existing houses, namely the pitched roof and windows. It was also suggested in a previous planning meeting by a member of the council that any plans should have an integrated garage, in keeping with the existing houses.

14 GRASMERE CLOSE. Objection. When I purchased my property some 11 years ago, it was because of the quiet nature of the cul-de-sac and the position of my house meant that there was no passing traffic. My young son has enjoyed the safety of the Close and has the freedom of riding his bike and playing with his friends in a safe environment. Should planning be approved that would mean extra traffic and the safety of my children compromised. The proposed plans to build a house in the garden of number 10 St John's Road and therefore open up our cul-de-sac (where it has always been a dead end), does not make sense to me. I thought the local Councils and Government were opposed to the so called 'garden grabbing'. Our quiet Close has been subjected to vans parking all day long as a result of the lengthy ongoing building works at number 10 St John's Road, which only goes to highlight the fact that our road is not capable of accommodating extra heavy traffic. I do believe that several Health and Safety guidelines would be breached with the danger to the residents, especially the young children, as the lorries and plant machinery necessary for such a build simply do not have the room to park or indeed make deliveries without effectively closing the road. Furthermore, the vehicles would not be able to turn around and the thought of heavy machinery attempting to reverse down our quiet residential road does not bear thinking about. The revised planning application (for the fifth time) still shows a huge house very much OUT of keeping with the current surrounding properties. The residents of Grasmere Close are left devastated that yet another planning application has been made to maximise the size of the house and thus maximise profits.

16 GRASMERE CLOSE. Objection. We are objecting to the granting of planning permission to build a house in the garden of number 10 St John's Road, which itself is currently in the final stages of completion of an enormous and imposing house. The proposed development is situated at the end of what is a very quiet cul-de-sac and the land is adjacent to our property at number 16. The proposed development of what is a massive house is totally out of character with Grasmere Close. The proposed house is planned to sink into the garden and the excavation of several thousand cubic metres of soil would therefore need to be removed, which would cause an incredible amount of disruption to all residents in the close. As the road does not have any turning areas, the only way a 30 ton truck could gain access to the site would be to reverse all the way from St John's Road, which is not only very dangerous (the road has a sharp and blind bend) but given that this is a small residential road of ten houses, with a number of young children, senior citizens and pets, I think it may well be illegal. The Health and Safety Executive advise that "Nearly a quarter of all deaths involving vehicles at work occur during reversing." Surely two houses being built on the same plot of land does not make any kind of planning sense, as the house at number 10 St John's Road should need the full garden to compliment its size - instead of having the

garden halved purely for profit. Our property at number 16 and number 3 opposite have constant water draining from this land and we suspect that there may be a well somewhere in this site which is causing the flooding. Imagine what it is going to be like when the property is finished with even more water due to the lack of grassed areas for soakage. We are now aware that there is in fact no access right of way to this land, which effectively renders the site land locked. The gates which access the land cross over the pavement of number 16 and the width after taking the pavement out is not any wider than a pedestrian access. This crosses over land that is not owned by Mr Brazil but is in fact registered to others and can not in any way be claimed by the developer. If you look at the deeds for 10 St John's Road there is no right of way to this land whatsoever. We also cannot see where surface water/sewage can be directed from this land. The fencing at the front is not owned by the developer and cannot be removed without the permission of the two adjacent properties, at numbers 16 and 3. We are completely astounded that this application for planning is being sought when there are so many issues that have not been resolved. Residents have enjoyed the peace and quiet of this lovely cul-de-sac for many years and will no longer be able to if planning is approved. For these reasons planning permission should not be granted and should indeed be turned down for what would be the fifth time in order that the residents may be able to enjoy the future of this Close.

3 GRASMERE CLOSE. Objection. Numerous applications have previously been refused due to the plans not being in keeping. The last plans, which were in keeping, raised less objections and were approved. We do not accept yet further applications. The windows have changed to casement whereas all others are Georgian. The pitch of the roof has changed significantly and the garage is no longer integrated. This letter is supported by occupiers of 1, 4, 6, 8, 10, 12, 14, 16.

LOUGHTON RESIDENTS ASSOCIATION (PLANS GROUP). No objection. We have no objections to this application, but ask that the Council applies the usual restriction on working hours during demolition and building work.

Issues and Considerations:

The main issues to be considered in relation to this proposal are:

- The acceptability of the principle of residential development on the site
- The impact of the proposed development on the character and appearance of the locality
- The impact of the proposed development on the amenities enjoyed by the occupiers of neighbouring dwellings
- The impact of the proposed development on existing landscaping, and
- The impact of the proposed development on highway safety and the suitability of parking.

Principle of Residential Development

As garden land, the application site is not considered as previously developed land and accordingly, for the purposes of policy H2A, must be considered as a Greenfield site. However, policy H2A does not preclude residential development of Greenfield sites.

Impact on Character and Appearance

The cul-de-sac has a distinct character with the dwellings being of uniform style, despite a few additions/alterations.

The proposed dwelling would be detached and would be similar to existing dwellings in terms of its scale and height. Following revisions to the design since the approval of the last planning application, the detailed elevational design of the dwelling and its roof forms would deviate from

the general pattern of development within Grasmere Close. The roof would be hipped – whilst this would introduce a new design feature to the cul-de-sac, its appearance is considered acceptable, particularly as its reduced bulk by comparison with a dual pitched roof would retain more of an open aspect at the end of the cul-de-sac. The window design of the dwelling would also change, with the Applicant proposing the use of sash windows on the front elevation. This is considered to be acceptable, however, the Applicant did provide an alternative plan detailing casement windows on the front elevation, if the Committee prefers that option. The submitted Design and Access Statement indicates that the materials of the construction would be brick and concrete roof tiles to match those existing within the cul-de-sac.

Concern has been raised in relation to the height of the proposed dwelling. The application drawings do indicate existing and proposed site levels. These indicate that the dwelling would be built at a level of 93.50. This would involve an excavation of existing land levels (held back by a retaining wall). This level is only 0.5m higher than that of 3 Grasmere Close and is considered acceptable on street scene terms.

Impact on Neighbouring Amenity

The layout of the site and the position of the dwelling (and fenestration within) are such that there would not be a material loss of amenity to the occupiers of neighbouring dwellings.

Future occupiers of the proposed dwelling would have acceptable levels of amenity in terms of natural light and outlook to habitable rooms, privacy and external amenity space.

Concern has been raised through third party representations regarding the acceptability of the size of the garden that would be retained by the occupiers of 10 St Johns Road. Planning permission for a replacement dwelling (now substantially completed) at 10 St Johns Road was given under reference EPF/0178/11. Those approved plans showed the reduced length of the rear garden and the application was approved on that basis. The rear garden of 10 St Johns Road (which retains a depth in excess of 26m) is acceptable.

Trees and Landscaping

Where new dwellings are constructed, hard and soft landscaping schemes are usually sought by the Council. Bearing in mind the recent loss of substantial trees from the site, it is considered necessary that the landscaping scheme provides for tree planting at the front of the dwelling. This may be required by a planning condition.

Parking and Highway Safety

The access onto the highway would be via the existing access, which joins at the end of the cul-de-sac. A neighbouring resident has questioned whether or not the applicant has a right to access the site in this location, claiming that this land is owned by others. However, the Applicant has confirmed that he does have a right of way (this claim is supported by the existing lowered kerb leading onto the site, which previously had the garage of 10 St Johns Road situated on it) and County Highways have confirmed that the land is highway land, despite part of it having been planted for a number of years. In these circumstances it is clear that there is a right of way into the site across highway land and the ownership issue is not a factor which can amount to a reason for refusal of the application.

This application does not propose any garaging (previously an integral garage was proposed). However, sufficient parking for the proposed dwelling would be available within a hard surfaced area to the front of the dwelling that could accommodate at least three vehicles.

Conclusion:

In light of the above appraisal, it is considered that the proposed new dwelling would have an acceptable appearance, which although not a pastiche of existing dwellings within Grasmere Close, would be sympathetic to their design and would appear in keeping as a result. The proposed development would not adversely impact upon the amenities presently enjoyed by the occupiers of nearby neighbouring dwellings and would provide adequate space for site landscaping and off-street car parking. Accordingly, subject to the imposition of similar planning conditions to those imposed on the previous planning permission, it is recommended that consent be granted.

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

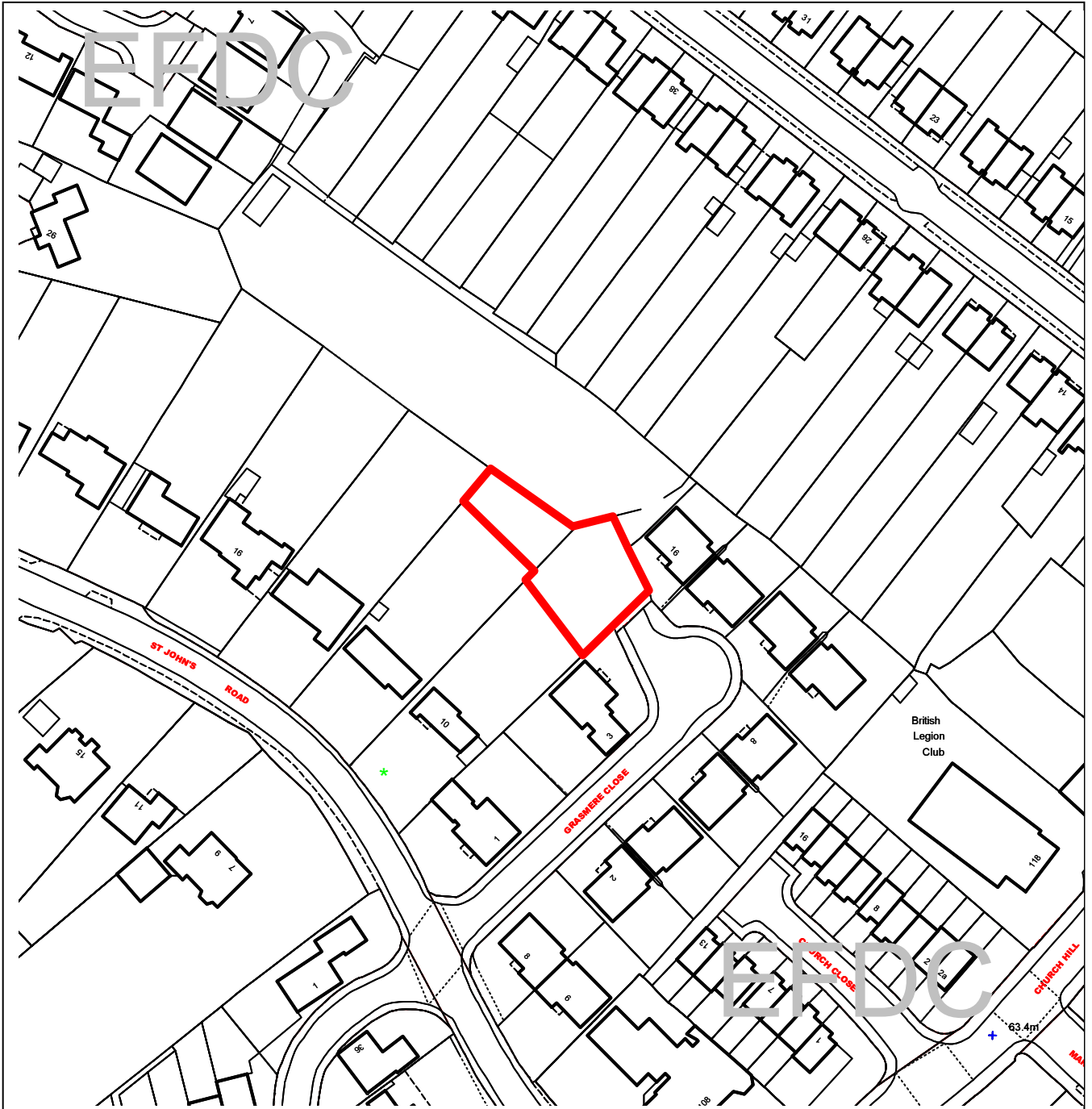
***Planning Application Case Officer: Mrs Katie Smith
Direct Line Telephone Number: (01992) 564109***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	13
Application Number:	EPF/1736/12
Site Name:	Land adjacent to 16 Grasmere Close Loughton, IG10 1SL
Scale of Plot:	1/1250

Report Item No: 14

APPLICATION No:	EPF/1755/12
SITE ADDRESS:	Lioncare Ltd 186 Forest Road Loughton Essex IG10 1EG
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Miss Rebecca Dadoun
DESCRIPTION OF PROPOSAL:	Proposed conversion of storage garages to new Yoga and Pilates Studio including ground and first floor extensions and demolition of outbuilding.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=541329

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No 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.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 3/586 1; 2a; 5; 14a; 15c; 16
- 4 The use hereby permitted shall not be open to customers / members outside the hours of 1000 to 2000 on Monday to Friday and 1000 to 1500 on Saturdays and at no times during Sundays and Bank/Public Holidays.
- 5 No noise arising from music or other amplified sound shall be audible at the boundaries of the site with adjacent residential dwellings.
- 6 Prior to first occupation of the development hereby approved, the proposed window opening(s) in the first floor extension shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

This application is before this Committee since it for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).) and 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 Site:

The application site contains several single storey flat roofed buildings which are presently vacant, although last used as a base of operations for a window installation company. The applicant states in the application forms that the site was last used as a contractors yard comprising an office, storage facilities and a workshop. Ordnance Survey maps identify the site as a builders yard. It therefore appears that the lawful use of the site is as a depot (a sui-generis use).

The site has vehicular access via a narrow driveway which runs alongside 186a & b Forest Road, a residential property. With the exception of the access point, the site is surrounded by residential dwellings and their gardens.

The site is adjacent to part of Epping Forest, but not part which is designated as a SSSI.

Description of Proposal:

This application seeks planning permission for extensions to existing buildings and the conversion of extended storage garages for use as a Yoga and Pilates studio (falling within Class D2 of the Use Classes Order). It is also proposed to demolish redundant storage buildings within the site.

Relevant History:

EPF/2513/09. Demolition of existing buildings and construction of single dwelling. Refused for the following reasons:

- 1. By reason of the bulk, height and design, the proposed house would appear disproportionately large and incongruous within its setting and therefore fail to respect the character of the locality, contrary to policy ENV7 of the East of England Plan and policies CP2 and DBE1 of the adopted Local Plan and Alterations.*
- 2. By reason of its bulk, height and design, the proposed house would appear overbearing when seen from adjacent rear gardens. It would therefore cause excessive harm to the amenities enjoyed by the occupants of neighbouring dwellings contrary to policies DBE2 and DBE9 of the Local Plan and Alterations.*

Subsequently dismissed at appeal.

EPF/0332/12. Ground and first floor extensions, alterations and conversion of storage garages to new Yoga and Pilates Studio and demolition of outbuilding. Refused 29/06/2012 for the following reasons:

- 1. The proposed first floor extension, by reason of its height and design which incorporates a large glazed section facing towards the rear of residential properties in Forest Road would result in an unacceptable level of overlooking into the gardens of these properties to the detriment of those residents enjoyment of their properties, contrary to policy DBE2 and DBE9 of the adopted Local Plan and Alterations (which are consistent with policies contained within the National Planning Policy Framework).*

2. *The proposed first floor extension to the building would be of contemporary design that would not be in keeping with the character of surrounding development. By reason of the level of prominence afforded by its two storey height, the building would appear incongruous with the style of surrounding development, to the detriment of the character and appearance of the area. The proposal would therefore be contrary to policy DBE1 of the Adopted Local Plan and Alterations (which is consistent with policies contained within the National Planning Policy Framework).*

2. *The proposed extension to the building, by reason of the large glazed section in the side elevation facing onto Epping Forest, would cause considerable illumination of this part of the Forest whilst artificial lights were used within the building, which could cause harm to the wildlife value and visual amenity value of the Forest, contrary to policy HC5 of the Adopted Local Plan and Alterations and also contrary to para. 125 of the National Planning Policy Framework.*

An application for the conversion of the site for use as a children's day nursery is also pending consideration (EPF/1731/12).

Policies Applied:

National policies are contained within the National Planning Policy Framework (NPPF)

Local Plan

CP2 - Protecting the Quality of the Rural and Built Environment

CP3 – New Development

DBE1 - Design

DBE 2, 9 – Amenity

HC5 – Epping Forest

Summary of Representations:

Notification of this application was sent to Loughton Town Council and to 20 neighbouring residents.

The following representations have been received:

Letters of objection have been received from the following residential properties: 85, 95, 96, 102, 107, 112, 114, 118, 119, 125, 126, 141, 147, 149, 153, 155, 164, 170, 176, 178, 182, 184, 207 Forest Road; 3 Lower Belle Vue Cottages; and 215 Smarts Lane.

Their comments are summarised as follows:

Parking is a serious existing problem in Forest Road and particularly adjacent to the site due to the width restriction which creates a 'pinch point'. Parked cars regularly cause obstructions to residents using their driveway and can prevent access by the Fire Brigade. Residents have previously sought resident only parking within Forest Road, but without success. Loughton Station is at least a 15 minute walk from the site.

The access drive to the site is only single width which will cause problems for cars coming in/out requiring them to reverse and at approx 10ft, does not provide safe access for pedestrians alongside vehicles.

The two storey building within the site would overlook neighbouring gardens. The buildings that would be demolished form the rear boundaries of neighbouring gardens in Forest Road. Commercial activities will extend into evenings and weekends causing nuisance. Fumes from the car park will be unpleasant in gardens. Buildings within the site should remain single storey, up to 7ft high. Overlooking and loss of sunlight and daylight to neighbouring properties.

The development would constitute a garden back land development. Design would not blend in with neighbouring housing (which is predominantly Victorian and Edwardian) due to the large amounts of glass, timber and aluminium proposed.

The use may impact upon activities presently provided at Loughton Leisure Centre and the Church Hall – as both run similar classes.

The number of users should be limited to a small number who should be required to enter and leave the site quietly. Activities in the studio should also be undertaken quietly.

There is potential of harm to Forest wildlife (including owls and bats). Birds may fly into the glass and be killed/injured.

There are restrictive covenants and rights of way within the site.

There is a fire risk in the use of the car park, if a fire breaks out and cars with tanks full of petrol catch alight.

152 FOREST ROAD. Support. We understand people are concerned about parking, but people attracted to this use will walk or cycle. It will be great for the community and for the neighbourhood.

LOUGHTON TOWN COUNCIL. Strong objection.

The Committee strongly OBJECTED to these applications and raised the following concerns on both proposals, which would create:

- An unacceptable commercial overdevelopment of the site in a residential area that bordered Forest SSSI land. This increased use would have a detrimental effect on residents in Forest Road, to the rear in Smarts Lane and would have an unpleasant effect on Epping Forest.
- Overlooking of adjacent dwellings from the proposed studio building.
- Noise nuisance from the dropping off and picking up of children to the nursery, and associated noise from over 40 children using the nursery throughout the day.
- Additional concerns for child safety from the location of the proposed play area.
- Road safety concerns from traffic entering/exiting the single track driveway, which was on a blind bend.
- Reduced safety for pedestrians using the single track entrance.
- A worsening of existing parking problems, which were already at breaking point in this area.
- Compounding problems for emergency vehicle access.
- Additional parking on kerbs causing a narrowing of the pavements restricting the passage of buggies and wheelchairs.
- Further highway safety concerns owing to the lack of a pavement in the north part of Forest Road that led towards Smarts Lane, Shaftesbury and Earls Path where a width restriction had been installed to reduce traffic speeds.

Furthermore, members strongly disagreed with what they considered a preposterous suggestion in the Design and Access statement that there was “*ample parking for the non-staff on nearby Shaftesbury. Smarts Lane would be another good place for drop-off parking*” and that both roads provided “*easy access nearby parking.*” The Committee requested that the District Council Planning Officer carry out a site visit during peak times (particularly 08.30-09.00 and 15.00-15.30) to appreciate the dire existing parking situation. Shaftesbury in particular was jammed with parking during the day.

The application did not justify the need for additional day care nurseries or yoga/pilates fitness facilities in Loughton.

However, if the Local Planning Authority was minded to grant this application, then the Committee believed a sizeable S106 contribution was required to deal with the traffic congestion and a resident only parking zone.

LOUGHTON RESIDENTS ASSOCIATION (PLANS GROUP). Objection. Parking I Forest Road, particularly at this ‘pinch point’ is always heavily parked. On street parking would be insufficient to meet demand resulting in parking in Forest Road which will cause problems for residents. Nearby Smarts Lane and Staples Road are also already heavily parked. Evening and weekend use of the site will cause disturbance to nearby residents. The design of the building is wholly out of keeping with its Victorian surroundings. If the application is approved we would ask for conditions limiting hours of constriction and hours of use.

Issues and Considerations:

The main issues in this case are the impacts of the proposed development on neighbouring amenity and on the character and appearance of the area.

Neighbouring Amenity

Concern has been raised by neighbouring residents regarding the potential for harm to neighbouring amenity caused by disturbance from vehicles using the access road/parking area, noise from the proposed use and overlooking and loss of light from the proposed extension.

It is not considered that disturbance caused by the use of the access road would result in a significant loss of amenity, in relation to the existing/previous use of the road and the potential for that to have been intensified without the need for further planning permission.

Noise from the proposed studio is more likely to cause material harm. However, this would be a matter capable of being controlled by planning conditions – for example, limitations on the permitted hours of operation, limitations requiring no openable windows and/or soundproofing of the building. On this basis, this concern would not justify the withholding of planning permission.

In relation to the issue of overlooking, the proposed extension to the building would include a glazed section (approximately 1 x 3 metres) at first floor level facing towards the rear of properties in Forest Road. This window is significantly reduced from that previously proposed (which covered an area of approximately 3 x 5.5 metres). This window would be situated approximately 9 metres from the site boundary with properties fronting 186 Forest Road. Following its reduction in size, it is not considered that it would amount to an unacceptable level of overlooking of nearby residential dwellings and their gardens. Furthermore the submitted plans indicate that the windows would be within the female changing rooms and it is, therefore, quite possible that they will be obscure glazed. It is therefore considered that the reasons for the refusal of the earlier planning application have been addressed.

Turning to the matter of loss of light, the first floor extension would be situated adjacent to the flank elevation of 215 Smarts Lane. Its position would be such that there would be no material loss of light to neighbouring properties.

Character and Appearance

Although the application site contains commercial buildings of utilitarian appearance, surrounding development is of traditional residential design, with most being Victorian Cottages. Later additions have been sympathetically designed to complement this general character.

Following an amendment to the previously refused scheme, the first floor extension whilst still of contemporary design, would include a pitched roof and be of reduced bulk than previously proposed. The extent of glazing would also be significantly reduced. On balance of these matters, it is considered that the revised design has overcome the previous reason for refusal and is now acceptable. Other alterations including the addition of a small ground floor extension to the end of the block, the slight increase in the roof height of the single storey element and fenestration changes are also considered to be acceptable.

Impact on Epping Forest

Following the removal of glazing within the side elevation of the extension to the building, there would not be any material harm caused to the adjacent Forest land.

Parking and Highways

The difficulties of parking within Forest Road are understood by the Planning Officer and it is acknowledged that there is no further scope for additional on street parking within the vicinity of the site (either in Forest Road or nearby streets). There are however, some public car parks situated within reasonable walking distance of the site. The proposal increases the number of parking spaces available within the site from 12 to 13. Whilst the proposed Pilates studio would attract a requirement for a greater number of parking spaces than the former storage use, the actual number of parking spaces proposed would be adequate in relation to the Essex Parking standards for both the retained office space and the public areas of the studio. Those standards represent the maximum number of car parking spaces which should be sought and bearing in mind that the site is located within an urban area it is not considered that it would be reasonable for the Council to seek greater provision.

Loughton Town Council have suggested that, if planning permission is granted, it is subject to a Section 106 Agreement to secure a financial contribution towards improving highway congestion and introducing resident parking permits. When a Council seeks a planning obligation from a proposed development, then by law that obligation must be necessary, proportionate to the development proposed and reasonable. In this case the problem exists already and the parking provision within the site would be at the required standard. It is not, therefore, considered necessary or reasonable to seek contribution from the Applicant to fund parking restrictions in Forest Road. Furthermore the cost of such an obligation would be likely to substantially exceed that which would be proportionate to a small scale leisure use.

Flood Risk

The site lies within an Epping Forest District Council Flood Risk Assessment Zone. However, the proposed development will only cause a negligible increase in surface water, therefore a Flood Risk Assessment is not required.

Conclusion:

In light of the above appraisal, it is considered that the proposed development has overcome the previous reasons for refusal and it is, therefore recommended that planning permission be granted.

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

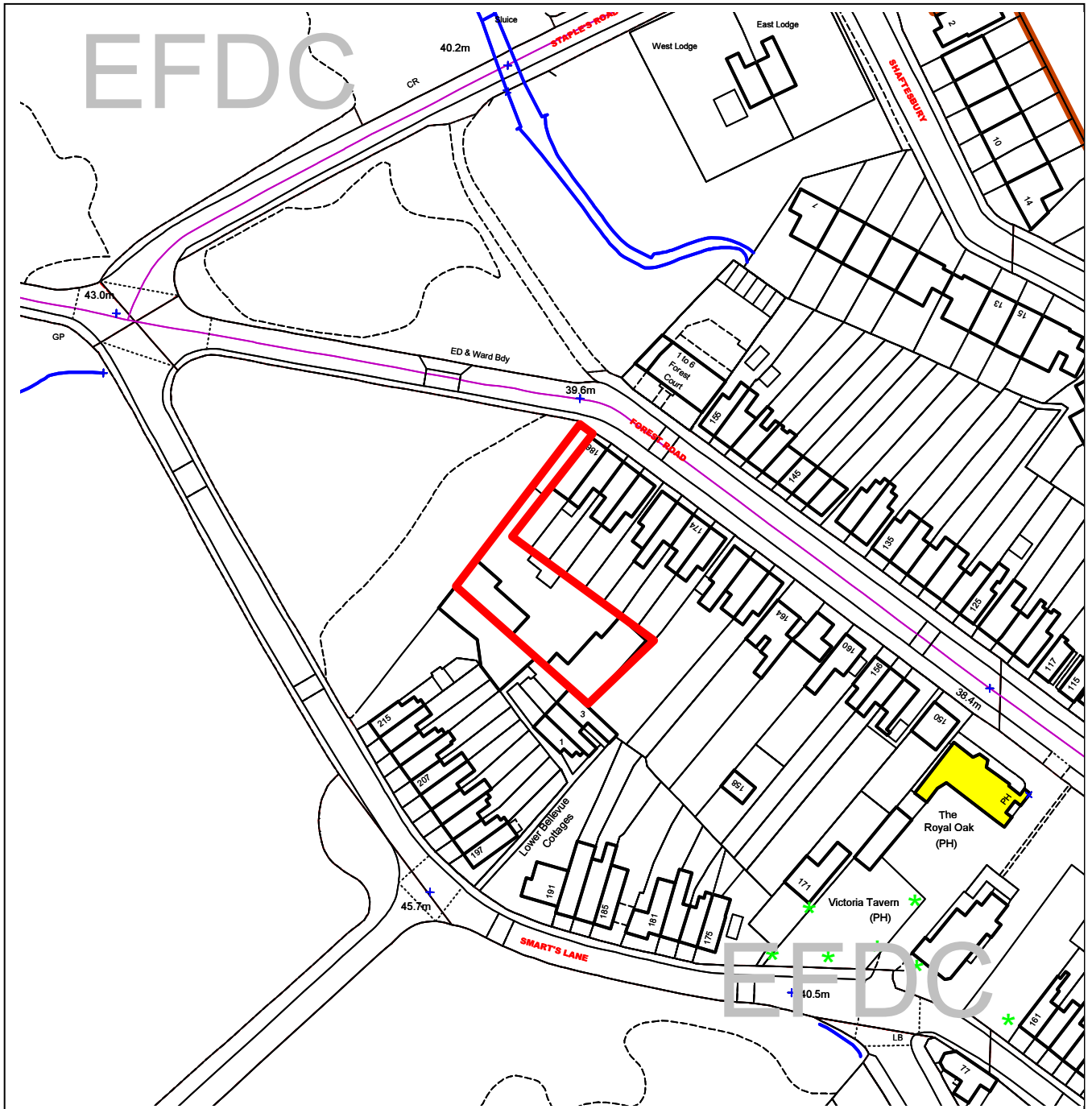
***Planning Application Case Officer: Mrs Katie Smith
Direct Line Telephone Number: 01992 564019***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	14
Application Number:	EPF/1755/12
Site Name:	Lioncare Ltd, 186 Forest Road Loughton, IG10 1EG
Scale of Plot:	1/1250

Report Item No: 15

APPLICATION No:	EPF/1831/12
SITE ADDRESS:	The Coach House Gravel Lane Chigwell Essex IG7 6DQ
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr Graham Bayliss
DESCRIPTION OF PROPOSAL:	Erection of new detached two storey dwelling with basement , demolition of existing Coach House and existing concrete framed building. Change of use of stables into storage rooms. (Revised application)
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=541732

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No 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.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1170/101g; 1170/102h; 1170/103g; 1170/105b; 1170/201; 1170/203
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Schedule 2, Part 6, Classes A and B shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no extensions generally permitted by virtue of Schedule 2 Part 1, Class A and no outbuildings generally permitted by virtue of Schedule 2 Part 1, Class E shall be undertaken without the prior written permission of the Local Planning Authority.

- 6 The residential curtilage of the dwelling hereby permitted shall be limited to the areas edges red on plan no. 1170/103C.
- 7 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]
- 8 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]
- 9 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]

- 10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification 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.
- 11 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.
- 12 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 13 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.
- 14 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 08.00 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.
- 15 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.
- 16 No development shall take place until details of the landscaping of the site, including retention of trees and other natural features and including the proposed times of proposed planting (linked to the development schedule), have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at those times.
- 17 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.

- 18 The existing buildings shown in dashed line on plan no. 1170/103b shall be demolished and all resultant debris removed from the site within 3 calendar months of the substantial completion of the dwelling hereby approved.

Subject to the completion, within 17 weeks, of a legal agreement under Section 106 of the Town and Country Planning Act 1990 prohibiting the sale of any part of the application site separately from the remainder of the site and preventing the erection of an extension to the retained outbuilding, previously permitted under application reference EPF/0393/02.

This application is before this Committee since it is an application contrary to the provisions of an approved draft Development Plan or Development Plan, and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(a)) and since the recommendation conflicts with a previous resolution of a Committee (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(i))

Description of Site:

The application site comprises of the building known as 'The Coach House' and the area of land surrounding it. The application drawings also indicate a larger area which lies within the applicant's ownership, which is largely planted with grapevines (an agricultural use). To the rear of The Coach House is a dwelling called the Farmhouse, which is in separate ownership. The boundary between the two sites is marked by fairly low level, sparse Leylandii. The Farmhouse is presently being replaced by a larger dwelling, set back further within the site – construction appears almost complete. To the side of The Coach House is a stable block. The application site is accessed by a narrow track from Gravel Lane. The site is located within the Metropolitan Green Belt.

The site covers an area of approximately 5 hectares.

Description of Proposal:

This application seeks planning permission for the erection of a two storey, four-bedroom dwelling within the application site. The dwelling would include a basement level, which would provide a garage and storage area. Also proposed is the demolition of existing buildings within the site including 'The Coach House' and a large storage building. The new dwelling would be accessed from the existing roadway within the site, which connects to Gravel Lane.

The key changes between this proposal and that which was refused by this Committee in July this year are changes to the design of the dwelling and the deletion of a proposal to enlarge the existing outbuilding within the site. However, as a 2002 planning permission remains extant which would permit a larger extension to the outbuilding than that which was previously proposed, then no weight can be given to improvements to the openness of the Green Belt arising from this amendment without ensuring (by way of legal agreement) that the permitted extension is not constructed.

Relevant History:

EPF/0641/89. Use of premises as a dwelling house. Refused 23/06/1989.

EPF/1309/97. Conversion of coach house into a dwelling. Refused 02/12/1997 and subsequently dismissed at appeal 15/07/1998.

EPF/0393/02. Refurbishment and replacement works to the coach house and barns to create stables and barn with tack room and store. Approved 10/07/2002.

EPF/2425/07. Change of use of Coach House to dwelling (revised application). Refused 18/12/2007 for the following reason:

The Council is not satisfied that the works within the last ten years were not completed with a view to securing ostensibly a residential use of the building. It will therefore be inappropriate development in the Metropolitan Green Belt and be contrary to policies GB2A and GB8A of the Adopted Local Plan and Alterations.

Subsequently dismissed at appeal.

EPF/1802/09. Retention of front dormers and doors and windows to tack room. Refused 22/12/2009 for the following reason:

The cumulative impact of the alterations to the building results in it resembling a domestic property in its character. Such character is inappropriate within the Green Belt and harmful to the Green Belt, contrary to policy GB2A of the adopted Local Plan and Alterations.

EPF/1061/11. Conversion of existing Coach House into dwelling and extending stable buildings with store and garage, and change of use of stables into storage rooms. Demolition of existing concrete framed buildings. Refused 09/09/2011 for the following reason:

The Council is not satisfied that works undertaken to The Coach House within the last ten years were not completed with a view to securing a residential use, as it does not appear that the 2002 consent for use as a tack room was ever implemented. The proposed development is therefore contrary to policy GB8A(iv). As a result, the proposed development would be inappropriate development within the Metropolitan Green Belt, as defined in policy GB2A of the Adopted Local Plan and Alterations. The applicant has failed to demonstrate a case for very special circumstances to outweigh this harm to the Green Belt.

EPF/0493/12. Erection of new detached 4 bedroom dwelling, demolition of existing Coach House and existing concrete framed building. Extending stable building with store and garage, change of use of stables into storage rooms. Refused 26/7/2012 for the following reasons:

- 1. The proposed house together with its curtilage is inappropriate development in the Green Belt. No very special circumstances that outweigh the harm the proposal would cause have been demonstrated. Accordingly, the proposal is contrary to Local Plan and Alterations policy GB2A, which is consistent with the policies of the National Planning Policy Framework*
- 2. By reason of its unsympathetic design the proposed house would fail to respect its setting and the local character. Accordingly the proposal is contrary to Local Plan and Alterations policies DBE1 and DBE4, which are consistent with the policies of the National Planning Policy Framework.*

Planning Enforcement History

ENF/0610/07. Physical alterations taken place. Enforcement Notice served 24/04/2008 requiring either removal of the works or alteration to accord with planning permission EPF/0393/02. Requirements complied with.

Policies Applied:

National Planning policies are contained within the National Planning Policy Framework (NPPF)

Local Plan Policies:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
DBE8 – Private Amenity Space
DBE9 – Loss of amenity
LL10 – Landscaping for Retention
LL11 – Landscaping Schemes
ST4 – Road Safety
ST6 - Vehicle Parking

Summary of Representations:

Notification of this application was sent to Chigwell Parish Council and to 1 neighbouring resident.

The following representations have been received:

FARMHOUSE, GRAVEL LANE. Support. We are very much in favour of the proposed development. The property as it stands is an eyesore and has been so for many, many years. It is very close to our boundary. The Coach House being vacant and in a poor state of repair has attracted a number of trespassers and people dumping rubbish and even burned out cars. We are also of the view that thefts we have had from the sheds in our gardens were as a result of access having first been obtained to the Coach House.

CHIGWELL PARISH COUNCIL. At the time of preparing this report comments had not been received from Chigwell Parish Council. Accordingly any comments received will be reported verbally to the planning committee. Chigwell Parish Council made the following comment in respect of the previous application:

The Council SUPPORTS this application as this is a general tidy-up of the Green Belt area. However, the proposal must be tied into the accuracy of the dimensions stated, the agricultural use and the promise of a minimum reduction of 40% in building volume.

Issues and Considerations:

The main issues in this case are the appropriateness of the proposed development within the Green Belt and its impacts on neighbouring amenity and on the character and appearance of the area.

Green Belt

Prior to the submission of the application, the Applicant had considered seeking planning permission for the dwelling on the basis that it would be occupied by an agricultural worker. However, discussions with planning officers confirmed the importance of compliance with Policy GB17A of the Local Plan in submitting such an application. In particular, the importance of not exceeding a floor space of 150m² was discussed, as by exceeding this it is often difficult to retain the dwelling as an agricultural workers property in the long term, as its value (even with the 40% reduction required by Local Plan policy) significantly exceeds that likely to be attainable by an agricultural worker. Supporting information submitted with the applicant also raises their concern that an agricultural workers dwelling may not be as readily justified in relation to the vineyard agricultural activity as it may be in relation to an agricultural use involving livestock (Although, a successful case was made in 2001 in an appeal involving Arun District Council, where an agricultural workers cottage was proposed at a vineyard of 5.67 ha and the Inspector accepted that the operation was labour intensive requiring work to be undertaken at unsociable hours such as very early in the morning and in the evenings. In particular, the Inspector noted it was necessary to scare away flocks of birds at dawn and dusk and respond quickly to the threat of frost. In that case, the Inspector accepted that those tasks could not be accomplished if the workers occupied a property in a nearby settlement).

This application must be considered on the basis that the dwelling will not be tied by condition/legal agreement to be occupied by an agricultural worker. On this basis, it is inappropriate development within the Green Belt and, in accordance with para. 87 of the NPPF, may only be approved where there are very special circumstances which outweigh the harm caused to the Green Belt.

The applicant believes that such special circumstances do exist and sets these out within an accompanying statement. These are appraised below:

1. *The conversion of the existing coach house was recommended for consent, but it has now been decided that this should be demolished and a new dwelling built in its place.*

Whilst officers have previously recommended applications for the conversion of The Coach House for approval, Members of this planning committee have determined that those applications should be refused planning permission. In 2007 such a decision to refuse planning permission was upheld at appeal. It is not, therefore considered that previous recommendations of planning officers to grant approval for the conversion amount to very special circumstances for permitting this application for a new dwelling.

2. *The new dwelling, whilst marginally larger (than The Coach House) is further away from the adjoining dwelling and is in a better location, well screened from the surrounding countryside and the main road.*

The proposed building would be better sited in relation to the neighbouring dwelling and would provide an improved level of amenity for the residents of that neighbouring dwelling. It is, therefore, considered that some weight may be applied to this factor when considering an overall case for special circumstances.

3. *There are substantial gains in terms of the external buildings being removed, which is an aesthetic improvement and a reduction in net floor area of the site.*

The proposed development would result in the loss of the existing Coach House building and the existing barn building within the site which, although in a poor condition, remains a structurally sound building. In total, the loss of those buildings amount to the removal of approximately 264m² in area and 927m³ in volume. The proposed dwelling would be

approximately 122.8m² in area and 838m³ in volume (above ground level). Accordingly, as a result of the development the built footprint within the site would reduce by about 53.5% and there would also be a reduction of about 10% in volume.

4. *Whilst the proposed dwelling will not have an agricultural tie, it will be used as one, so that the dwelling cannot be sold off separately without the vineyard and land associated with it.*

This observation is linked to those made below at points 5 and 6. The proposals are intrinsically linked, partly because of the way that the Applicant intends to live/work the land but also in a more physical way, in terms of the provision within the basement of the dwelling for storage connected to the vineyard use. If the dwelling were to be divorced from the vineyard then there would clearly be a need for an additional storage building to be provided on the land. Such a building would clearly impact on the openness of the Green Belt and would erode the benefits secured by the removal of buildings associated with this current proposal. There also remains a possibility, bearing in mind the appeal case referred to above, that if the house were to be separated from the agricultural land in the future, then a future case could be made for the need for a further dwelling on the land, to be occupied by an agricultural worker. For these reasons, it is considered necessary to tie the house to the land so that they may not be independently sold in the future. Accordingly whilst the dwelling need not be occupied by an agricultural worker, the two must remain within the same ownership.

5. *The vineyard is ideally sited on a sloping site facing the south and east, planted with 11,000 grapevines. The enterprise is viable and already in production to produce grapes and wine on the site. The existing outbuildings are suitable for this production and the Applicant will work the land and live in the house, therefore, the two are inextricably linked.*

Please refer to appraisal under the previous point.

6. *The basement of the house will provide essential additional storage for wine produced, avoiding potential additional buildings and is a sensible use to provide storage without creating additional buildings.*

Please refer to appraisal under the previous point.

7. *There will be an employment use with the Applicant and his wife working the land and also for occasional associated casual labour associated with the picking of the grapes and the making of the wine.*

The National Planning Policy Framework (NPPF) encourages economic growth within rural areas. It identifies a need for local plans to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings and to promote the development and diversification of agricultural and other land-based rural businesses.

Whilst this consideration does not override the presumption against inappropriate development within the green belt, it remains a material planning consideration and it is considered that some weight may be applied to this factor when considering an overall case for special circumstances.

8. *The style, size and height of the dwelling were generally accepted in pre-application correspondence.*

Whilst pre-application advice was provided by officers in respect of this scheme, this was on the basis that such advice would not be binding on any future decision taken by the

Council, as the local planning authority. Accordingly, such advice does not provide very special circumstances for permitted inappropriate development within the green belt.

9. *The property is a modest simple dwelling*

Whilst it is accepted that the dwelling is not excessive in its size, the construction of a new dwelling is inappropriate development within the Green Belt regardless of its size. Accordingly, whether or not its size can be described as modest does not provide very special circumstances for permitted inappropriate development within the green belt.

10. *The dwelling also relates well to the adjoining dwellings and forms an end to the ribbon development along this part of the road where there are existing residential dwellings.*

The dwelling would relate well within the existing street scene. However, rather than infilling within the existing ribbon development, this proposal would extend it, by reason of the dwelling's more central position within the site than the existing Coach House.

11 *There will be no removal of earth or spoil from the site to eliminate heavy vehicular movements.*

As such activities would require planning permission, this cannot contribute towards a case for very special circumstances.

The proposed development would result in a considerable reduction in footprint within the site, and also a reduction in volume. Accordingly, there would be a considerable improvement to the openness of the Green Belt as a result of the development. Furthermore, in addition to the reductions. There would be a further benefit arising from the Applicant not implementing the existing consent for extensions to the stable building.

Although not proposed to be tied for occupancy by an agricultural worker, the proposed dwelling would be linked to the agricultural use of the wider site, including by reason of the inclusion of storage space within the basement of the dwelling. The agricultural use of this site as a vineyard accords with policies within the NPPF which encourage the sustainable growth and expansion of all types of business and enterprise in rural areas and promotes the development and diversification of agricultural and other land based rural businesses. It is, therefore considered that very special circumstances exist which outweigh the harm to the Green Belt caused by inappropriateness.

Neighbouring Amenity

The proposed dwelling and garage/storage extension would be sited such that there would be no reduction in amenity caused to the occupiers of the neighbouring residential property. Indeed, the aspect of the neighbouring dwelling would be considerably improved by the demolition of The Coach House.

Occupiers of the immediate neighbouring dwelling have expressed their support for the proposed development, on the basis that it would improve both the appearance of the site and their own security.

Character and Appearance

Views into the site are considerably limited by the dense vegetation along its boundary with Gravel Lane. This vegetation is proposed to be retained. The position of the new dwelling within the site would be greatly improved in relation to that of the existing Coach House. Following changes to the design of the dwelling since the refusal of the previous planning application, its appearance

would be better suited to the rural site. The new dwelling is considered to have an acceptable appearance, which would enhance the character and appearance of the site.

Other Matters

Procedure - this proposal is an inappropriate development in the Green Belt and as such is a departure from local plan policy. Accordingly if the Committee is minded to grant planning permission, the application will need to be referred for consideration by the District Development Control Committee (DDCC). However, the scale of the development is not such that the application would then need to be referred to the Secretary of State and accordingly the DDCC would be able to grant a planning permission, if it were so minded.

Conclusion:

In light of the above appraisal, it is considered that the proposed development would constitute an inappropriate development in the Green Belt under definitions contained within national and local planning policies. Paragraph 87 of the NPPF states that inappropriate development should only be approved in very special circumstances. For the reasons set out within this report, it is considered that in this case, very special circumstances do exist which outweigh the harm caused by reason of inappropriateness. Furthermore, the development would have an acceptable appearance and would not harm the amenities presently enjoyed by the occupiers of neighbouring residential properties. It is, therefore, recommended for approval subject to the planning conditions contained within this report and the completion of a planning obligation prohibiting the sale of any part of the site from the whole.

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

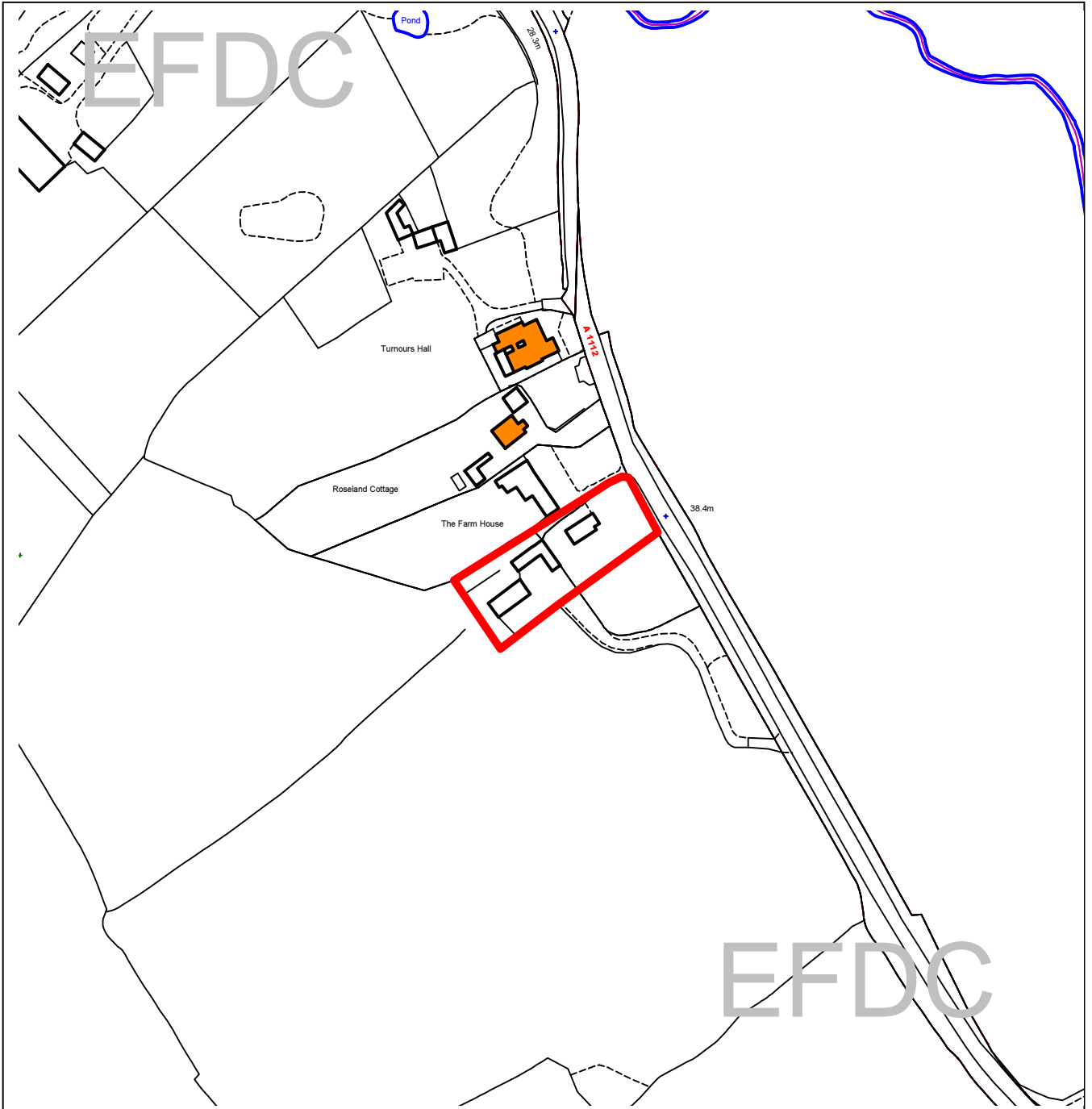
***Planning Application Case Officer: Mrs Katie Smith
Direct Line Telephone Number: (01992) 564109***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	15
Application Number:	EPF/1831/12
Site Name:	The Coach House, Gravel Lane Chigwell, IG7 6DQ
Scale of Plot:	1/2500

Report Item No: 16

APPLICATION No:	EPF/1858/12
SITE ADDRESS:	156 Queens Road Buckhurst Hill Essex IG9 5BJ
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Eldar Properties Ltd
DESCRIPTION OF PROPOSAL:	Change of use of existing building at rear of site from warehouse (B8 use) to gymnasium (D2 use)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=541872

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 gymnasium use hereby permitted shall only be open to customers/ members between the hours of 7am and 9pm on any day.
- 3 The premises shall be used solely as a gymnasium only. It shall not be used for any other purpose (including any other purpose in Class D2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 4 No noise arising from music or other amplified sound shall be audible at the boundaries of the site with adjacent residential properties.
- 5 The windows in the west elevation of the building, and the rooflights in the building, shall remain as non opening and fixed shut windows, and no other windows or openings shall be formed in the building without the prior written approval of the local planning authority.
- 6 Entry and exit to the gymnasium hereby approved shall only be gained from Queens Road. In this connection the fire escape door in the rear wall of the property shall only be used for means of escape in an emergency.

This application is before this Committee because the recommendation for approval is contrary to more than two objections received from neighbours which are material to the planning merits of the proposal - (pursuant to the constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A (f)).

Description of Site:

A single storey vacant commercial building located at the rear of the site and accessed via a shared drive onto Queens Road. It would appear that the building was last used up to 2010/2011 for the storage, restoration and sale of furniture. Queens Road at this point is a mixture of shops and commercial uses interspersed with houses and flats, and the site lies adjoining the local shopping centre based on the western end of Queens Road. The application building has in the past been interconnected and used along with the vacant workshop building at the rear of 153 and 155 Princes Road. However this application concerns only the warehouse building to the rear of number 156 Queens Road. The property is not listed nor does it lie in a conservation area.

Description of Proposal:

Change of use of existing building at rear of site from warehouse (B8 use) to gymnasium (D2 use).

Relevant History:

CHI/283/60 – approval granted for rebuilding of workshop on the site.

EPF/1354/12 – with regard to the building at the front of the site approval was given to the change of use of the ground floor from retail A1 use to a flat, together with the retention of the upper floor as a flat and construction of a rear dormer window. This approval is currently being implemented.

Policies Applied:

DBE9 – Loss of amenity.
E4B - Alternative uses for employment sites.
RST1 – Recreational, sporting, and tourist facilities.
ST4 – Road safety.
ST6 – Vehicle parking.
National Planning Policy Framework.

Summary of Representations:

BUCKHURST HILL PARISH COUNCIL – No objections.

NEIGHBOURS – 25 properties consulted and 9 replies received:-.

129 QUEENS ROAD – while we have no objection and welcome a new facility we are concerned about the lack of parking facilities since already these are insufficient at peak times. Despite the applicants saying that visitors will walk or use bicycles experience shows that this is unlikely to be the case in that a majority of customers will come by car.

135, QUEENS ROAD – the nature of the business proposed makes it likely that significant numbers of visitors will be attracted to the site. There are no parking facilities proposed and hence people will park on the street. There are pay and display bays on Queens Road but when these are occupied visitors will often park across residents' driveways. If parking could be provided then I would have no objection.

133 QUEENS ROAD – object - we live opposite the site. Most gyms operate 7am to 10 pm and hence we will experience more late evening and early morning disturbance from comings and goings in addition to that already created by local restaurants. The lack of parking will aggravate existing pressure in the parking bays on Queens Road, and experience shows that people do not want to park in the car park at the top of the road and walk. I am not prepared to constantly have to ask people to move their cars from over my drive – will the Council help in ‘policing’ the road 24 hours a day? Has consideration been given to the relationship of this application to the proposed redevelopment of the adjoining Daneley Court for 14 flats? When we and other residents moved into Queens Road its restaurants did not open as late as they do now, and we feel the Council favours retailers over residents.

157, PRINCES ROAD – Not against the re-use of the building but the proposed use is unsuitable. With no parking provided, with Queens Road already being congested, and with the car park at the top generally full, anyone driving to the gym will bring more cars to be parked in Queens Road and Princes Road. The extended hours of use will be detrimental to residential amenity, eg from music and noise in a building that is not soundproofed.

153, PRINCES ROAD – historically this building has been connected to the workshop building behind our property. If access to the gym is available from Princes Road it would cause noise and nuisance.

155A PRINCES ROAD – object because of disturbance owing to early morning use by customers before they go to work, noise from treadmills, weights falling to the floor, and music. If granted the use could change to another D2 use eg cinema or dance hall. There are implications for parking in the locality which is fiercely contested already and another venue attracting visitors will aggravate these parking problems.

189A QUEENS ROAD – object on grounds of increased traffic congestion, parking problems, and extended hours of opening disrupting evening and weekend peace.

158, QUEENS ROAD – we own the neighbouring property and object because with no car parking there will be congestion in a narrow street and nuisance to local residents; with opening hours to 11pm there will be disturbance to residents eg in the front property at 156 Queens Road and to our property at number 158 ; noise and environment issues will be caused by overflow crowds up to 11pm during matches and competition.

EMAIL comments received by email with no address given – as a resident in Queens Road I am very concerned at having a gym close to my house. This is a residential area first and foremost, parking in the area is already very difficult especially in the evening, and I often have to park in Westbury Lane. The area is also becoming increasingly noisy until quite late at night as diners come out of a local restaurant, and having a gym open to 11pm will increase this problem enormously, especially if there is music being played in the gym. I would urge you to reject this application.

ESSEX COUNTY COUNCIL HIGHWAYS – The Highway Authority has no objections to this proposal as it is not contrary to the Highway Authorities Development Management Policies, adopted as County Council Supplementary Guidance in Feb 2011, and policies ST4 and ST6 of the Local Plan. To justify this view they state that although the application does not provide car parking the site is well located for access by public transport, walking and cycling. The surrounding area has restricted parking with metered bays and public car parks for patrons of the gym to use. Consequently, the proposal will not cause detriment to highway safety due to the lack of on site parking.

Issues and Considerations:

The main issues raised in this application relate to parking and whether the use will materially harm the amenity of nearby residents. Although some of the objectors have referred to the gym being open to 11pm at night the proposed hours of the gym are in fact from 7am to 9pm, and the applicant is amenable to a condition being applied restricting opening hours to these times if consent were to be granted.

The proposed gym would occupy this single storey commercial building which has in the past been used as a workshop, and for warehouse and retail purposes. The gym would be in a space 24m long with a varying width of 5 to 7m. It will therefore be a lot smaller than larger gymnasiums such as the 'out of town' David Lloyd centre, and the Virgin Active gym, in Chigwell. It will however be approximately 40% larger than the size of a new gym operating as 'Power Plates Studio' in a former shop at no.179 Queens Road - following the approval last year of planning application EPF/0613/11. The applicant states that much of the use of the gym would be 1 to 1 personal training sessions, and any classes, including children will not exceed 8 in number. They add that there will be no aerobic /dance sessions involving the use of amplified music.

Parking Issues

No off street car parking facilities can be provided (in part because the access to the site is a joint one used also by the neighbouring 158 Queens Road), though provision is made for 6 cycle spaces. The applicants state that lack of parking is not unusual for a town centre use, and that their experience of a similar development in Loughton suggests that traffic generation is not an issue since the vast majority of clients live in the local area and walk to the premises, or if they do drive, in the evenings for example, then they make use of local car parks and on street facilities. Whilst the competition for on street car parking bays in Queens Road, as pointed out by the objectors, is noted, there is also a small public car park (17 spaces) located 190m away to the west, and which adjoins 179 Queens Road. In addition the existing building has commercial use rights and if occupied as such this type of use would also generate a demand for car parking, and would also result in vans and lorries calling at the premises. The Highways Authority Essex CC have no objections to the proposal stating that the site is well located for access by public transport, walking, and cycling. Given the modest floorspace of the gym it is unlikely that the use would attract car users from a large radius (unlike the David Lloyd and Virgin Active gyms), and indeed it can be argued that the lack of car spaces would make the gym unattractive to patrons who live beyond the Buckhurst Hill locality. As the objectors have pointed out it is recognised that on street car spaces in Queens Road often do not meet demand, but the lack of off street car spaces on the application site is no different from many commercial uses operating in shopping and mixed use areas, and indeed the new gym at number 179 Queens Road does not have any off street parking facility. In conclusion therefore the location of this gym is a sustainable one and for the reasons outlined above it would not be reasonable or justifiable to refuse this application on grounds of lack of off street car parking facilities.

Amenity issues

A gymnasium use has the potential to cause noise and disturbance by reason of hours of opening, and noise of equipment being used and music being played - for example to accompany 'spinning' or aerobic classes. In the light of objectors reference to 11pm closing time the applicants have reaffirmed what is stated on the application forms – that the proposed gym will in fact close at 9pm at night, and open at 7am in the morning. Patrons leaving the gym before 9pm should not cause an undue loss of amenity, and will be leaving before customers leave local restaurants later at night, which is a concern of residents. In terms of noise nuisance the building has thick plaster boarded walls, and the only windows in the building comprise fixed windows in the rear west elevation serving a storeroom, and 4 rooflight windows which are also fixed shut. The applicants are willing to accept a condition that these openings remain fixed shut, and they will use air conditioning to cool the gym as appropriate. They also are agreeable to a condition limiting the use of accompanying music to any classes that take place. Again some weight should also be given to

the fact that the existing building could be used, without planning permission, for industrial/commercial use which could cause disturbance, and such a use would not be subject to any conditions restricting hours of use compared to the gymnasium use now proposed. For the above reasons, therefore, the proposed use will not cause a significant loss of amenity in a road that comprises of a mix of residential uses and retail/commercial uses.

Employment and Service provided

The proposed use will create 3 jobs. It will also provide a useful local service in an accessible and sustainable location. The supporting information with the application also states that the manager of the gym has a charity licence which enables him to provide subsidised classes for children as well as exercise programmes for the elderly and disabled.

Comments on representations received.

The Parish Council have raised no objections to the use and the most of the concerns raised by objectors have been dealt with above. Another concern raised is that the proposed use lies in the same use class (D2) as a cinema and dance hall etc, and it is agreed that this form of alternative use would not be appropriate. Consequently, a condition is proposed restricting use of the premises to a gymnasium only. Another issue raised related to the possibility that access to the gym could also be gained from the rear from Princes Road. Princes Road is a wholly residential road and access to the gym from this road would also not be acceptable. The applicant has confirmed that rear access is not proposed, and a condition would be attached to any consent ensuring access can only be gained from the front from Queens Road. Finally the front part of the gym on its windowless east flank would adjoin a rear car parking area for a new block of flats proposed by Higgins on the neighbouring Daneley Court site at 152-154 Queens Road. This relationship is acceptable, and this Higgins redevelopment scheme is likely to be reported to the next Area Plans South Committee on 12/12/12.

Conclusions:

The site is a vacant commercial premises lying in a mixed use main road at the edge of a local shopping centre. The proposed use will close at 9m, and the modest size of the gym, plus appropriate conditions agreed to by the applicant, will reduce the potential for noise and disturbance. Indeed the proposed and conditioned gym use could well be a better 'neighbour' than a new unfettered industrial or warehouse use for the building. The proposed gym will provide a useful service to the local community, and given its sustainable location many patrons, including the young and elderly, will be able to use the gym without the need to use a car, which is not the case with large 'out of town' gyms such as the David Lloyd and Virgin Active centres. It is recommended therefore that conditional permission be granted.

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

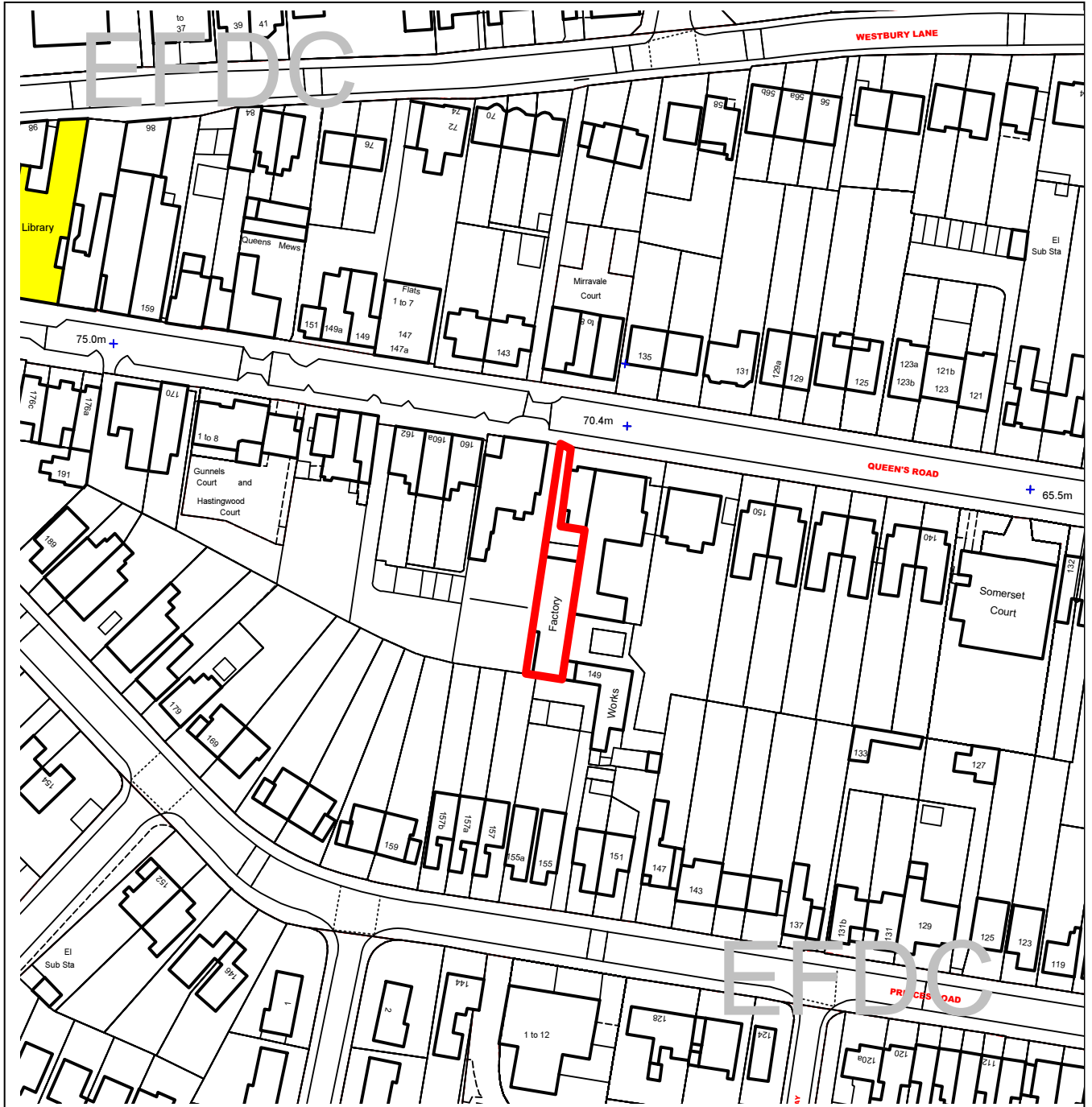
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	16
Application Number:	EPF/1858/12
Site Name:	156 Queens Road, Buckhurst Hill IG9 5BJ
Scale of Plot:	1/1250